



Seventh item on the agenda: Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work

Report of the Committee on the 1998 Declaration

1. The Committee on the 1998 Declaration was set up by the Conference at its first sitting on 3 June 2010 to consider the seventh item on the agenda, the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work.
2. At its first sitting, the Committee was composed of 121 members (85 Government members, 13 Employer members and 23 Worker members). To achieve equality of voting strength, each Government member with the right to vote was allotted 299 votes, each Employer member 1,955 votes and each Worker member 1,105 votes.¹
3. The Committee elected the following Officers:

Chairperson/Reporter: Mr Wim Bel (Government member, the Netherlands)

Vice-Chairpersons: Mr Daniel Funes de Rioja (Employer member, Argentina)
Sir Roy Trotman (Worker member, Barbados)

Introduction

4. The representative of the Secretary-General delivered a presentation explaining the proposals set out in Conference Report VII. This presentation suggested a number of possible modifications to the follow-up of the 1998 ILO Declaration on Fundamental Principles and Rights at Work designed to ensure that it remained consistent and efficient in light of the experience gained so far and the adoption of the 2008 ILO Declaration on Social Justice for a Fair Globalization.
5. The Employer Vice-Chairperson queried the exact meaning of the proposal in the Office presentation, that Global Reports should be “integrated” into recurrent item reports, wondering whether this implied synchronization.

¹ The composition of the Committee remained unchanged throughout its sittings.

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6. The representative of the Secretary-General indicated that the suggestion was to find a means of allowing the aims of the Global Reports to be achieved by the recurrent reports instigated by the Conference after the adoption of the 2008 Declaration. One stated purpose of the Global Reports was to give a dynamic picture of the categories of fundamental principles and rights at work. Under the follow-up to the 2008 Declaration, with a recurrent item, instead of one day of the International Labour Conference being devoted every year to a discussion of one of the four sets of fundamental principles and rights at work, there would be a committee which would have a full discussion of all four categories every three to four years. The purpose of the report for such a discussion would not change from that of the Global Report and the aims of the 1998 Declaration on Fundamental Principles and Rights at Work would not be weakened or distorted.
 7. A Government representative of Austria raised two questions relative to the introduction by the Office. Firstly, she asked whether the regular review, mentioned in the presentation, meant annual reports or whether another reporting interval was envisaged. Secondly, she asked whether the discussion on fundamental principles and rights at work, planned for 2012, would be repeated on a regular basis in the future.
 8. The representative of the Secretary-General indicated that the reviews might continue to be submitted on a yearly basis unless a different time frame was established by this Committee and the Conference. Concerning the recurrent item on fundamental principles and rights at work, the hypothesis was that it would continue to cover all four categories of fundamental rights and principles at work, and a report for that purpose would be submitted to the Conference at more or less four yearly intervals, unless, at a later date, the Governing Body decided differently, for example, by selecting two of the four categories for one report and the other two categories for a subsequent report.

General discussion

9. The Employer Vice-Chairperson stressed the political importance of the discussion of the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work, a review which had been foreseen in the Annex to the Declaration itself. From its adoption 12 years previously, the Employers had been fully committed to the 1998 Declaration and their support for it had not diminished. It was an instrument which retained its relevance and meaning. The group reiterated its support for promoting, realizing and respecting the fundamental principles and rights at work. For the Employers, the follow-up was an integral part of the 1998 Declaration, which gave sense to the rest of the text. They acknowledged that the follow-up had not lived up to all expectations. The discussion on the Global Report had been intended to be interactive, but this aim had never been achieved. The question before the present Committee was how to improve the follow-up while keeping the autonomy of the 1998 Declaration. The 1998 Declaration provided a general framework and a political vision of how to promote the fundamental principles and rights at work. It did not overlap with the ILO Declaration on Social Justice for a Fair Globalization (the 2008 Declaration): the two texts were complementary. The 1998 Declaration was enshrined in many important agreements, for example in company codes of conduct. The Committee's review of the follow-up should concentrate on resolving technical problems, but the promotional essence of the 1998 Declaration must not be diluted. An efficient follow-up would also increase the visibility of the 1998 Declaration. In its paragraph 4, the Declaration called for "a promotional follow-up, which is meaningful and effective", thus making ILO technical assistance activities an integral part of the instrument. The group believed there was a common will to work for consensus; it did not want duplication or overlap. Its aim was to preserve the 1998 Declaration and its follow-up, which would support the Organization in identifying areas for technical cooperation.

