

Provisional Record

106th Session, Geneva, June 2017

11-1



Date: Thursday, 15 June 2017

Sixth item on the agenda: A recurrent discussion on the strategic objective of fundamental principles and rights at work, under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008

Reports of the Committee for Fundamental Principles and Rights at Work: Resolution and Conclusions submitted for adoption by the Conference

This *Provisional Record* contains the text of the resolution and conclusions submitted by the Committee for Fundamental Principles and Rights at Work for adoption by the Conference.

The report of the Committee on its proceedings has been published on the Conference website in *Provisional Record 11-2* and is submitted for adoption by the Conference subject to corrections, which committee members will be able to submit until 23 June 2017, 6 p.m.

Proposed resolution concerning the second recurrent discussion on fundamental principles and rights at work

The General Conference of the International Labour Organization, meeting at its 106th Session, 2017,

Having undertaken a second recurrent discussion on fundamental principles and rights at work, in accordance with the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, 1998 (1998 Declaration) and the ILO Declaration on Social Justice for a Fair Globalization, 2008 (Social Justice Declaration), to consider how the Organization should respond to the realities and needs of its Members,

1. Adopts the following conclusions, which contain a framework for action for the effective and universal respect, promotion and realization of fundamental principles and rights at work;
2. Invites the Governing Body of the International Labour Office to give due consideration to the conclusions and to guide the Office in giving effect to them; and
3. Requests the Director-General to:
 - (a) prepare a plan of action incorporating the priorities in the framework for action, for consideration of the Governing Body at its 331st Session in October 2017;
 - (b) communicate the conclusions to relevant international and regional organizations for their attention;
 - (c) take into account the conclusions when preparing future programme and budget proposals and mobilizing extra-budgetary activities; and
 - (d) keep the Governing Body informed of their implementation.

Conclusions concerning the second recurrent discussion on fundamental principles and rights at work

GUIDING PRINCIPLES AND CONTEXT

Fundamental principles and rights at work are universal human rights and immutable in nature. They are inseparable, interrelated and mutually reinforcing. The ILO Declaration on Fundamental Principles and Rights at Work, 1998 (1998 Declaration) has mobilized national and international actors for the realization of fundamental principles and rights at work and substantial progress has been achieved. Yet there are significant implementation gaps. As the International Labour Organization (ILO) approaches its centenary and against a background of significant changes in the world of work, it is timely to renew commitment to global progress on fundamental principles and rights at work. Responding to emerging challenges and realizing fundamental principles and rights at work requires political will, effective labour market governance and inclusive social dialogue. The ILO should support constituents, based on their established and expressed needs, including those expressed in this recurrent discussion, to meet their obligation to respect, promote and realize fundamental principles and rights at work.

Framework for action for the effective and universal respect, promotion and realization of fundamental principles and rights at work, 2017–23

1. This framework for action emanating from the second recurrent discussion on fundamental principles and rights at work carried out at the 106th Session of the International Labour Conference in 2017, is based on the obligation of all member States to respect, promote and realize fundamental principles and rights at work, consistent with the 1998 Declaration. The framework requires the ILO to take into account the diverse and changing realities of its Members in order to effectively support them to meet this obligation.

I. Realizing fundamental principles and rights at work at the national level

2. The full realization of fundamental principles and rights at work will be advanced by an environment of respect for all human rights and democratic freedoms. Governments should, in consultation with the most representative employers' and workers' organizations where appropriate, consider:
 - (a) establishing policy, legal and institutional frameworks to give full effect to fundamental principles and rights at work;
 - (b) adopting policies to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all and creating an enabling environment for sustainable enterprises, noting that business activity, investment and innovation are major drivers of productivity, inclusive growth and job creation;
 - (c) taking steps, including effective consultations amongst concerned ministries and with social partners, to promote coherence of their policies at national, regional and international levels in order to promote, respect and realize the fundamental principles and rights at work;
 - (d) allocating and ensuring the effective use of resources to strengthen the capacities of labour administration and other institutions involved in the monitoring and enforcement of national laws and policies on fundamental principles and rights at work;
 - (e) promoting national tripartite dialogue to address the challenges of enforcement and compliance related to fundamental principles and rights at work, including with respect to effective labour inspection, and encouraging information sharing among member States on good practices; and
 - (f) communicating their needs and diverse realities in order to better inform the Organization on how it can support the realization of fundamental principles and rights at work on the ground, including through Decent Work Country Programmes.

