



## **Eleventh plenary sitting**

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## **Eleventh Sitting**

Thursday, 15 June 2017, 4.45 p.m

*President: Mr Carles Rudy*

### **Report of the Committee for Fundamental Principles and Rights at Work: Submission, discussion and approval**

#### **The President**

*(Original Spanish)*

I hereby declare open the eleventh sitting of the 106th Session of the International Labour Conference.

The first item on our agenda is the submission, discussion and approval of the report of the Committee on the Fundamental Principles and Rights at Work, a summary of the work of which is published in *Provisional Record* No. 11-2, available in electronic form only, for consultation and downloading on the website for the Conference.

I now invite the Officers of the Committee, Mr Ndebele, Chairperson, Ms Hornung-Draus, Employer Vice-Chairperson, Mr Ross, Worker Vice-Chairperson, and Ms Lopez, Reporter, to join me on the podium.

I call on the Reporter, Ms Lopez, to present the Committee reports.

#### **Ms Lopez**

Reporter of the Committee for Fundamental Principles and Rights at Work  
*(Original Spanish)*

It is an honour for me to have been appointed as Reporter of the Committee for Fundamental Principles and Rights at Work. Our Committee discussed the considerable progress made to date on achieving respect for and the promotion and realization of fundamental principles and rights at work. We also discussed the persistent gaps in implementation. The discussions have taken place at a particularly opportune moment, given that next year we will commemorate the 20th anniversary of the 1998 Declaration on Fundamental Principles and Rights at Work and the tenth anniversary of the 2008 Declaration on Social Justice for a Fair Globalization. Not forgetting, of course, that the ILO will be celebrating its centenary in 2019.

Our work started on 5 June and concluded on 13 June. Throughout the Committee's seven sittings, the participants demonstrated their unwavering support and active engagement.

Our Committee began its deliberations by the constituents sharing experiences gained during their efforts to implement the 1998 Declaration on Fundamental Principles and Rights at Work and the lessons learned from that process. The discussion highlighted both good practices and areas where there had been failure in terms of implementation, with a view to identifying any additional measures needed to ensure that practical solutions for the effective

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realization of fundamental principles and rights at work were available at the country, regional and global levels. These discussions took place against the background of significant changes in the world of work.

The discussion also provided an opportunity for the constituents to openly share their enriching and varied experiences in adopting measures to promote fundamental principles and rights at work and developing an action plan for the future.

Our Committee also reviewed and evaluated the support provided by the Office to member States in their efforts to implement the conclusions adopted at the International Labour Conference in 2012.

In addition, our Committee discussed the outstanding opportunity afforded by the 2030 Agenda for Sustainable Development in helping towards the advancement of fundamental principles and rights at work, as well as by establishing new global partnerships. These discussions were complemented by other measures to ensure coherence between regional and international policies.

On the last day of deliberations, our Committee had the honour of welcoming four eminent representatives from the Office of the United Nations High Commissioner for Human Rights, the African Commission on Human and Peoples' Rights, the World Bank and the United Nations Development Programme. They all took part in a high-level interactive panel on strengthening fundamental principles and rights at work at the international level. The panellists also discussed issues relating to the importance of fundamental principles and rights at work for other international frameworks and responded to questions raised by participants in that regard. They also examined the existing relationship between addressing growing inequalities and eradicating discrimination, while at the same time providing some concrete examples of collaboration on activities targeted at fundamental principles and rights at work.

I am pleased to report that, following long and lively discussions in the Committee's drafting group, we were able to forge a common vision for the next five years. It is based on broad tripartite consensus on how to move forward to achieve our objectives, as well as on the framework and some essential comprehensive policy elements in the current difficult context. Neither the numerous implementation gaps we are currently examining, nor the diversity of national circumstances, priorities and experiences we have to address have prevented us from identifying a set of common objectives and agreed priorities.

It is therefore with great pride that I am able to present to you this afternoon the report of the Committee for Fundamental Principles and Rights at Work. This report, which includes a proposed resolution and conclusions, provides the Organization – leading up to the next recurrent discussion on fundamental principles and rights at work, due to take place in 2023 – with clear strategic guidelines based on tripartite consensus.

Let me share with you some of the key points of our conclusions.

To develop this common vision, we have agreed on a set of guiding principles to help us achieve the objective of universal respect, promotion and realization of fundamental principles and rights at work.

First, we agree that, by their very nature, fundamental principles and rights at work are universal and immutable. Second, these principles and rights are inseparable, interrelated and mutually reinforcing. We also recognize that, in order to respond to new challenges and realize fundamental principles and rights at work, political will, effective labour market gov-

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ernance and inclusive social dialogue are required, and that the ILO should support the constituents in fulfilling their obligation to realize fundamental principles and rights at work, based on the needs they have identified and expressed.

In order to realize fundamental principles and rights at work at the national level, we consider that governments, in consultation with the most representative employers' and workers' organizations, should: first, establish legal and institutional policy frameworks for fundamental principles and rights at work; second, adopt policies to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all; third, adopt measures to promote policy coherence; fourth, allocate resources and ensure that they are used effectively to strengthen the capacities of labour administrations and other institutions involved in monitoring and supervising compliance; and fifth, promote national tripartite dialogue to address compliance and enforcement challenges.

One of the core objectives of the recurrent discussion are the guidelines provided by the Office for future action.

The conclusions that have been drawn up call on the Organization to mobilize and coordinate all means of action at its disposal to support the constituents in fulfilling their obligations to respect, promote and realize fundamental principles and rights at work, taking into account their specific circumstances.