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- 10.** The Worker Vice-Chairperson broadly supported the views expressed by his Employer colleague. He welcomed this opportunity to review the follow-up to the 1998 Declaration, which had been decided by the Conference when adopting the original text, and by the Governing Body. His group was absolutely opposed to discontinuing the 1998 Declaration follow-up and thought rather that it should be enhanced. The 1998 Declaration was an instrument that had benefited workers across the globe, though at the same time, it should not be forgotten that 52 per cent of the world's workers did not enjoy the right to freedom of association and collective bargaining, and other core rights. In 1998, at the inception of the Declaration, it had been decided that in view of the swift move towards globalization, and the growing tendency to treat labour as a commodity, some form of minimum guiding principles was required. This decision was also taken in response to the World Summit for Social Development (Copenhagen, 5–12 March 1995). The eight core Conventions were chosen to provide a framework for this. The group was pleased that there had been an increase in ratification rates for these Conventions: the Declaration had posed some ground rules and halted the race to the bottom. The group also appreciated the greater involvement of the social partners in the reporting process. The Declaration had been well integrated into the work of other international organizations, international financial institutions, regional integration groupings and multinational corporations. However, it was painful to see that some large countries, despite their status as world leaders in economic matters, science and research or even in sport, were not able to be leaders in the area of social justice and had not ratified core Conventions. The 2008 Declaration on Social Justice for a Fair Globalization did not cancel out the 1998 Declaration. Much work remained to be done in bringing about respect for fundamental principles and rights at work, and in narrowing the gap between the ratification of core texts and their implementation. The group believed that the ILO Declaration on Fundamental Principles and Rights at Work was equally relevant today as in 1998. Its achievements were the result of its comprehensive follow-up. The Global Report was an invaluable source of information regarding intentions to ratify the core Conventions and efforts undertaken to promote the fundamental rights and principles at work. The annual review was an essential tool for evaluating technical assistance needs and for reviewing the situation of non-ratifiers.
- 11.** A Government representative of New Zealand, speaking on behalf of Australia, Canada, Denmark, Finland, the Netherlands, New Zealand, Switzerland, the United Kingdom and the United States, expressed firm support for the 1998 Declaration. It had contributed significantly to the promotion of and respect for fundamental principles and rights at work and had retained its relevance. The Committee was called on to review the follow-up to the Declaration. The promotional character of the Declaration should be preserved. There was no question of adding supervisory elements, and amendments were to be made only to the Annex containing the follow-up. There were opportunities to strengthen the 1998 Declaration by aligning the reports and discussions to ensure they were mutually supportive, and by concentrating on the best possible use of resources in light of the adoption of the 2008 Declaration.
- 12.** A Government representative of Saudi Arabia, speaking on behalf of the Gulf Cooperation Council (GCC) States, recalled that when the International Labour Conference had launched the Declaration in 1998, the aim had been to promote ILO principles and the rights set out in the core Conventions. The need to promote the fundamental principles and rights at work was still present, 12 years later. The GCC States were making progress towards universal ratification of the eight core Conventions, with few ratifications left to achieve. The task at present was to bring the national laws into line with the Conventions. The GCC States had held seven seminars on the 1998 Declaration and its follow-up, including a special seminar held in cooperation with the ILO Regional Office for the Arab States, in Beirut. The technical assistance provided by the ILO had been invaluable in promoting fundamental principles and rights at work, and the GCC States were grateful for ILO support. Any revision of the follow-up procedures should ensure that they retained

their promotional character. The GCC States were keen to ensure equality between all workers of the region.