II. Mobilizing ILO means of action on fundamental principles and rights at work

3. In giving full effect to the 1998 and the Social Justice Declarations, the Organization should mobilize and coordinate all its means of action to support constituents, according to their specific circumstances, in fulfilling their obligation to respect, promote and realize

fundamental principles and rights at work. ILO action should be in line with its integrated strategy and mainstreamed in the activities relating to the other three strategic objectives of the ILO.

4. As the ILO approaches its centenary and twentieth anniversary of the 1998 Declaration, it should actively and as a matter of urgency:
- (a) step up action through development cooperation and other means to campaign for the universal ratification of the eight fundamental Conventions, taking into account the low rates of ratification of Conventions Nos 87 and 98, by its centenary in 2019, and the attainment of the target of 50 ratifications of the Protocol of 2014 to the Forced Labour Convention, 1930, by 2018;
 - (b) assist member States with a view to overcoming challenges of ratification and implementation, strengthening tripartite capacities and promoting social dialogue for the full realization of fundamental principles and rights at work;
 - (c) focus on better understanding the diverse realities and needs of Members with a view to ensuring the realization of fundamental principles and rights at work; and
 - (d) strengthen the Annual Follow-up to the 1998 Declaration concerning non-ratified fundamental Conventions as a promotional tool with a view to:
 - (i) assessing more fully the efforts made in accordance with the 1998 Declaration by Members which have not yet ratified all the fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930, thus permitting the identification of areas in which ILO technical assistance may prove useful to them;
 - (ii) facilitating exchange of experiences and lessons learned; and
 - (iii) making the Annual Follow-up more accessible and visible.

Effective planning and resource allocation

5. The ILO should:

- (a) continue to develop and pursue the integrated strategy on fundamental principles and rights at work providing balanced support on all four principles, responding appropriately to the needs of constituents with priority given to addressing gaps in implementation;
- (b) ensure coherence between the integrated strategy on fundamental principles and rights at work and the other ILO strategic objectives of employment, social protection and social dialogue;
- (c) mainstream fundamental principles and rights at work across the activities of the Organization, including in the areas of future of work, global supply chains, export processing zones, non-standard forms of employment, migrant workers, rural workers and workers in the informal economy, and fair recruitment;
- (d) seek to increase the level of voluntary contributions in support of the integrated strategy on fundamental principles and rights at work, focusing on multi-year partnerships with key development partners and diversification of funding sources in order to engage emerging partners and the private sector, while ensuring that there is no conflict of interest between the voluntary contributors and the core mandate of the ILO;

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- (e) seek extra-budgetary funding beyond Members' contributions while at the same time investigating new, more efficient ways to deliver technical assistance, taking into consideration the diversity of circumstances faced by individual member States;
 - (f) pursue resource mobilization at the country and regional levels and through UN funding mechanisms in close collaboration with UN Resident Coordinators;
 - (g) continue to develop comprehensive, country-based approaches to sectors that are more prone to violations of fundamental principles and rights at work; and
 - (h) continue monitoring and evaluating the effectiveness of the expenditure of ILO resources towards the implementation of fundamental principles and rights at work.

Building capacity and strengthening development cooperation

6. The ILO should, as part of broader efforts to promote decent work:

- (a) provide guidance to its country offices on supporting full realization of the fundamental principles and rights at work and, where necessary, promoting the ratification of the fundamental Conventions, and improving their application by ensuring that they are systematically considered at the design stage of Decent Work Country Programmes;
- (b) provide further guidance and share best practices on the development of lists of hazardous types of work prohibited for children, in line with the Worst Forms of Child Labour Convention, 1999 (No. 182);
- (c) conduct targeted capacity building for workers' and employers' organizations with regard to all four fundamental principles and rights at work, with a focus on collective representation and bargaining;
- (d) conduct targeted capacity building for governments and other public institutions on how to fully realize all the fundamental principles and rights at work;
- (e) continue and, where possible, increase its work on information dissemination and awareness raising on the issues of forced labour and child labour as reflected in target 8.7 of the Sustainable Development Goals and, in this context, continue to assist Members in their efforts to raise awareness at the national and local levels;
- (f) foster information dissemination and raise awareness of the issue of elimination of discrimination in employment and occupation; and
- (g) provide evidence-based and integrated capacity building and training for constituents in collaboration with the International Training Centre in Turin on tackling the implementation gaps with regard to fundamental principles and rights at work.