Building on the results achieved since 2012, these conclusions provide clear and specific guidelines on how the ILO should continue, expand and strengthen its efforts in the areas identified, including planning and resource allocation, capacity building, development cooperation, research and standard-setting.

To conclude, I would like to highlight the exceptional spirit of consensus and strong support for social dialogue that have characterized our discussions, particularly in the Committee's drafting group. Despite the diversity of views expressed, we successfully arrived at solid and valuable conclusions that will have a positive impact for millions of workers around the world.

I would like to express my sincere gratitude to our Chairperson, Mr Ndebele, from the Government of South Africa, for his successful leadership of the work of the Committee. He ensured that we maintained consensus and kept focused and on track at all times, so much so that the Committee was able to conclude its work slightly ahead of schedule.

I would also like to thank the two Vice-Chairpersons, Ms Hornung-Draus, from the Employers' group, and Mr Ross, from the Workers' group, who, with ambition and passion, helped us achieve a common vision and outcome.

I would also like to express my sincere gratitude to the members of the drafting group – Government, Employer and Worker members – who worked hard to enable us to achieve consensus-based and balanced conclusions.

I would also like, on behalf of the Committee, to express my deep appreciation for the effective support provided by the secretariat under the guidance of the Representative of the Secretary-General, Mr Oumarou, the Deputy Representative, Mr Fannizadeh, and the high-level team of experts and advisers, and for the effective coordination efforts of Ms Muller and Ms Recort Ruíz.

The dedication and support provided by each and every member of the secretariat over the past two weeks can only be described as exemplary. They have assisted the members of the Committee day and night, during the weekend, and sometimes until the early hours of the morning. Their commitment and hard work have made it possible for us to achieve this

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outcome, namely to have a report and proposed resolution and conclusions that do justice to the purpose and objectives of this recurrent discussion.

With these comments, I recommend that the Conference approve this report and adopt the proposed resolution and conclusions, with the firm conviction that they will provide valuable guidance for the work of the Organization in its pursuit of this important strategic objective.

**Ms Hornung-Draus**

Employer Vice-Chairperson of the Committee for Fundamental Principles and Rights at Work

The Employers' group would like to express its sincere thanks to everyone in this recurrent discussion for reaching a satisfying conclusion on the important topic of the 1998 Declaration on Fundamental Principles and Rights at Work. The Chairperson steered us through a challenging committee process with efficiency, humour and good grace. We are also grateful that he sacrificed his birthday for our common purpose. To my counterpart in the Workers' group, Mr Ross, I would like to express my sincere thanks for his dedication to this topic and for his commitment to achieving a good result. We locked horns on a number of points but we managed to work through our differences to reach consensus, and I thank him and his team. To the representatives of the different governments, we appreciated their participation in this Committee. It was very helpful to hear more about their needs and diverse realities. We would also like to thank those governments which took part in the Drafting Group. We have all shared an intense experience and we are grateful for their commitment to ensuring consensus. Finally, I would like to thank the ILO staff very much for their support of our Committee. They worked late in the evenings and even in the night to prepare the various documents and they helped facilitate our discussions. Their hard work is very much appreciated.

Let us take a moment to acknowledge that we have retained our strong, 20-year-long tripartite consensus on the 1998 Declaration on Fundamental Principles and Rights at Work, and we have dedicated considerable discussion to help guide the ILO's promotion and realization of these principles and rights over the next 20 years. As Employers, we would like to reiterate our strong commitment to the 1998 Declaration and to realizing the four categories of fundamental principles and rights at work. Retaining their distinct, complementary and special focus in a balanced way, as well as maintaining the consensus on them, is critical.

This was a long and intense recurrent discussion – something that, I suspect, many of us did not expect at the beginning of the Conference. However, we proved that the social dialogue is alive and well, given the rigorous discussion we had on every element of this topic. We left no stone unturned and we ended up with a consensus.

In the minds of the Employers, part of the challenge we faced this past fortnight was that we started the recurrent discussion on the wrong foot. We regret that the pre-Conference report and the tentative conclusions prepared by the Office were not balanced. This meant that the Employers felt that their many interventions had been overlooked, and therefore we were compelled to fight hard to redress the imbalance and inaccurate assertions. I think there is an important lesson to be learned here for the future.

There were also moments during this Conference Committee when the discussions veered off into problematic territory. We have strong tripartite support for the fundamental principles and rights at work in line with the 1998 Declaration precisely because: (a) they apply to all member States irrespective of the status of ratification of the core Conventions, and implementation remains the main issue to be tackled; (b) they cover four critical categories of rights and therefore all four rights are equally important, recognizing that resources have to respond to the needs of member States; and (c) we should not expand the scope of

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fundamental principles and rights at work and seek to inject new contentious topics that risk jeopardizing the consensus and diverting attention away from realizing the existing four categories which, as you know, have acquired an importance and significance far beyond the International Labour Organization, for instance, in the Organisation for Economic Co-operation and Development Guidelines for Multinational Enterprises or in the United Nations Guiding Principles on Business and Human Rights.

The Employers made a big effort to ensure that this Committee's work complemented and built upon last year's evaluation of the Declaration on Social Justice for a Fair Globalization. It was this Social Justice Declaration which provides the methodological framework for our discussion this year. We worked hard to ensure that the Committee has steered the ILO's ongoing work on fundamental principles and rights at work so that it is based on practical action that better understands and responds effectively to the diverse realities and needs of its members, with careful application of technical assistance, capacity building, research and standards-related action across all four categories of principles and rights.