- 13.** A Government representative of China stressed that the implementation of the 1998 Declaration had effectively promoted fundamental principles and rights at work throughout the world. The technical assistance provided by the ILO to member States had made them more aware of the ILO core Conventions, and many had integrated these texts into their national legislation. The Government of China hoped that the ILO would be able to continue its technical assistance efforts in this sense. The speaker asked the Office to clarify the intention behind the proposed deletion of the words “each year” in Part II(A), Purpose and scope, paragraph 2, of the draft resolution, regarding the frequency of the review process.
- 14.** A Government representative of Austria supported the statement made by the Government representative of New Zealand. She mentioned that the document was excellent, but she would have wished to receive it earlier. Her Government was expecting an improvement in the promotional effect of the 1998 Declaration under the new procedures to be adopted and believed that the Global Report should be discussed under the recurrent discussion item. The Conference should review all four categories of fundamental principles and rights at work together every three or four years, however, the annual review should continue to come before the Governing Body.
- 15.** A Government representative of Chad said his Government had taken great strides towards respect for the fundamental principles and rights at work since it had attained independence and democracy in 1990. The Government had ratified all eight core Conventions and strongly supported collective bargaining and social dialogue. It had recently created a new national structure for social dialogue. Forced labour was forbidden under the Constitution and the Labour Code, placing Chad in full conformity with the Forced Labour Convention, 1930 (No. 29). Labour inspectorates had been established in almost all regions of the country to ensure respect of this Convention. The Government was also making all efforts to eradicate child labour. Since 2007 the ILO had been supplying valuable technical assistance to bring the national legislation into line with the core Conventions, and the Government wished to express gratitude in this connection.
- 16.** A Government representative of Belgium stated that his Government had studied the Office proposal for review of the follow-up to the 1998 Declaration with great care. It could support the proposal because it guaranteed technical cooperation and maintained the visibility of the 1998 Declaration. It clearly made sense to avoid a duplication of a discussion on fundamental principles and rights at work under both follow-up procedures. This would only create confusion in action plans related to technical assistance. The new follow-up must not be ambiguous. Constituents were already well acquainted with Global Reports, but naturally not with the recurrent discussion process. The Government of Belgium strongly appreciated the promotional aspect of the 1998 Declaration, with its emphasis on tripartism, but saw the advantages of the wide-ranging approach of the recurrent discussions, allowing a critical analysis of ILO action. Efforts should be made to retain these elements, without diluting any of them. The follow-up should monitor respect for standards, and provide an evaluation of technical assistance requirements. This, as well as taking account of the four categories of fundamental principles and rights, seemed a steep undertaking for one single exercise. There was also a risk that the debate might be dominated by the discussion of technical cooperation action plans, to the detriment of more political discussion. For this reason, the speaker supported the idea put forward by the Government representative of Austria, to retain a regular point on the Governing Body agenda to monitor the follow-up and the implementation of the action plans agreed by the International Labour Conference.

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17. A Government representative of France expressed support for the 1998 Declaration, and its follow-up, which had made a genuine difference to the world of work. France had worked closely with the ILO in technical cooperation projects under the 1998 Declaration. The way forward would be to seek to obtain the best of the 2008 Declaration through alignment with the 1998 Declaration, avoiding duplication and creating synergies, to an extent using the 2008 Declaration to renew the engagements of the 1998 Declaration.
 18. The Worker Vice-Chairperson recognized a clear expression of will from governments to move forward on this question. There had been general consensus that the 2008 Declaration on Social Justice for a Fair Globalization represented a new departure, but was complementary to the 1998 Declaration. The basic purpose of the Global Reports was to provide a dynamic, global picture of each category of fundamental principles and rights at work. The Workers' group could support the proposed Office amendments to deal with the Global Report under the recurrent discussion procedure. Annual reviews were one of the cornerstones of the follow-up to the 1998 Declaration, and the group wished to maintain them. These reviews performed the valuable function of monitoring efforts made by member States that had not ratified the core Conventions to move towards ratification of these instruments or to promote the fundamental principles and rights that they contained. Annual reviews encouraged ratification, but 52 per cent of the world's working population, living in four countries: Brazil, China, India and the United States, were not protected by Conventions Nos 87 and 98. One third of the world's children lived in five other countries without the protection of Conventions Nos 182 and 138. The Office report raised the question of whether, given the level of ratification achieved, the resources dedicated to the annual reviews were justified. The Workers' group wished for hard figures, in order to be able to make a judgement. The 97th Session of the International Labour Conference had targeted total ratification of all eight fundamental Conventions by 2015; it was therefore contradictory to cease these efforts now. There was also a suggestion that the scope of the annual reviews was diminished as a result of the ratification rate, however the reviews served to assess progress, or lack of progress, in promoting the fundamental principles and rights at work. Country baselines should be distributed, or at least made available on CD ROMs, rather than simply made available on the web, and the debate in the Governing Body should be made more specific. Letters requesting information from governments should be carefully phrased in order to ensure that administrations provided information on efforts made towards ratification. Training should be provided to governments to help them report correctly.
 19. The reporting burden on governments was highlighted in the Office document. However, with increased ratification, fewer governments were called on to report. Some States had only to report on a single instrument that had not been ratified: the Workers' group did not consider the reporting burden to be particularly heavy. Reports prepared by the Office should provide detail and analysis on non-ratification. The review submitted to the 307th Session of the Governing Body was a step in the right direction. This should be a yearly procedure, which would greatly enhance the visibility of the 1998 Declaration. The reviews should cover one category of fundamental principles and rights each year. This would allow tripartite discussion, and further reduce the reporting burden. The reviews must be discussed by the Governing Body. The suppression proposed by the Office of paragraph 4 under section B, Modalities, of the follow-up, should not be upheld. In summary of his group's position, the Worker Vice-Chairperson highlighted a clear need for balance in technical cooperation resources between all four categories of fundamental principles and rights at work. More funding, both from the regular budget and from the Regular Budget Supplementary Account should be provided to the Programme for the Promotion of the 1998 Declaration; following the adoption of action plans by the Conference, these should be regularly discussed by the Governing Body.

