

## Governing Body

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Institutional Section

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### SECOND ITEM ON THE AGENDA

## Agenda of the International Labour Conference

### Agenda of future sessions (2020 and beyond) of the Conference

#### Purpose of the document

To initiate consideration of proposals for the Conference agenda for 2020 and beyond, including the strategic approach to be followed (see the draft decision in paragraph 32).

**Relevant strategic objective:** All four strategic objectives.

**Main relevant outcome/cross-cutting policy driver:** Enabling outcome B: Effective and efficient governance of the Organization.

**Policy implications:** Implications for the Conference agenda for 2020 and beyond.

**Legal implications:** Those arising from the application of the Standing Orders of the Conference and Standing Orders of the Governing Body.

**Financial implications:** Those arising from the placing of items on the Conference agenda and from any preparatory meetings proposed that might be approved by the Governing Body.

**Follow-up action required:** Any implications relating to follow-up will be submitted to the Governing Body for consideration at its 337th Session (October–November 2019).

**Author unit:** Departments in the Policy Portfolio and in the Field Operations and Partnerships Portfolio.

**Related documents:** GB.332/PV; GB.332/INS/2; GB.334/INS/PV; GB.334/INS/2/1.



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## Introduction

1. This document provides initial proposals for the Conference agenda for 2020 and beyond, following a summary of the Conference agenda-setting process. It concludes with an updated proposal of a procedural road map.
2. Details of the agenda of the Centenary Session of the Conference (2019) in relation to the arrangements for that session are proposed in a separate document before the Governing Body.<sup>1</sup>

### A. Overview of the Conference agenda-setting process

3. The applicable rules concerning the agenda of the Conference are set out in the Constitution of the International Labour Organisation, the Standing Orders of the International Labour Conference and the Standing Orders of the Governing Body.<sup>2</sup> The agenda of the Conference consists of standing and technical items.
4. The following standing items are required to be included by the Governing Body in the Conference agenda each year:
  - reports of the Chairperson of the Governing Body and of the Director-General;
  - financial and budgetary questions; and
  - information and reports on the application of Conventions and Recommendations.
5. In accordance with established practice, the Conference agenda includes three technical items (each requiring a technical committee at the Conference), generally with a view to standard setting, a general discussion or a recurrent discussion.<sup>3</sup> Other items which may be included by the Governing Body are items which can usually be dealt with in a plenary sitting, by the Selection Committee or by other technical committees holding a limited number of sittings.<sup>4</sup> For standard-setting items, while a double discussion remains the norm, the Governing Body may decide to hold a single discussion. Proposals to place an item on the Conference agenda are considered at two successive sessions of the Governing Body unless there is unanimous consent to place a proposed item on the agenda when discussed for the first time by the Governing Body.<sup>5</sup>

<sup>1</sup> GB.335/INS/2/2.

<sup>2</sup> See [Constitution, articles 14\(1\) and 16\(3\)](#); [Standing Orders of the Conference](#), articles 7, 7 bis, 8 and 12; [Standing Orders of the Governing Body](#), sections 5 and 6.2.

<sup>3</sup> See paras 4–7 below.

<sup>4</sup> See Appendix II for an overview of the selection of technical items for the Conference agenda (2010–23). See [GB.328/PV](#), para. 16 (Workers' group).

<sup>5</sup> See para. 5.1.1 of the [Standing Orders of the Governing Body](#).

6. At its 328th Session (October–November 2016), the Governing Body adopted a five-year cycle of recurrent discussions of the four strategic objectives under the ILO Declaration on Social Justice for a Fair Globalization with the following sequence: social dialogue and tripartism in 2018; social protection (social security) in 2020; employment policy in 2021; social protection (labour protection) in 2022 and fundamental principles and rights at work in 2023.<sup>6</sup> In addition, the Governing Body provided guidance on a framework for recurrent discussions to ensure that they fully achieve their specific purpose under the Social Justice Declaration.<sup>7</sup>