We urge the ILO to make a greater effort in responding to the needs and diverse realities of the members. It should focus on plugging the implementation gaps, taking a bottom-up approach. In fact, we know that Decent Work Country Programmes, which do take this approach, are the most successful ones. And the ones which follow a top-down approach are not very successful. By contrast, doggedly pursuing a campaign for ratification where there is no appetite among member States to ratify the Conventions will be unlikely to achieve meaningful results. Ratification is not the only approach, and it can be a blunt instrument if there is no political will to pursue this and/or if the gap between the fundamental Conventions and national legal landscape is too great.

This is precisely what the 1998 Declaration is about – realizing its principles, irrespective of the legal issue of ratification. At the same time, we have made it very clear that the ILO's effort to ensure policy coherence, notably across the various organizations and with regard to Sustainable Development Goals, should not fall into the trap of adding new layers to the global architecture that is already groaning under its own weight. Creating yet more global initiatives that absorb the attention and the resources of the Office and its constituents risks continuing down the path of top-down activities that fail to connect with the issues and needs on the ground. The reality is that we must all do more work with fewer resources. Therefore, we need to get down from the 30,000-foot level into the trenches, where the realities are complex and different.

Looking ahead, we should continue to build on progress to promote and realize fundamental principles and rights at work, especially with the 20th anniversary of the 1998 Declaration next year and the ILO's centenary celebrations in 2019. The hard work will obviously extend beyond those milestones, and we are fully committed to playing our role.

To finish, on behalf of the Employers' group I would like to thank everyone again for their hard work and for reaching a consensus on this important topic, and we can now say to everybody: "Please adopt these Conference conclusions."

**Mr Ross**

Worker Vice-Chairperson of the Committee for Fundamental Principles and Rights at Work

I am pleased to support the Committee's report, conclusions, and resolution, and I recommend them for adoption by the Conference.

I would like to thank our Chairperson, Mr Ndebele, for so ably guiding the Committee, in particular its Drafting Group, to produce this framework for enhanced action to ensure

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effective and universal respect, promotion, and realization of fundamental principles and rights at work.

I also wish to thank Ms Hornung-Draus, the Employer spokesperson, and her substitute, Ms Rudelli, for their constructive approach in reaching consensual conclusions, as well as all the government representatives who actively and constructively engaged in our debates, and also the secretariat of the Committee for their support throughout the past two weeks.

I particularly wish to thank my group – dedicated trade unionists from all over the world with a remarkable wealth of experience – for enriching our discussion and making an enormous contribution to our work. In the past two weeks the central issue for our group was how we can most effectively make progress to ensure full realization of the fundamental principles and rights at work.

We all know that there are significant gaps in implementation, even before reading the comprehensive and eye-opening report by the Office, which gives us a clearer picture of the daunting challenges we face. Twenty years after the adoption of the Declaration on Fundamental Principles and Rights at Work in 1998, 168 million children remain in child labour. Women are over-represented in low-paid, precarious work and earn only 77 per cent of what men earn for the same tasks, while they continue to perform by far the greater part of unpaid household and care work. The number of workers affected by forced labour and modern slavery is rising, and there is an alarming crisis affecting the rule of labour law worldwide. We need only refer to the ILO supervisory mechanisms to know that assassination, detention and dismissal of trade union members are commonplace, and trade union activities and peaceful demonstrations are often suppressed.

The experiences of our group members confirm these facts, as does the September 2016 report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association.

The 2017 International Trade Union Confederation (ITUC) Global Rights Index, presented on Tuesday, demonstrates that the number of countries experiencing physical violence and threats against workers has risen by 10 per cent in just the past year. Attacks on union members have been documented in 59 countries, fuelling growing anxiety about jobs and wages. These attacks and restrictions on freedom of association and collective bargaining perpetuate poverty, discrimination, child labour and forced labour, and contribute to rising economic and political instability.

The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), are the least ratified fundamental Conventions; approximately half of the world's population lives in countries that have still not ratified Convention No. 87 and/or Convention No. 98.

While we have made some progress with regard to child labour since 2012, the implementation gap with regard to freedom of association and collective bargaining is growing at an alarming pace. Perhaps this is why governments discussed these issues so extensively in their interventions last week.

This is also why the Workers' group, in drafting these conclusions, attached such importance to stepping up the ILO campaign for universal ratification of all the fundamental Conventions, in particular Conventions Nos 87 and 98, and to ensuring systematic consideration of ratification at the design stage of Decent Work Country Programmes. It is also why we insisted on an integrated strategy embracing balanced support for all four categories of fundamental principles and rights at work, including freedom of association and collective bargaining as enabling rights.



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The 1998 Declaration stresses that fundamental principles and rights at work are universal human rights. The challenges involved in implementing these rights and ratifying the fundamental Conventions, and the approaches adopted to ratifying, implementing and fully enforcing them, will necessarily differ from country to country.

The ILO has a number of tools and resources which we believe can be very effective in overcoming these challenges, and which these conclusions should make more effective. For example, better use could be made of the annual reviews under Article 19, including through synergies with the ILO supervisory bodies and with technical assistance.

The 2030 Agenda offers an important opportunity for the ILO to reshape and reframe its work to increase impact. Our conclusions ask the Organization to develop a specific plan of action to support projects under Sustainable Development Goal (SDG) target 8.8, which aims to protect labour rights and promote safe and secure working environments. This target can only be reached through tripartism, social dialogue, freedom of association and the effective recognition of the right to collective bargaining. Those are also the hallmarks of the Global Deal, which the Workers' group strongly supports. We welcome the commitment of the members of this Committee to support the plan of action around SDG 8.8. A strong and targeted ILO programme to promote freedom of association, collective bargaining, social dialogue, and tripartism as effective means to achieve sustainable development will make an important and valuable contribution towards achieving the SDGs.