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- 20.** A Government representative of Egypt said that the 1998 Declaration had made it possible to promote the ILO's strategy throughout the world, and had resulted in a 90 per cent ratification rate for the core Conventions. Reporting from non-ratifying countries had also been good. Her Government attached great importance to the principles set out in the 1998 Declaration, and had ratified all eight instruments on which it was based. A national programme had been launched, under the patronage of the Prime Minister, to promote the fundamental principles and rights at work, and Labour Act No. 12 of 2003 had been promulgated to allow the social partners to participate in resolving social and economic issues. All members should ratify the core Conventions and bring their national legislation into line with these instruments. Technical cooperation and the ILO International Training Centre, Turin, should be reinforced to assist member States in this connection.
- 21.** A Government representative of Zimbabwe stated the support of her Government for the ILO's efforts to review the follow-up to the 1998 Declaration. The Government considered this action to be positive in promoting the Organization's objectives. The Committee should make all efforts to ensure that social justice and the fundamental principles and rights at work were upheld.
- 22.** The Employer Vice-Chairperson stressed that the mechanisms proposed for the follow-up should in no way replace the ILO's supervisory machinery. He said that some positive ideas had emerged as to a way forward: the Government representative of New Zealand had used the term "alignment" of the follow-up to the 1998 Declaration and that of the 2008 Declaration. The Employers' group could support this line of thought far more easily than that of "integration". Alignment implied interaction and complementarity. He noted that the Global Reports did not carry reporting responsibilities, while the annual reviews did and agreed with the Worker Vice-Chairperson's points in respect of reporting on non-ratification. The report that the Governing Body had received in March, although without a preface by the group of Expert-Advisers, had been a good basis for the work of the Governing Body. The Employers' main concern was not to lose the promotional nature of the 1998 Declaration, together with its linkage to technical assistance.
- 23.** The representative of the Secretary-General agreed that "alignment" did indeed appear to be a better term than "integration". In response to the question from the Government representative of China regarding the frequency of the reviews, he indicated that there was no impediment to the Office continuing to carry out the process annually, if required. Regarding the Worker Vice-Chairperson's question on resources made available to the annual review, he confirmed that these had not changed since 2000 and consisted of one professional staff member, one general staff member and three consultants for three months each year. He noted that the size of the baseline reports – some 700 pages latterly – made it difficult to distribute them widely. They were on the ILO web site, and hard copies were regularly made available for consultation in the Governing Body Room during the relevant discussions. Each country concerned received a copy of its own baseline for completion and updating. All the information gathered for the reviews was used in drafting the Global Reports. He noted that none of the possible scenarios under discussion would actually increase the reporting burden on governments.
- 24.** The Chairperson felt that a rich and positive discussion had taken place. He noted in particular that all speakers had underlined the importance and value of the 1998 Declaration and its Follow-up, which was viewed as an integral part of the instrument. The 2008 Declaration was an important Declaration in its own right; it did not supersede the 1998 Declaration. The discussion appeared an excellent opportunity to see how the follow-up to the 2008 Declaration could increase the effectiveness of the 1998 Declaration and by focusing on the annual reviews and Global Reports, enhance the functions of promotion of the fundamental principles and rights at work and of provision of information for constituents.

