



Governing Body

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GB.320/INS/3/1

Institutional Section

INS

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THIRD ITEM ON THE AGENDA

Matters arising out of the work of the International Labour Conference

Follow-up to the resolution concerning the recurrent discussion on fundamental principles and rights at work: Implementation of the plan of action

Purpose of the document

The paper provides an overview of achievements and challenges in the implementation of the plan of action on fundamental principles and rights at work. The Governing Body is invited to discuss and provide guidance on the way forward.

Relevant strategic objective: Standards and fundamental principles and rights at work (Outcome 14: The right to freedom of association and collective bargaining is widely known and exercised; Outcome 15: Forced labour is eliminated; Outcome 16: Child labour is eliminated, with priority given to the worst forms; and Outcome 17: Discrimination in employment and occupation is eliminated). Area of critical importance 2: Jobs and skills for youth; area of critical importance 5: Decent work in the rural economy; and area of critical importance 8: Protection of workers from unacceptable forms of work.

Policy implications: None.

Legal implications: None.

Financial implications: The plan of action will be carried out primarily within the existing budgetary allocations, relying on extra-budgetary funding from donors and host governments.

Follow-up action required: The Office will take into account the guidance provided by the Governing Body.

Author unit: Fundamental Principles and Rights at Work Branch (GOVERNANCE/FPRW).

Related documents: In addition to those mentioned in this document, GB.320/INS/4 (Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work).

Executive summary

At its 316th Session in November 2012, the Governing Body adopted a four-year plan of action to assist member States in giving effect to fundamental principles and rights at work (FPRW). The plan identified specific targets to be achieved by 2016, and activities to be undertaken in accordance with the framework for action included in the resolution adopted by the International Labour Conference (ILC) at its 101st Session in June 2012.¹

This paper highlights the progress made in carrying out the proposed activities and achieving the targets, and provides a summary of the results and challenges in the implementation of the plan to date. It builds on the results reported to the Governing Body at its 319th Session in October 2013.²

Progress towards achieving targets and outputs

1. Since the adoption of the plan of action, ten new ratifications of fundamental Conventions have been registered; 30 per cent of the non-ratifying member States are implementing new initiatives to give effect to FPRW; two new countries have adopted national action plans on freedom of association and collective bargaining; eight new countries have either adopted or revised policies or laws on the elimination of forced labour and human trafficking; eight new countries have either adopted or revised policies or established programmes to promote the elimination of child labour; three new countries have established national action plans on non-discrimination; 27 cases of progress have been noted by the supervisory bodies for Conventions Nos 87 and 98; 27 for Conventions Nos 29 and 105; 36 for Conventions Nos 138 and 182; and 22 for Conventions Nos 100 and 111.

Update on implementation of activities

Internal coherence

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| <ol style="list-style-type: none"> 1. FPRW are mainstreamed in the ILO's strategies and activities | <ul style="list-style-type: none"> – FPRW integrated into three out of eight areas of critical importance (ACI) – 16 per cent of all technical cooperation projects approved in 2013 relate to FPRW – Lesotho Decent Work Country Programme (DWCP) (2012–17) prioritizes elimination of the worst forms of child labour (WFCL) – Draft DWCP for Suriname prioritizes ratification of Conventions Nos 100, 111 and 138 – As of 2013, online training course on mainstreaming gender equality and non-discrimination is available for all staff and mandatory for new officials via the Office's Learning Management System |
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¹ GB.316/INS/5/3.

² GB.319/INS/14/4.