The research agenda included in these conclusions can be another effective tool. Research on the impact of collective bargaining and other fundamental principles and rights at work on poverty and inequality, on policies to address gender-based discrimination and to measure equal pay for equal work, on issues relating to transnational social dialogue, on the impact on fundamental principles and rights at work of non-standard forms of employment, on methods of ensuring fundamental principles and rights at work in the transition to an environmentally sustainable economy and on the impact of labour provisions in trade agreements will keep the ILO at the forefront of emerging issues in the future of work.

Our conclusions request the Office to produce global estimates of collective bargaining, child labour, forced labour and discrimination, including grounds of discrimination that are only now being addressed. These will be valuable benchmarks of progress towards meeting the objectives of the 1998 Declaration and will provide the ILO with an analysis of gaps in the existing standards concerning discrimination in employment and of the interrelationship between fundamental principles and rights at work and occupational safety and health, thus yielding critical insights for the work ahead.

There is an urgent need for all of us to promote freedom of association, social dialogue, tripartism and all four categories of fundamental principles and rights at work. We must reverse the growing implementation gap because it is contributing to an increase in economic inequality, which leads to political instability. This was the fundamental insight that led to the establishment of the ILO in 1919.

However, more than simply closing the implementation gap, we need to move forward and adapt collective bargaining and social dialogue to a rapidly changing world. We look forward to future recurrent discussions when we can reflect upon the growth and expansion of collective bargaining and social dialogue.

We believe that there is also an urgent need to strengthen the ILO's capacity to help realize universal fundamental principles and rights at work, as well as for greater political will on the part of all constituents to realize them and to promote decent work for all. We can start by meeting the goal of universal ratification of the fundamental Conventions by 2019. During this Conference, India, Thailand, Jamaica, Sweden and Iceland have ratified either fundamental Conventions or the Protocol of 2014 to the Forced Labour Convention,

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1930. We congratulate them and look forward to many more ratifications in 2018 on the occasion of the 20th anniversary of the Declaration, and the remaining ratifications before the ILO centenary.

**Mr Ndebele**

**Chairperson of the Committee for the Recurrent Discussion on  
Fundamental Principles and Rights at Work**

As Chairperson of the Committee on Fundamental Principles and Rights at Work, it is my honour to make a few observations on our Committee's proceedings and the outcome of its work. Let me highlight a few points to complement the excellent presentation and account that we have received from the Reporter and the two Vice-Chairpersons.

Our session marked the second recurrent discussion on the strategic objective of fundamental principles and rights at work. We had anticipated that the session would not be easy and indeed it was not, particularly given the importance of the focus of our discussion. At the beginning of the session, I expressed the view that fundamental principles and rights at work are the heartbeat of the ILO. They speak to the very existence of the Organization; they are universal, binding and obligatory, a fact that effectively makes them peremptory norms. As stated in the Social Justice Declaration, they are of particular significance as both rights and enabling conditions that are necessary for the full realization of all the ILO's strategic objectives.

Difficult as our discussions were, the fundamentals of the Declaration cushioned and guided us and provided a common point of departure. We moved from a point of consensus; the pre-Conference Report formed a solid basis for our discussion. As indicated in its title, *Fundamental principles and rights at work: From challenges to opportunities*, the Report provided a picture of general trends, including implementation gaps related to effective realization of each of the four categories of fundamental principles and rights at work. It also summarized actions taken by constituents and the Office in order to promote these principles and rights and highlighted opportunities for further collaboration, and for promotion of those rights.

At the outset, the Committee recognized that the overall high rate of ratification of the fundamental Conventions did not translate into full and effective implementation. For example, bearing in mind that the pattern was not uniform, the data presented in the Report pointed to a further decline in the level of trade union membership and collective bargaining coverage. It showed that the majority of forced labour exists in the private economy, generating annual illicit profits of US\$150 billion; that while important progress has been made with regard to child labour, more needs to be done if the target of eliminating child labour by 2025 under the Sustainable Development Goals (SDGs) is to be met; and that only modest progress has been made in reducing gender gaps, including the gender pay gap, in our labour markets.

We were cognizant that overcoming these gaps would be challenging given the difficult context of growing inequality and significant changes in the world of work. Taking into account the wide range of issues raised during our deliberations, the different perspectives offered, and the array and wealth of national experience that were presented and debated in the Committee, I submit to you with gratification that the two weeks of work have been extremely productive, constructive and cohesive.

I believe that our conclusions are strong, substantive, actionable and forward-looking. They have been integrated into a comprehensive framework for action that all three groups – Government, Employers and Workers – can support and adapt to their specific needs, taking into consideration the diversity of their national context. Our guidance to the Organization and to the Office is strategic, with clearly identified expectations. We believe that we

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have succeeded in striking the right balance between the need to continue, deepen and strengthen work that is already under way in critical and relevant areas, and the need to take up new and emerging issues. Our task was to evaluate past achievements, consider the implementation gaps and chart a course of action towards effective respect, promotion and realization of the fundamental principles and rights at work for the next five years.

In all honesty, I think that we have done an excellent job in fulfilling that task. This was made possible through effective social dialogue and consensus building around all issues, including tough questions where there were differences of opinion and perspective. In that respect, I would like to extend my sincere appreciation to the members of the Drafting Group and to thank the Vice-Chairpersons, Ms Hornung-Draus for the Employers and Mr Ross for the Workers, for their vision, ambition and commitment. I would also like to thank the Government members for their useful contribution and thoughtful reflection throughout the two and a half days of our Drafting Group's work. Let me also thank all the delegates – including my fellow Government delegates, all 105 of them – who attended and actively participated in the work of the Committee for their full and positive engagement. Last but not least, I would like to thank the Office; the Representative of the Secretary-General, Mr Oumarou; the Deputy Representative, Mr Fannizadeh; and the team of senior advisors and experts for their excellent preparation of this recurrent discussion and their competent support during the deliberations, as well as the coordinators who provided smooth, efficient and cheerful support throughout the two weeks and worked long hours to ensure that the final outcome of the Committee's work was achieved.