### **The strategic and coherent approach (2014–19)**

7. At its 322nd Session (October–November 2014), the Governing Body approved the concept of a strategic and coherent approach to the setting of the Conference agenda for the 106th (2017), 107th (2018) and 108th (2019) Sessions of the Conference. The intention was to respond to constituents' comments on the setting of the Conference agenda and the role of the Conference as the ILO supreme policy organ. The approach was based on two main elements: (i) a strategic focus in the setting of the Conference agenda, using the momentum created by the commemoration of the ILO Centenary to place emphasis on institutional coherence and flexibility; and (ii) full tripartite engagement in the agenda-setting process.<sup>8</sup>
8. The Governing Body has selected the technical items for the 2017, 2018 and 2019 sessions on the basis of this approach. It has kept under review the coordination between the outcomes of previous discussions at the Conference and the consideration of proposals for future sessions. It has made linkages between the setting of the Conference agenda and other institutional processes and discussions such as the follow-up to the Centenary Initiatives, or the strategic plan. Further, the Governing Body has taken steps to ensure that the agenda of the Conference reflects the ILO's actions to ensure that it has a robust and up-to-date body of labour standards serving as a global framework for the world of work. Thus, the review by the Standards Review Mechanism Tripartite Working Group (SRM TWG) of the ILO body of standards, together with the implementation of article 19, paragraph 9, of the Constitution concerning the procedure of abrogation of obsolete Conventions in force, continue to inform the Conference agenda.
9. The establishment of appropriate and effective linkages between recurrent discussions and the topics of the General Surveys prepared by the Committee of Experts on the Application of Conventions and Recommendations on the basis of reports requested under article 19 of the Constitution provides a further element of a strategic and coherent approach for strengthening the body of international labour standards, as envisaged by the 2016 resolution on Advancing Social Justice through Decent Work.<sup>9</sup> The practice now taking hold is to select the topic in time for the ensuing General Survey to be discussed at the Conference session preceding the session at which the Conference discusses the related recurrent item.

<sup>6</sup> See para. 17 below.

<sup>7</sup> See [GB.328/INS/5/2](#) and [GB.328/PV](#), para. 102.

<sup>8</sup> See [GB.322/PV](#), para. 17, and [GB.322/INS/2](#), paras 11–19. The strategic and coherent approach was acknowledged in the context of the work of the Working Party on the Functioning of the Governing Body and the Conference; see [GB.322/INS/12\(Rev.\)](#), para. 4.1.

<sup>9</sup> 2016 [resolution on Advancing Social Justice through Decent Work](#), para. 15.1.

10. A procedural road map for the implementation of the strategic and coherent approach up to 2019, regularly updated by the Office, has been provided to the Governing Body at each of its sessions to improve the transparency and inclusiveness of the process.<sup>10</sup>

## **B. Decisions taken by the Governing Body at its 334th Session (October–November 2018)**

11. The Governing Body decided to place a standard-setting item (first discussion) on apprenticeships on the agenda of the 110th Session of the Conference (2021).
12. The Governing Body also decided to place a general discussion item on inequality and the world of work on the agenda of the 109th Session of the Conference (2020).
13. Following up on recommendations of the SRM TWG, the Governing Body decided to place an item on the withdrawal of Recommendation No. 20 on the agenda of the 111th Session of the Conference (2022) as well as an item on the abrogation of Conventions Nos 45, 62, 63 and 85 on the agenda of the 113th Session of the Conference (2024).
14. Similarly, following up on recommendations of the Special Tripartite Committee of the Maritime Labour Convention, 2006, the Governing Body also included an item on the abrogation of Conventions Nos 8, 9, 16, 53, 73, 74, 91 and 145 and the withdrawal of Conventions Nos 7, 54, 57, 72, 76, 93, 109, 179 and 180 as well as of Recommendations Nos 27, 49, 107, 137, 139, 153, 154, 174, 186 and 187 on the agenda of the 109th Session of the Conference (2020).
15. The Governing Body further decided to place at least one further technical item on the agenda of the 109th Session of the Conference (2020) by its 335th Session (March 2019). However, in anticipation of the substantive discussions anticipated at the Centenary Session, the Governing Body may wish to consider deferring that decision until its 337th Session (October–November 2019).
16. The Governing Body has begun its consideration of the agenda of the sessions beyond 2019, by placing recurrent discussions on the agenda of the sessions up to 2023. It further provided guidance in relation to the setting of the Conference agenda beyond 2020 both as regards the strategic approach and the subjects under consideration, in particular as to the 110th Session of the Conference (2021).