Specific orientations

25. The Chairperson indicated that the previous day's discussions had been productive and had provided a good basis for today's deliberations. He recalled that this session should focus in particular on the annual reviews and the Global Report, and give clear guidance with a view to adjusting the functioning of the follow-up to the 1998 Declaration.
26. The Employer Vice-Chairperson said that the conclusions drawn by the Chairperson the previous day provided an excellent point of departure. He stressed the importance of retaining the promotional character of the 1998 Declaration and its Follow-up. The Employers felt that the Declaration had more than proved its worth as an essential document and that, while duplication should be avoided, the integrity of the follow-up and in particular its focus on technical cooperation must be retained. The annual review should continue to be discussed once a year by the Governing Body in order to maintain its visibility and to provide appropriate guidance for technical cooperation. He requested the opportunity to discuss in a tripartite setting the content of the questionnaires sent to member States to compile the information for the annual review. He agreed with the Worker Vice-Chairperson that every year one category of fundamental principles and rights should be discussed. The Global Report procedure should, as suggested by the Government representative of New Zealand, be aligned with the discussion of recurrent items, if it could be agreed on how to achieve this in a way which preserved the essence and aim of the Global Reports. The Office already had experience of such alignment, gained at the present session of the Conference, where information had been exchanged between the Committee on the Application of Standards, in its discussion of the General Survey concerning employment instruments, and the Committee for the Recurrent Discussion on Employment. The Global Report, to remain up to date, should be produced at short intervals, otherwise it would lose some of its credibility, its role in promoting fundamental principles and rights at work would be diluted and the 1998 Declaration and its Follow-up would be likely to lose their impact.
27. A Government representative of Kenya expressed his Government's commitment to honouring the principles enshrined in the 1998 Declaration on Fundamental Principles and Rights at Work and the 2008 Social Justice Declaration and affirmed its support for the proposed alignment of the follow-up to the 1998 Declaration. Highlighting the importance of avoiding undue reporting burdens on member countries, he affirmed his Government's support to alignment of reports and reporting systems within a single follow-up mechanism provided it did not dilute the impact or expected outcomes. He stressed that the decision must be an informed one, highlighting the importance of assessing the strengths, opportunities and risks of the proposed amendments.
28. A Government representative of India, affirming that tripartism and social dialogue were vital for the effectiveness of the Decent Work Agenda, underlined the 1998 Declaration's endorsement of social dialogue as a tool to achieve decent work through consultations and cooperation with social partners. He also stressed that the Declaration's adoption was a milestone in the history of the International Labour Organization. Considering the diverse and multicultural nature of the present world, he posited there were many different approaches to implementing fundamental principles and rights at work, even in non-ratifying countries. The 1998 Declaration had been instrumental in promoting and realizing workers' rights as demonstrated by the high reporting rate of non-ratifying states. Recognizing the complementary nature and common objectives of the 2008 Social Justice Declaration and the 1998 Declaration on Fundamental Principles and Rights at Work, he highlighted the need to achieve better coordination and coherence, in accordance with the spirit of both instruments. In line with the objectives set out in paragraph 13 of Report VII to avoid duplication and undue reporting, and in order to allow a more comprehensive discussion on developments regarding fundamental principles and rights at work, the

Government of India supported the proposed transformation of the Global Report into the Recurrent Item Report in a way that would reflect the information provided by member States, and show their efforts towards ratification. The recurrent discussion also provided an opportunity for countries to exchange experiences and approaches followed in promoting fundamental principles and rights at work.

- 29.** A Government representative of New Zealand, speaking on behalf of Austria, Australia, Canada, Denmark, France, Germany, Italy, Japan, the Netherlands, New Zealand, Poland, Spain, Sweden, Switzerland, United Kingdom and the United States expressed her group's firm support for a yearly annual review. Highlighting that she was speaking for both ratifying and non-ratifying countries, she declared her group's support for all four categories of principles being reviewed annually by the Governing Body. The recurrent item discussions should be on all four categories of fundamental principles and rights every three to four years, so as to retain them as a whole.
- 30.** A Government representative of Germany supported the statement made by the Government representative of New Zealand and reminded the Committee of the amount of work involved in elaboration of the Annual Report, as described earlier by the representative of the Secretary-General in his introductory presentation. Annual reviews should continue to cover all four categories of fundamental principles and rights at work, but consideration must be given to whether this was feasible with the resources available.
- 31.** A Government representative of Lebanon affirmed the importance of the 1998 Declaration as a basis for social dialogue and a tool for discussion stating that, given that it had been adopted 12 years previously, member States ought to have ratified all eight core Conventions by now. His country's Government had ratified all of these instruments except the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). He explained that the reason for non-ratification was a provision in the national legislation relating to civil servants' right to strike. The Government was engaged in discussions with the civil service and ratification was likely to be achieved soon. The Government was making progress in expanding the competence of the labour inspectorate to promote compliance with fundamental principles and rights at work.
- 32.** A Government representative of the Syrian Arab Republic informed the Committee that his Government had ratified all eight core Conventions and highlighted its commitment to the 1998 Declaration as witnessed by the new Labour Law promulgated in 2010. He explained that the Syrian Arab Republic was promoting tripartite participation in the implementation of objectives and decent work through an integrated ten-year plan due to start in 2011. The aim of the country's new labour inspection system was to promote fundamental principles and rights at work, and legal sanctions had been provided for. The Government looked forward to closer cooperation with the ILO to ensure that the principles were respected. He admitted that his country still faced staffing and resource challenges to the proper functioning of this inspection system.
- 33.** The Worker Vice-Chairperson noted that the Committee's discussion thus far showed a will to preserve the integrity of the 1998 Declaration. Considering the Global Reports and the discussion under the recurrent items, it was important that, if one report superseded the other, there should be no loss of impact; if both were to continue, duplication must be avoided. The recurrent items were to be discussed on a three- to four-year cycle, a system that had been endorsed by the Governing Body. The question was how the Global Reports and the recurrent item cycle could be fitted into this scheme. The Workers could agree to modify their position in light of the proposal made by the Government representative of New Zealand, on behalf of certain IMEC countries, and take their proposal, with nuances to be made, as a basis on which to move forward. He invited the Employer members to consider accommodating this position.