The work of our Committee has ended but in reality, it is only now that the real work begins. I would like to end by quoting a few lines from our conclusions. These words I believe clearly reinforce the significance of the work of our Committee and place the responsibility on all, the constituents and the Office, to ensure the full realization of the fundamental principles and rights at work, and I quote: “Fundamental principles and rights at work are universal human rights and immutable in nature. 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.”

**Ms Gatt**  
Government, Malta

I am speaking on behalf of the European Union and its Member States, the candidate countries Montenegro, Serbia and Albania, and the European Free Trade Area (EFTA) member, Norway, member of the European Economic Area, which align themselves with the statement.

We have agreed in the Committee for Fundamental Principles and Rights at Work to a consensual action-oriented outcome document. This is an important result, which we have been able to achieve.

We welcome this outcome in many ways. It is balanced on all four pillars of fundamental principles and rights at work. It provides orientations to promote ratification and implementation of all fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930. It addresses enforcement aspects, including through the strengthening of labour inspections. It provides for measures to strengthen capacity building, development cooperation, enhanced research and standards-related action, which will be instrumental in the promotion of fundamental principles and rights at work.

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It draws particular attention to gender equality, the informal and rural economy, global supply chains and non-standard forms of employment. It refers to the ILO's role in the promotion of fundamental principles and rights at work in the context of trade and investment, and it puts our work in the context of the 2030 Agenda for Sustainable Development, in particular under Sustainable Development Goal 8.

We welcome the fact that the conclusions provide that the ILO is to conduct an analysis with regard to gaps in existing ILO standards on discrimination in employment and occupation. With this outcome we will work on the inclusion of age, disability and sexual orientation as additional grounds of discrimination in the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

We are glad that our invitation to explore the relationship between the right to safe and healthy working conditions and fundamental principles and rights at work has been taken on board. Occupational safety and health, which relates to the life, health and dignity of workers is fundamental to us, as are the four categories of fundamental principles and rights at work covered by the 1998 Declaration on Fundamental Principles and Rights at Work.

We will be happy to start a discussion on this relationship with all constituents and the Office as a follow-up to this Conference. The suitability and feasibility of integrating the right to safe and healthy working conditions into the fundamental principles and rights at work are part of this discussion.

With respect to the 2030 Agenda, we are pleased that the conclusions mention the need for the ILO to promote the active participation of its members in multi-stakeholder partnerships on fundamental principles and rights at work. This includes Alliance 8.7 to end forced labour, human trafficking, modern slavery and child labour and the upcoming Global Equal Pay Coalition. We would also like to mention the role of the Global Deal to this effect. We consider that all the means available to the ILO will transform the outcome of this Committee into these concrete actions, actions which we feel strongly about.

The ILO flagship programmes, such as IPEC+, Global Action for Prevention on Occupational Safety and Health (GAP-OSH) and Better Work, will play an important supporting role in this regard.

Fundamental principles and rights at work are key to decent work and sustainable development. Their promotion lies at the heart of the role of the ILO. They are, in essence, human rights.

The European Union and its Member States recommend the adoption of the resolution and conclusions submitted to the Conference. We are ready to work with all of you to implement the important orientations that they provide.

**Mr Braithwaite**  
Government, United Kingdom

The United Kingdom aligns itself with the statement of the European Union. The United Kingdom Government would like to thank the Committee for Fundamental Principles and Rights at Work, for the successful conclusion and adoption of this resolution. We thank the Chair, the Vice-Chair and Committee members, Workers, Employers and Governments, as well as the Office, for all of their hard work in reaching this agreement today.

The ILO's fundamental principles and rights at work are, as the title suggests, fundamental rights for all. The proposed resolution reconfirms global support for those fundamental principles, freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and

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the elimination of discrimination in respect of employment and occupation. These principles should underpin sustainable development and the achievement of the United Nations (UN) 2030 Agenda for Sustainable Development targets, leaving no one behind.

The United Kingdom is pleased to see, in particular, that the resolution encourages member States to ratify and implement all of the fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930, universal ratification of which will be important for the achievement of Sustainable Development Goal (SDG) 8.7, that is, the fight against modern slavery. The United Kingdom is proud to be one of the first countries to ratify the Forced Labour Protocol. We are implementing it through a number of legislative instruments, including the United Kingdom's Modern Slavery Act 2015 and the Immigration Act 2016. We have recently created and appointed a new Director of Labour Market Enforcement to bring strategic focus and coordination to our labour-market enforcement legislation. We have also reformed the Gangmasters Licensing Authority and have renamed it the Gangmasters and Labour Abuse Authority. Its new mission is to prevent, detect and investigate worker exploitation across the entire economy, and we have given it new police-style powers to deal with serious cases of labour market abuse. We are pleased that the Gangmasters and Labour Abuse Authority has signed a letter of intent with the ILO, which commits both organizations to strengthen their collaboration.

We strongly support the ILO in its efforts to encourage other member States to ratify and implement the Protocol and have been actively campaigning on behalf of the ILO's 50 for Freedom Campaign. We also support the multi-stakeholder partnership Alliance 8.7 which aims to bring UN agencies, international organizations, governments, workers' and employers' organizations, businesses and NGOs together to help achieve the targets set in SDG 8.7 to eradicate modern slavery, forced labour, human trafficking and child labour.