Enhanced research capacity

7. The ILO should, consistent with the knowledge strategy of the Organization:

- (a) undertake objective, peer-reviewed, and scientifically rigorous research on the economic and social impact of fundamental principles and rights at work, including in addressing poverty and inequality;

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- (b) continue, in collaboration with member States, developing estimates on child labour and forced labour;
 - (c) produce global estimates on discrimination in employment and occupation, focusing on grounds of discrimination listed in the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and emerging grounds of discrimination;
 - (d) undertake research on policies to address sex-based discrimination and gender equality, including on equal pay for work of equal value;
 - (e) expand on research already under way to improve data and produce global estimates on freedom of association and collective bargaining, in line with the ILO definition;
 - (f) examine issues related to transnational social dialogue in line with the ILO programme of action on decent work in global supply chains;
 - (g) undertake research on the impact of non-standard forms of employment on fundamental principles and rights at work, including in new forms of employment such as the “gig economy” and “on demand” economy;
 - (h) monitor and evaluate the impact of ILO activities on the realization of fundamental principles and rights at work with a view to sharing good practices and incorporating lessons learned into future activities;
 - (i) undertake research about the realization of fundamental principles and rights at work in the transition towards an environmentally sustainable economy;
 - (j) continue research, analysis and discussions on the contribution of labour provisions in trade agreements to the realization of fundamental principles and rights at work; and
 - (k) explore the relationship between the fundamental principles and rights at work as defined in the 1998 Declaration and safe and healthy working conditions.

Effective standards-related action

8. The ILO should:

- (a) promote the ratification and application of the relevant ILO instruments in order to contribute to the full implementation of fundamental principles and rights at work;
- (b) pursue the synergies between the follow-up to the 1998 Declaration and the work of the ILO supervisory bodies on the fundamental Conventions with development cooperation; and
- (c) conduct a detailed analysis with regards to gaps in existing ILO standards on discrimination in employment and occupation.

III. Taking into account other initiatives to promote fundamental principles and rights at work

- 9.** The 2030 Agenda for sustainable development (2030 Agenda) provides an additional framework for guiding future action on fundamental principles and rights at work. It reflects and reaffirms a global commitment to decent work as a key driver of inclusive and sustainable development at the national, regional and global levels.

10. Furthermore, the adoption of new safeguard policies by international financial institutions offers further opportunities for collaboration, with a view to addressing gaps in the full realization of fundamental principles and rights at work, supporting implementation of these new policies and promoting coherence with international labour standards.

11. With respect to the 2030 Agenda, the ILO should:

- (a) expand partnerships and cooperation with the UN system, international financial institutions, regional institutions, development banks and subregional economic communities in order to deliver on the decent work goals and targets of the 2030 Agenda;
- (b) continue to promote active participation of all member States and the social partners in multi-stakeholder partnerships on fundamental principles and rights at work, including Alliance 8.7 to end forced labour, human trafficking, modern slavery and child labour, and the Global Equal Pay Coalition to achieve equal pay for work of equal value between women and men;
- (c) develop a new specific plan of action to attract extra-budgetary resources to support projects on the ground around target 8.8 of the Sustainable Development Goals to protect labour rights with a focus on freedom of association and the effective recognition of the right to collective bargaining; and
- (d) strengthen ILO leadership on labour standards with a focus on gender equality and non-discrimination in the world of work and on inclusive development as a contribution to implementation of the 2030 Agenda, drawing also on the Women at Work Initiative.

12. With respect to ensuring policy coherence at the international level, the ILO should:

- (a) promote, in relation to the 2030 Agenda, greater coherence across the multilateral system by ensuring respect for fundamental principles and rights at work and stronger governance with greater participation of workers' and employers' organizations in inter-agency initiatives;
- (b) promote, in its continuing collaboration with the Office of the United Nations High Commissioner for Human Rights, the realization of all fundamental principles and rights at work, as reflected in the UN Guiding Principles on Business and Human Rights, including through events and activities;
- (c) continue to strengthen cooperation with regional integration institutions in order to better promote fundamental principles and rights at work and expand its participation in regional integration processes;
- (d) leverage partnerships with other UN agencies, the Organisation for Economic Co-operation and Development, the World Trade Organization, and other international organizations in order to strengthen policy coherence and mobilize support for the full realization of the fundamental principles and rights at work;
- (e) develop partnerships with relevant international organizations and others regarding the promotion of the fundamental principles and rights at work in the context of trade and investment; and
- (f) develop a strategy to collaborate and share information with regional and international organizations and, where necessary, make them aware of issues on the ground with respect to fundamental principles and rights at work as they arise in order to address them.