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- 34.** The Employer Vice-Chairperson fully agreed with the Workers' group and noted that the interventions of Government representatives of the Committee referred in particular to the follow-up and stressed the utmost importance of technical cooperation. Responding to the comments made by a Government representative of Germany concerning the workload that any revised follow-up might entail, the speaker noted that this workload was divided between the member States and the Office. As far as the member States were concerned, it was only those countries that had not ratified Conventions that had additional reporting obligations. States that had ratified the Conventions naturally had the additional workload of reporting on implementation. As for the work of the Office, there was potential alignment of the work involved in processing the General Survey and that of preparing the recurrent item. The Employers' group was concerned at the proposed rescheduling of the publication of Global Reports, moving from annual to four-yearly publication as this longer gap could mean that the reports were insufficiently up to date. It was unclear how the recurrent items could capture this information between cycles.
- 35.** The representative of the Secretary-General answered the query regarding the current workload and the Employers' concerns about how the identity of the Global Reports could be preserved in the context of the recurrent items. There were 52 member States that had not ratified all eight fundamental Conventions and had reporting requirements, namely updating their earlier submissions. This information on 145 non-ratifications was sent to the Office and was compiled. The Committee appeared to favour continuing this reporting mechanism, which had been recommended by the Expert-Advisers. Under the proposed system, the compiled summaries would be reported annually to the Governing Body, in line with the current practice. Currently, member States that had not ratified the core Conventions received requests related to this non-ratification, as well as separate requests as a result of the 1995 ratification campaign: it was possible to study the rationalization of these processes. He explained that the 2008 Declaration called for recurrent discussion, while the 1998 Declaration required reports. Thus, a recurrent item discussion of the fundamental principles and rights at work every fourth year and a report to the Governing Body annually could cover both requirements. Regarding the timeliness of the information, he pointed out that while under the current system there was each year a discussion on one of the fundamental principles and rights at work, and the reports on the individual principles were produced every four years, under the proposed system, more or less the same interval of three or four years would be maintained for each category.
- 36.** The Chairperson reminded the Committee that their focus was on the modalities of the annual review and the Global Reports, while maintaining their purposes and original objectives. These two functions gave information to the constituents and monitored progress on the promotion of the fundamental principles and rights at work. Both functions were clearly still valid and the question was how to strengthen these in the light of the 2008 Declaration. The suggestions that the Committee had made for alignment could, on the one hand, retain the monitoring function and, on the other, retain the reports, which would in turn help the Office assist its Members through technical cooperation. These useful proposals had to be captured in the text of the resolution, bearing in mind that behind the amendments lay the practicalities of what would happen operationally. The Chairperson proposed that, rather than reconvening the Committee, the Officers should meet with the secretariat and revise the draft text in light of the discussions. The report and draft resolution would be distributed to the Committee on Monday morning.