It is important that we address the problem within our own countries, as well as working together to develop effective strategies to eliminate this abhorrent crime. We must work to make this a priority at the international level to drive action. The resolution on fundamental principles and rights at work to be adopted today by the ILO supports this aim. It is our sincere hope that the IV Global Conference on the Sustained Eradication of Child Labour, to be hosted by Argentina in November 2017, will galvanize member States and others, to step up further their efforts to meet SDG 8.7.

**Ms Peraffan**  
Employer, Colombia  
(*Original Spanish*)

At the outset, I would like to stress that any attempt at realization of the four categories of fundamental principles and rights at work must include strong support for member States, so that they can promote inclusive economic growth and sustainable development while strengthening the rule of law, transparent and effective governance, well-functioning public institutions and an independent judiciary system and ensuring the absence of corruption.

Creating an enabling environment for sustainable enterprises and increasing productivity and competitiveness are essential prerequisites for job creation, which in turn will make it possible to reduce the informality that is a major obstacle to the realization of those principles.

In addition to these efforts, it is important to look at the factors that lead to gaps in realization of the fundamental rights and principles, such as the lack of primary education that is one cause of child labour. Thus, we must develop policies to address the root causes of these problems.

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We hope that the Office will focus more closely on strengthening Decent Work Country Programmes (DWCPs), where they exist, and will find an effective way to better understand the realities of member States. In that connection, we would like to mention specifically the need to avoid top-down strategies, which generally do not achieve the desired results.

We would like the Fundamental Principles and Rights at Work Branch, when implementing standards in practice, to set priorities based on Members' requests and in light of their specific needs.

Lastly, we consider that the Office can make a difference by focusing on technical assistance and capacity building for constituents and providing them with support in order to fill implementation gaps. We firmly believe that, rather than telling States and businesses what they should be doing, we should show them at field level how to achieve the SDGs and to realize fundamental principles and rights.

**Mr Sabor**  
Government, Argentina  
(Original Spanish)

With a view to full implementation of the 1998 Declaration on Fundamental Principles and Rights at Work and the 2008 Declaration on Social Justice for a Fair Globalization, and bearing in mind that next year will mark the 20th anniversary of the former and the tenth anniversary of the latter, and without forgetting that in 2019 the ILO will be celebrating its centenary, during the second recurrent discussion of the Committee for Fundamental Principles and Rights at Work, we discussed in depth the significant progress achieved thus far.

This opportunity to exchange rich and varied experience with respect to the measures taken in order to promote these standards has borne fruit. As an outcome of that lengthy debate, the document offers a series of guidelines for identifying the priorities that, in the constituents' view, the ILO should set in supporting the efforts of its member States.

The following are the main challenges to implementation of the fundamental Conventions that have been identified. First, the ILO's full support for constituents is needed in order to achieve not only full ratification, but also full implementation of the fundamental Conventions based on the needs established. Second, to that end, a framework of action must be established in order to ensure respect for and promotion and effective realization of fundamental principles and rights at the national level. Third, we need efficient planning and resource allocation, strengthened cooperation, enhanced research, efficient standard setting and identification of existing gaps in ILO standards. And fourth, we must take into account the additional framework of the 2030 Agenda for Sustainable Development, ensure policy coherence at the international level and optimize alliances with other international organizations.

Lastly, within the framework of the implementation of fundamental rights and principles, we take this opportunity once again to invite all member States to the IV Global Conference on the Sustained Eradication of Child Labour 2017, to be held in Argentina next November with the goal of strengthening efforts to eradicate child labour, including forced labour and youth employment, and to achieve genuine and full realization of the fundamental rights and principles of this house, thereby promoting the active participation of all member States and of the social partners.

With this brief introduction, and thanking the Committee once again for its hard work, we urge you to adopt the document under consideration.

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**Ms Kraamwinkel**  
Worker, Netherlands

Many workers are not recognized for their contribution to prosperity and economic growth. Freedom of association and the right to collective bargaining are essential ways to recognize each other's contributions and roles as workers, employers and governments. They are the basis for inclusive social dialogue. Therefore they are the beating heart of this Organization. As enabling rights, they will contribute to ending poverty, forced and child labour, and discrimination on grounds of gender, race, gender identity, union membership and other grounds. They are the fundamental principles and rights at work.

It is important that the framework for action we have developed demands that the ILO step up action for full ratification of the eight fundamental Conventions, so that with the ILO's centenary, full ratification might be attained. That would be a wonderful birthday present for the ILO.

I am very pleased to say we agreed upon including the need for policy coherence in the document. At the outset, we were hoping that our resolution would strengthen the ILO's role in ensuring that the activities and policies of other institutions do not violate or undermine fundamental principles and rights at work. We agreed that the ILO's eight core Conventions will be the minimum standard for labour chapters in agreements with financial institutions, like the IMF, and development banks, like the World Bank, and also in trade agreements and other efforts to achieve sustainable development, like the 2030 Agenda. But also the ILO would work together with these institutions to include the fundamental principles and rights at work in their agenda.

This is a big step forward. It provides a solid framework which hopefully will end "cherry-picking", which when fully realized can contribute to ending poverty, inequality and discrimination, also in northern Europe, where in certain sectors forms of forced labour can be recognized, where cheap clothes that are worn are made by children in other countries, where sub-sub-sub-contracting leads to undermining labour standards, where unions are under pressure and where inequality is rising, in other words, where fundamental standards are crucial. Therefore we are glad about this consensus document and hope to reach not only full ratification but also full realization of the fundamental principles and rights at work.