Standards-related action

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| 1. New information tools on FPRW are available | <ul style="list-style-type: none"> – Database of good practices related to reporting and compliance with international labour standards created – Methodology to assess outcomes for migrant workers tested in one migration corridor – Knowledge base of over 60 impact evaluations on child labour projects created and post-sustainability studies undertaken – Guidance note on labour inspection and role of child labour monitoring prepared in order to assist child labour projects improve their understanding of, and cooperation with, labour inspectors – ILO International Training Centre database of court decisions available in French and Spanish as well as English |
| 2. Enhanced awareness of FPRW leads to new ratifications and better implementation | <ul style="list-style-type: none"> – Communications strategy implemented for launch of new child labour statistics, global conference on child labour and regional conference on forced labour and human trafficking – Live online interactive discussions on forced and child labour conducted using social media – New exhibition “The ILO’s fight against child labour: Dreaming of freedom” launched – Knowledge-sharing platform on forced labour launched in the Asia–Pacific region – Through artist engagement programme (ArtWorks), a child labour advertisement is published in <i>Vanity Fair</i> magazine – “Talent salon” organized in Hollywood to promote the “Red card to child labour” campaign, which attracted support from renowned actors and athletes – First annual Swiss anti-trafficking week organized – “End slavery now” campaign supported by eminent politicians and 45 world-renowned artists, athletes and activists – Awareness-raising campaigns organized by trade unions and advocacy tools developed in Namibia on occasion of World Day Against Child Labour |
| 3. Reporting procedures are optimized and ratification is promoted | <ul style="list-style-type: none"> – Reporting procedure for non-ratifying member States to be reviewed in 2014 – Online reporting system to be extended to all member States in 2014 – Ratification of fundamental Conventions promoted through stakeholder workshops in a number of countries, including India, Malaysia, Namibia, Thailand, Tuvalu and Viet Nam |
| 4. Need for new standard-setting to complement forced labour Conventions is explored | <ul style="list-style-type: none"> – Tripartite meeting of experts organized in February 2013 – Law and practice report published and replies to questionnaire processed in preparation for single discussion at the 2014 ILC |
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Research, statistics and knowledge base

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| 1. Comprehensive databases on FPRW are available | <ul style="list-style-type: none"> – Data on trade union density available online – Information on legal framework for industrial relations including collective bargaining rights compiled for 38 countries – Database of court cases merged with global database on forced labour, containing information on 100 country files |
| 2. Better statistics on FPRW are generated | <ul style="list-style-type: none"> – Resolution to set up working group on forced labour adopted by the International Conference of Labour Statisticians – Five new countries are able to provide up-to-date sex-disaggregated statistics on child labourers – Twenty-two countries undertook targeted data collection, analysis and research to expand the knowledge base on child labour and to document lessons learned – Diagnostic tools to assist in addressing obstacles to freedom of association and collective bargaining developed and piloted for export processing zones and the rural sector in seven countries |
| 3. In-depth knowledge base on FPRW is created | <ul style="list-style-type: none"> – Tripartite meeting of experts to facilitate transition from the informal to formal economy held in September 2013 in preparation for the first 2014 ILC discussion (see GB.317 /INS/13/3) – Studies and tools published on themes including manual scavenging, hazardous forms of child labour, gender dimensions of national employment policies, women's empowerment, maternity protection, organizing informal economy workers, and sexual harassment, among others |

Technical advisory services, capacity building and technical cooperation

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| 1. Key ILO partners are trained on the effective implementation of FPRW | <ul style="list-style-type: none"> – Training and awareness-raising sessions conducted on all FPRW in 30 countries, targeting over 10,000 constituents – Introductory guide to equal pay published in five languages – Training manual for labour inspectors on freedom of association and collective bargaining developed for wine-farming regions of South Africa |
| 2. Capacity of member States to implement FPRW is strengthened | <ul style="list-style-type: none"> – More than 60 technical cooperation projects on FPRW currently being implemented at the national, regional and global levels – Technical assistance provided to reduce implementation gaps in respect of freedom of association and collective bargaining in Benin, Cabo Verde and Colombia; non-discrimination in Gabon, Indonesia and Jordan; child and forced labour in China, Lebanon, Pakistan, Peru, United Republic of Tanzania and Zanzibar – Advisory services on non-discrimination provided to 17 member States, targeting 60 institutions, including tripartite constituency and civil society – Specific training provided to trade unions in India to lobby for FPRW in the post-2015 development agenda |