Adoption of the report and resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work

37. At its fourth sitting the Committee proceeded to the adoption of its report and the text of the resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. A number of amendments were put forward, which were incorporated into the final version of the text.
38. A representative of the Government of Chad suggested that the term “implementing” should be added to the fourth paragraph of the preamble to the resolution. The Chairperson said that it would be more appropriate to retain the original wording of this paragraph, which was taken directly from the 1998 Declaration.
39. A Government representative of Iraq said that the resolution should contain a specific reference to technical assistance.
40. The Employer Vice-Chairperson pointed out that the Committee should not reopen the debate at this point. Its mandate had been to examine the follow-up to the 1998 Declaration, not to examine the text of the Declaration itself, which clearly specified technical assistance.
41. A Government representative of Kenya asked whether the second sentence of paragraph 2 in Part I implied additional reporting obligations on member States. The representative of the Secretary-General replied that the text in question was taken verbatim from the text of the Annex to the 1998 Declaration, and that no additional reporting was required from governments.
42. A Government representative from Zimbabwe asked whether paragraph 3 of Part II(B) as amended would mean that the reports on non-ratified Conventions received for annual review would be submitted to the Committee of Experts or any other committee. The representative of the Secretary-General replied that the annual review would continue to be submitted to the Governing Body.
43. A Government representative of Austria, speaking on behalf of IMEC countries (Austria, Canada, Czech Republic, Denmark, France, Germany, Greece, Italy, Japan, Netherlands, New Zealand, Poland, Spain, Switzerland, United Kingdom and the United States) requested clarification on five points: firstly, the exact scope and content of the report provided by the Office for the Annual Review discussion at the Governing Body; secondly, whether the Annual Review would cover all four categories of fundamental principles and rights at work; thirdly, confirmation of the meaning of “reviewed” by the Governing Body in Part II(B), paragraph 2; fourthly, whether the recurrent discussion at the International Labour Conference would be on all four categories of fundamental principles and rights at work, and; fifthly, confirmation that the Global Report would become the substantive report for the recurrent item discussion on the four categories of fundamental principles, while noting there might be Annexes from other sources. Finally, the speaker requested clarification on the procedures required to amend the Conference agenda in respect of the discussion, hitherto annual of Global Reports.
44. The representative of the Secretary-General affirmed, firstly, that the country baselines would continue to be developed and made available electronically and upon request by Governing Body members in paper format. The annual reviews provided to the Governing Body would be summaries, highlighting new developments and trends and would be submitted to the Governing Body at its March sessions. Secondly, the annual reviews

would cover all four categories of fundamental principles and rights at work. Thirdly, the term “reviewed” implied discussion and possible conclusions. The reports used for the annual review would be submitted for debate and guidance by the Governing Body, which had been the normal practice. Fourthly, he affirmed that the recurrent item discussion would be on all four categories, in line with the implementation plan of the 2008 Declaration on Social Justice for a Fair Globalization. Fifthly, the Global Report would be the substantive report for the Conference’s recurrent item discussion on the four categories of fundamental principles and rights at work, possibly with annexes. Finally, in answering the technical question of amending the Conference agenda, the representative of the Secretary-General replied that, at its next session, the Governing Body would clarify that no Global Report on fundamental principles and rights at work in its present form would be submitted to the 2012 Conference for discussion by the plenary.

45. The Worker Vice-Chairperson stressed that regarding the fourth point, the agreement had been that the Governing Body would decide on the modalities of the recurrent discussion and that such discussion could cover one or more of the four categories of fundamental principles and rights at work.
46. The Legal Adviser, in response to points raised by the Employer and Worker Vice-Chairpersons, confirmed that the follow-up stipulated that the Global Report must cover all four categories of fundamental principles and rights at work. The Governing Body could however decide that the recurrent item discussion on the subject should cover one, two, three or all of the categories.
47. The Committee unanimously adopted its report and the resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.
48. The Employer Vice-Chairperson highlighted the fact that the Committee’s work had been both hard and easy at the same time. It had been easy because there was manifestly strong support for the 1998 Declaration; but hard due to technical complications in aligning the old reporting procedures with the new. He appreciated the role played in the Committee’s work by governments. It was they who had introduced the notion of “alignment” that had made the discussions progress so profitably. Great importance had been laid by governments on receiving ILO technical assistance towards realization of the fundamental principles and rights at work. The Employers strongly supported this.
49. The Worker Vice-Chairperson said his group was fully satisfied by the result of the Committee’s work. He also welcomed the very useful interventions made by governments. Their application in examining issues had been particularly pertinent. As usual, his interaction with his Employer counterpart had been fruitful. He noted that technical cooperation was not an end in itself, but a way of promoting the fundamental principles and rights at work.
50. The Chairperson thanked his Employer and Worker Vice-Chairpersons for their cooperation and support, and congratulated the Committee on the result of its work.