**Mr Dubey**  
Employer, India

Employers have repeatedly stressed that in developing countries with a large informal economy, excessive regulation limits workers' entry into the formal economy because of the burden that it places on the ability of the large majority of companies, which are mostly micro-, small and medium-sized enterprises, to create employment and bring people out of the informal sector. Employers have long said that what is important is smart regulation and not over-regulation. Furthermore, skills development and capacity building are essential for the development and evolution of many countries into knowledge-based economies.

I would like to stress again a point made by the Vice-Chairperson of the Employers' group, that the 1998 Declaration on Fundamental Principles and Rights at Work has been a huge success and is very visible outside traditional ILO circles. It is embedded in a number of other core international instruments, such as the United Nations (UN) *Guiding Principles on Business and Human Rights*, the Organisation for Economic Co-operation and Development (OECD) *Guidelines for Multinational Enterprises* and the UN Global Compact. This helps to broaden its update beyond the scope of the ILO. Therefore, efforts that seek to expand the focus beyond the four existing categories of rights put the whole Declaration at risk.

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One of the challenges of the Sustainable Development Goals (SDGs) is that while they help give greater visibility to human and labour rights, they are primarily addressed to governments. Moreover, there is a major challenge, given the many targets, in translating their applicability to the private sector. Importantly, the SDGs clearly recognize, in paragraphs 67 and 68 of UN General Assembly resolution 70/1 of 25 September 2015 whereby they were formally adopted, that “private business activity, investment and innovation are major drivers of productivity, inclusive growth and job creation” and that “international trade is an engine for inclusive economic growth and poverty reduction and contributes to the promotion of sustainable development”.

Next year’s 20th anniversary of the Declaration is an important milestone that should be used to galvanize concerted action by the Office, Members of the Organization, constituents and other actors for the coming 20 years, in line with other initiatives such as the 2030 Agenda for Sustainable Development. The ILO should seize on the 20th anniversary as a golden opportunity to renew its commitment to this extremely valuable instrument.

I am sure that the Chairperson will have the support of Employers as fellow travellers in this journey ahead.

**Mr Mahamadou**  
Worker, Niger  
(*Original French*)

I am honoured to be able to address the 106th Session of the International Labour Conference, which is being held on the theme of “Building a future with decent work”, and particularly with respect to the work of the Committee for Fundamental Principles and Rights at Work, in which I participated both as a titular member and as member of the Drafting Group of that Committee.

Long days and nights were spent for a whole week in frank discussions between Worker, Employer and Government representatives. It was in that intrinsically tripartite context that I was able to fully appreciate the blossoming of the virtues of truly constructive social dialogue in the room, in an atmosphere of order, discipline and mutual respect.

The resolution and the conclusions that we reached are the fruit of this tranquil setting for a debate that was, however, very heated at times, and of a hard-won consensus on questions that were both complex and complicated, including the conclusion on the coherence between the supervision of standards and technical cooperation, which states that “[t]he ILO should play a more affirmative role in promoting FPRW through DWCPs, technical cooperation, capacity building, research and resource allocation”.

To date, my country has ratified all the fundamental labour Conventions, as well as the Protocol of 2014 to the Forced Labour Convention, 1930. Traditional slavery was established as a criminal offence by a decree adopted in 2010. All of these achievements arise from the political will of the authorities of my country, which have put in place all the structures for social dialogue: the National Commission for Social Dialogue, the National Labour Council, and the governing bodies of the National Social Security Fund and the National Employment Promotion Agency.

I hope that all countries will ratify the fundamental Conventions of the ILO, so that celebration of the centenary can coincide with full coverage of the fundamental standards throughout the world.

I commend the effectiveness of our Workers’, Employers’ and Government delegates and the efficiency of our President, who was more than able to carry out the task entrusted to him.



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In conclusion, I express the ardent wish to see the conclusions and resolution to be adopted today translated into practice, for the well-being of the world of work in general and the workers of the world in particular.

**Ms Mackintosh**

Worker, New Zealand

In my country earlier this year, I met a working woman who, in the past, has had to spend Christmas with no food on the table because of low pay and insecure work. She is a care worker who is about to receive a living wage for the first time in her life, thanks to an equal pay agreement made possible only after a campaign led by unions and women's groups to highlight the fact that care workers' low pay was a matter of injustice and gender discrimination.

The unions won that victory in the Supreme Court, which ruled that care work had been systematically underpaid because it was mainly done by women. When the Court came to consider the correct pay rates for care work, the Government stepped in and offered to negotiate. That negotiation became a tripartite deal, which the unions succeeded in extending to home support and disability support workers; the employers were involved, and the Government agreed to fund the new, substantially higher, pay rate. The deal affects more than 50,000 mostly women workers who will receive increases of up to 49 per cent over three years.

Women and men all over my country are attending meetings to ratify the deal, and are often in tears when they contemplate the difference a living wage will make to their families' lives.

The settlement has come 45 years after equal pay was guaranteed in law, and it is a settlement that goes against the fastest-rising tide of inequality in member countries of the Organisation for Economic Co-operation and Development.

In a parallel process, while the pay deal was being settled, a tripartite working group agreed on principles for resolving future equal pay cases, so that gender-based low pay can be rectified in the future without long, drawn-out litigation. The New Zealand Government has severely weakened these principles at the point of giving them legislative effect, so we have a long way to go.

This is the context in which we in the New Zealand union movement welcome the conclusions of the recurrent discussion on fundamental principles and rights at work.