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| 3. National enforcement mechanisms are strengthened | <ul style="list-style-type: none"> – Approximately 100 labour judges have been trained on HIV and AIDS and labour rights – Child labour projects continue to support tripartite national child labour committees – Cooperation agreement signed with the Public Prosecutor's Office of Guatemala to strengthen capacities on freedom of association and collective bargaining – Technical support provided to the Wages Advisory Board in Lesotho to assist implementation of sound wage policies |
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Capacity of social partners

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| 1. Social partners are better able to promote FPRW | <ul style="list-style-type: none"> – Employers' guide on the elimination of child labour developed for Swaziland – Child labour platform events held at the UN Global Compact Leaders' Summit and the Third Global Child Labour Conference – The Office, together with the International Trade Union Confederation (ITUC), coordinates the global action of the Union Alliance, a vast network of trade union focal points and other stakeholders to raise awareness on forced labour among trade unions – Capacity building and round-table discussions on disabilities conducted for employers' organizations in Armenia, Bosnia and Herzegovina, Chile, China, Tunisia and Viet Nam – Training provided to 150 employer and union representatives on key issues, including negotiation skills, international labour standards and conflict resolution – In collaboration with the International Organisation of Employers (IOE), the employers' handbook to combat forced labour is being updated and expanded with three new sector-specific booklets – Technical assistance provided to employers' organization in Thailand for elaboration of the report on Convention No. 87 |
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International partnerships

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| 1. International partners integrate FPRW in their policies and programmes | <ul style="list-style-type: none"> – In collaboration with UN Women, donor coordination table on gender and technical and vocational education and training established in Nicaragua – Under the ILO's chairmanship, the Inter-Agency Coordination Group against Trafficking in Persons adopted an improved governance structure – Capacity-building programme on gender-responsive budgeting for national authorities established in Haiti – Memorandum of Understanding signed between the ILO International Training Centre and the UN Women Global Training Centre – The Office is promoting decent work and fundamental Conventions in the post-2015 development agenda |
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Allocation of resources

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| 1. Plan of action is adequately resourced | <ul style="list-style-type: none"> – Donor meeting on child labour held in October 2013 – Donor meeting on all FPRW to be organized in 2014 |
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Evaluation

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| 1. Evaluation is undertaken | <ul style="list-style-type: none"> – Action plan to be evaluated at the end of 2015 – High-level evaluation of the Office's strategies and actions to promote and realize FPRW in ten sample countries started in January 2014 |
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Good practices

2. In 2013, the Office included a clause in contracts with external training providers to ensure due regard to gender equality and non-discrimination in the use of language, examples, images and delivery of services. The principle of non-discrimination has also been integrated as a cross-cutting theme in key staff training programmes, including in the e-learning component of the Internal Governance and Accountability Programme.
3. Following the publication of a new global estimate in 2012, the Office has increased its efforts to collect better data on forced labour. In some countries, sections on forced labour have been incorporated in national labour force surveys and successfully tested. Other countries have implemented stand-alone surveys with ILO support. The results of these surveys have been validated through national workshops and have proven to be a valuable tool for policy-making.
4. Following a meeting of technical cooperation project staff on freedom of association and collective bargaining in December 2013, a network of experts was created to foster coordinated action and information sharing. The network will meet regularly to ensure sustainability.
5. As a result of technical advisory services and capacity building provided by the Office, member States are also engaging in good practices. For example, in the Philippines, an executive order was drafted to establish social dialogue mechanisms in the utilities sector; in Swaziland, multi-sectoral national child labour committees were established to guide, support and coordinate implementation of the Action Programme on the Elimination of Child Labour; and in Uganda, a national tripartite charter on labour relations was adopted to contribute to national development through strengthening social dialogue and tripartism.
6. The United Nations (UN) Development Group has developed a common learning package aimed at strengthening the capacity of UN staff to mainstream human rights, including FPRW, when developing UN Development Assistance Frameworks. Additionally, the UN Practitioners' Portal on Human Rights-Based Approaches to Programming has been updated, with a new section on decent work. A publication on mainstreaming human rights in development was produced through the Multi-Donor Trust Fund, with case studies showcasing the ILO's work on labour rights in Uruguay, child labour in the United Republic of Tanzania, equality and non-discrimination in the Republic of Moldova and human rights in the Philippines.
7. In collaboration with Better Work, a collective bargaining agreement was concluded in the garment sector in Jordan. This agreement aims to improve social dialogue and working conditions for 40,000 workers in the sector. South-South cooperation between the Philippines and Sri Lanka on innovative labour law compliance systems has also contributed to the development of a cost-effective computerized labour inspection system in the Philippines, with components on freedom of association and collective bargaining rights.