Geneva, 9 June 2010

(Signed) W. Bel
Chairperson and Reporter

Draft resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work

The General Conference of the International Labour Organization, meeting in its 99th Session, 2010,

Recalling the adoption at its 86th Session, 1998, of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up,

Recalling the adoption at its 97th Session, 2008, of the ILO Declaration on Social Justice for a Fair Globalization,

Noting the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure,

Recalling that the implementation of the ILO Declaration on Social Justice for a Fair Globalization should not lead to an increase in the reporting obligations of member States,

Considering the need to align the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work with the follow-up to the Declaration on Social Justice for a Fair Globalization,

Decides to adjust the functioning of the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work,

Adopts, therefore, this ... day of June of the year two thousand and ten, the text appended to the present resolution, which supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and which shall be cited as the “Annex to the 1998 Declaration (Revised)”.

Follow-up to the Declaration

I. OVERALL PURPOSE

1. The aim of the follow-up described below is to encourage the efforts made by the Members of the Organization to promote the fundamental principles and rights enshrined in the Constitution of the ILO and the Declaration of Philadelphia and reaffirmed in this Declaration.

2. In line with this objective, which is of a strictly promotional nature, this follow-up will allow the identification of areas in which the assistance of the Organization through its technical cooperation activities may prove useful to its Members to help them implement these fundamental principles and rights. It is not a substitute for the established supervisory mechanisms, nor shall it impede their functioning; consequently, specific situations within the purview of those mechanisms shall not be examined or re-examined within the framework of this follow-up.

3. The two aspects of this follow-up, described below, are based on existing procedures: the annual follow-up concerning non-ratified fundamental Conventions will entail merely some adaptation of the present modalities of application of article 19,

paragraph 5(e), of the Constitution; and the Global Report on the effect given to the promotion of the fundamental principles and rights at work that will serve to inform the recurrent discussion at the Conference on the needs of the Members, the ILO action undertaken, and the results achieved in the promotion of the fundamental principles and rights at work.

II. ANNUAL FOLLOW-UP CONCERNING NON-RATIFIED FUNDAMENTAL CONVENTIONS

A. Purpose and scope

1. The purpose is to provide an opportunity to review each year, by means of simplified procedures, the efforts made in accordance with the Declaration by Members which have not yet ratified all the fundamental Conventions.

2. The follow-up will cover the four categories of fundamental principles and rights specified in the Declaration.

B. Modalities

1. The follow-up will be based on reports requested from Members under article 19, paragraph 5(e), of the Constitution. The report forms will be drawn up so as to obtain information from governments which have not ratified one or more of the fundamental Conventions, on any changes which may have taken place in their law and practice, taking due account of article 23 of the Constitution and established practice.

2. These reports, as compiled by the Office, will be reviewed by the Governing Body.

3. Adjustments to the Governing Body's existing procedures should be examined to allow Members which are not represented on the Governing Body to provide, in the most appropriate way, clarifications which might prove necessary or useful during Governing Body discussions to supplement the information contained in their reports.

III. GLOBAL REPORT ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK

A. Purpose and scope

1. The purpose of the Global Report is to provide a dynamic global picture relating to the four categories of fundamental principles and rights at work noted during the preceding period, and to serve as a basis for assessing the effectiveness of the assistance provided by the Organization, and for determining priorities for the following period, including in the form of action plans for technical cooperation designed in particular to mobilize the internal and external resources necessary to carry them out.

B. Modalities

1. The report will be drawn up under the responsibility of the Director-General on the basis of official information, or information gathered and assessed in accordance with established procedures. In the case of States which have not ratified the fundamental Conventions, it will be based in particular on the findings of the aforementioned annual

follow-up. In the case of Members which have ratified the Conventions concerned, the report will be based in particular on reports as dealt with pursuant to article 22 of the Constitution. It will also refer to the experience gained from technical cooperation and other relevant activities of the ILO.

2. This report will be submitted to the Conference for a recurrent discussion on the strategic objective of fundamental principles and rights at work based on the modalities agreed by the Governing Body. It will then be for the Conference to draw conclusions from this discussion on all available ILO means of action, including the priorities and plans of action for technical cooperation to be implemented for the following period, and to guide the Governing Body and the Office in their responsibilities.

IV. IT IS UNDERSTOOD THAT:

1. The Conference shall, in due course, review the operation of this follow-up in the light of the experience acquired to assess whether it has adequately fulfilled the overall purpose articulated in Part I.

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