When the rights under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), of freedom of association and collective bargaining are fully realized, the effect on all the other fundamental rights will make New Zealand's equal pay settlement the rule, rather than the exception, not just in my country but everywhere.

The ILO will now urgently step up its campaign to redress the imbalance whereby those two Conventions are the least ratified of all. The ILO will also advance its work on all forms of discrimination, including age, ethnicity, gender, sexual orientation and gender identity, so that we can eradicate the barriers to the realization of fundamental principles and rights at work, in line with the diverse realities of all working people.

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**Ms Calvario Casarrubias**

Government, Mexico

*(Original Spanish)*

The Government of Mexico greatly appreciates the hard work done by all in the Committee for Fundamental Principles and Rights at Work. We would especially like to thank the Chair for his leadership and guidance of the Committee's work and the International Labour Office for the experience and additional knowledge it shared with us to facilitate exchanges between members of the Committee.

This second recurrent discussion on fundamental principles and rights at work has shown the value of tripartism and social dialogue, the guiding principles of this house.

The outcome of this Committee is especially relevant in view of the challenges posed by the future of work; it provides us with a template for continuing the task of promoting and consolidating full respect for fundamental principles and rights at work.

Mexico welcomes the framework for action for the effective and universal respect, promotion and realization of fundamental principles and rights at work, 2017–23.

We acknowledge the adoption of the resolution giving effect to the framework and trust that it will be fully implemented in the coming years.

**Ms Hughes**

Government, Australia

We wish to congratulate the Office and our Government, Worker and Employer colleagues on reaching consensus on what we consider to be constructive and valuable conclusions on the recurrent discussion on fundamental principles and rights at work.

We can all agree on the value of these recurrent discussions as part of the important dialogue which follows on from the 1998 ILO Declaration on Fundamental Principles and Rights at Work.

Over the past two years the discussions in the Committee have been at times a little contentious but always passionate, on issues that illustrate the wide-ranging and multifaceted nature of fundamental principles and rights at work.

Australia wishes to express its satisfaction with the resolution and conclusions resulting from this second recurrent discussion. They are balanced, action-oriented and provide the ILO and member States with clear guidance on how they can mutually advance these objectives.

Importantly, as the Committee was keen to emphasize during its discussions, the conclusions reflect an understanding of the diverse realities within which member States operate as they devise policies and deliver programmes to improve the working lives of their people.

Australia reaffirms its commitment to the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization. We will continue to support the ILO in this important work.

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**Mr Dounama**  
Government, Niger  
(Original French)

The delegation of the Niger would like to take this opportunity to congratulate the Chairperson of the Committee for Fundamental Principles and Rights at Work on the intelligent and skilful manner in which he has steered our work and, also, to commend the secretariat for the quality of the report that it produced, which reflects accurately the tenor of the discussions held by the Committee. The discussions addressed progress made and best practices, obstacles to the implementation of fundamental principles and rights at work and, also, policy coherence.

The discussions were, at times, heated. Some have referred to this, but that did not stop the Committee from achieving the goals set for it. For all these reasons, we consider that the goals were fully achieved. We are in favour of the proposed resolution and support its adoption and the adoption of the report by the plenary so that member States can continue to be supported in their efforts.

**Mr Kathan**  
Worker, Sri Lanka

As a Worker delegate to the Committee for the Fundamental Principles and Rights at Work, I should like to congratulate the Vice-Chairpersons and Chairperson of the Committee for their sustained effort to arrive at a point where we could safely say that the ILO would implement the framework for action that has been developed. Sri Lanka has ratified the eight core Conventions and been a strong supporter of the ILO's strategic objectives, and this second recurrent discussion has made many recommendations on items 11 and 12. I am confident that the ILO and its Regional Office in Sri Lanka will take follow-up action to benefit workers in the country and throughout the world.

**The President**  
(Original Spanish)

I propose that the Conference move to the approval of the report of the Committee for Fundamental Principles and Rights at Work. First of all, the proceedings of the Committee contained in *Provisional Record* No. 11-2, paragraphs 1–391 and its appendix, which contain any corrections submitted.

If there are no objections, may I take it that the Conference approves the report of the Committee for Fundamental Principles and Rights at Work?

*(The report – paragraphs 1–391 and its appendix – is approved.)*

## **Conclusions on the second recurrent discussion of fundamental principles and rights at work: Adoption**

**The President**  
(Original Spanish)

Now without further ado, let us move to the adoption, section by section, of the conclusions on the recurrent discussion of fundamental principles and rights at work, published in *Provisional Record* No. 11-1.

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If there are no objections, may I take it that the Conference adopts the conclusions – the introductory paragraph and paragraphs 1–12 – section by section?

*(The proposed conclusions – the introductory paragraph and paragraphs 1–12 – are adopted section by section.)*

If there are no objections, may I take it that the Conference adopts the conclusions on the second recurrent discussion of fundamental principles and rights at work as a whole?

*(The proposed conclusions are adopted as a whole.)*

## **Resolution concerning the second recurrent discussion on fundamental principles and rights at work: Adoption**

**The President**  
*(Original Spanish)*

Now let us move to the adoption of the proposed Committee resolution concerning the second recurrent discussion on fundamental principles and rights at work contained in *Provisional Record* No. 11-1.

If there are no objections, may I take it that the resolution is adopted?

*(The resolution is adopted.)*

I thank the members of the Committee and the secretariat for the efforts made in drawing up the report, the conclusions and the resolution. The working atmosphere was extremely positive in the Committee, and the delegates from the three groups showed genuine interest in trying to achieve tripartite consensus on this very important issue for the future of work.

*(The Conference adjourned at 6.20 p.m.)*