8. Meanwhile, 35 leaders from 15 Cambodian unions have volunteered as focal points to monitor violations of FPRW; a joint trade union platform has been established in India to implement FPRW effectively and to promote ratification of all fundamental Conventions; officers have been appointed in six Indian states to address issues related to bonded labour and migrant workers; a network of organizations of domestic workers, trade unions and civil society organizations has been established in Nepal to prevent trafficking of migrant workers for forced labour; a network of ministries and public and private sector unions has been established in the Lao People's Democratic Republic to explore the ratification of Conventions Nos 87 and 98; and with the Office's assistance, a Decent Work for Domestic Workers office has been established by trade unions in the Philippines.
9. The use of social media has resulted in increased visibility of FPRW, reaching a wider audience than traditional awareness-raising and advocacy campaigns. The use of Facebook, Twitter and Flickr for the ArtWorks programme has meant that almost 250,000 persons have been reached, with more than 31,000 views and 7,000 likes.

Challenges

10. Budgetary constraints figure among the major challenges related to the implementation of the plan of action. For example, it is more difficult to secure funding to engage in countries with comparatively low prevalence rates for child labour, which impedes the elimination of child labour.
11. Discrimination in employment and occupation as well as equal remuneration for men and women for work of equal value are key challenges in many countries, because traditional social hierarchies are entrenched and income inequalities are rapidly widening. Also, the lack of commitment by many governments to allocate adequate funding to national equality bodies hinders the Office's achievement of its objectives to eliminate discrimination in the world of work.
12. The early identification of victims of forced labour and collection of reliable data remain a major challenge. According to global figures, only a small fraction of the estimated number of victims are identified and receive assistance. The annual ILO International Training Centre training course aimed at law enforcement officials and other practitioners has helped to build capacity in this regard.
13. One specific persistent challenge regarding freedom of association and collective bargaining is the existence, in some countries, of a single organization to which workers are compelled to belong, while other organizations are outlawed. There are other countries where trade unions are suppressed altogether. The limited capacity of employers' and workers' organizations as well as the lack of appropriate mechanisms have continued to delay the inclusive and effective implementation of collective bargaining rights and sound industrial relations in many countries.
14. Education is important in preventing child labour; however, in many countries, the mandates of the ministries of labour and education do not always allow room for collaboration. Furthermore, mainstreaming the elimination of child labour into key development programmes is imperative.
15. Many countries have amended their national legislation and adopted new policies to address contemporary forms of forced labour, and in particular to strengthen victim protection and preventative measures. However, greater involvement of social partners in the coordination, design and implementation of national policies is needed. The Office will

continue to provide support to social partners in combating forced labour, in close collaboration with the ITUC and the IOE.

16. The concept of equal pay for work of equal value is difficult to grasp, especially in societies where the predominant cultural view is of the male “breadwinner”. If a shift in attitude is to occur and the principle of equal pay for work of equal value is to be realized in the long term, the Office must devise strategies which specifically target young people.

Draft decision

17. *The Governing Body takes note of GB.320/INS/3/1 and requests the Office to take into account the views expressed during the discussion of this document.*