## **C. Agenda of the Conference beyond 2019**

### **Consolidating a strategic approach**

17. Initial elements were sketched out for the consideration of the Governing Body in November 2016.<sup>11</sup> Several constituents expressed their support for the coherent and strategic approach

<sup>10</sup> See [GB.328/INS/3](#), paras 7–15, for more detailed elements on the implementation of the strategic and coherent approach. An updated road map up to 2020 is presented in Appendix III.

<sup>11</sup> See [GB.328/INS/3](#), paras 38 and 39.

to setting the agenda, with support for its continuation after 2019.<sup>12</sup> In pursuing its examination of a strategic approach beyond 2019, the Governing Body may wish to take the following considerations into account.

18. Two of the initial elements identified in November 2016 have been integrated by the Governing Body into its decision-making process on the Conference agenda: (i) the follow-up to recommendations made by the SRM TWG and approved by the Governing Body;<sup>13</sup> and (ii) ways in which the work of the ILO's governance structure might contribute to the follow-up and review activities at the United Nations High-Level Political Forum on Sustainable Development (HLPF) in the context of the 2030 Agenda.<sup>14</sup>
19. The general elements of the strategic and coherent approach, such as the need to ensure institutional coherence, a balance between the adequate time for preparation and adequate flexibility, and full tripartite engagement ensured through transparency and inclusiveness, continue to remain valid.<sup>15</sup> In line with the Social Justice Declaration and the 2016 resolution on Advancing Social Justice through Decent Work, recurrent discussions would remain a key driver of the streamlining of the Conference agenda, also to ensure regulatory gaps are closed in a timely manner.
20. Further elements have been envisaged. While some constituent groups considered in the course of recent discussions that the outcomes of Regional Meetings could contribute to the standard-setting process, other groups have found them less appropriate for informing the agenda-setting process for the Conference, given the narrow, regional dimension of the discussions.<sup>16</sup> Further guidance as to how outcomes of sectoral and other technical meetings could inform the ILC agenda-setting process may be forthcoming as the Governing Body progresses in its discussion of the possible review of formats and standing orders for these

<sup>12</sup> See [GB.328/PV](#), [GB.329/PV](#), [GB.331/PV](#), [GB.332/PV](#) and [GB.334/INS/PV](#).

<sup>13</sup> In addition to the recommendations of the SRM TWG concerning the abrogation of Conventions which have led the Governing Body to place a corresponding item on the agenda, the Governing Body requested the Office to prepare a proposal for a possible standard-setting item on apprenticeships, on the basis of the regulatory gap identified by the SRM TWG for consideration at its 329th Session (March 2017). See Appendix I, section 1(B); [GB.328/PV](#) paras 16 (Workers' group), 22 (Republic of Korea). In examining the report of the second meeting of the SRM TWG, the Governing Body also noted the decision of the SRM TWG to follow up on the regulatory gap on the topic of shift work in its later discussion, at a date to be decided on working-time instruments; [GB.328/PV](#), para. 581(d).

<sup>14</sup> In line with the 2016 [resolution on Advancing Social Justice through Decent Work](#) (see subpara. 15.2(c)(vii)) the Governing Body took its decision on the five-year cycle of recurrent discussions and their sequence taking into account the themes and selected SDGs to be reviewed at the HLPF. See [GB.328/INS/5/2](#), paras 6, 10 and 18; see also [GB.328/PV](#), paras 84 (Employers' group), 86 (Workers' group), 91 (ASPAG), 93 (IMEC). The Governing Body also decided to make use of its 2017, 2018 and 2019 March sessions as a platform for tripartite discussion of the ILO contribution to the HLPF annual review (para. 130(a)).

<sup>15</sup> See [GB.329/INS/2](#), para. 21.

<sup>16</sup> See [GB.331/PV](#), para. 16 and [GB.332/PV](#), para. 11. In November 2016, members of the Working Party on the Functioning of the Governing Body and the International Labour Conference "felt that care should be taken to ensure that Regional Meetings promoted the strategic objectives of the ILO and that there should be closer linkages to the other governing organs of the Organization, the Conference and the Governing Body" ([GB.328/INS/16](#), para. 10; [GB.328/WP/GBC/2](#), paras 13–16; [GB.326/POL/5](#)).



meetings.<sup>17</sup> Valuable lessons may be drawn from the standard-setting discussion on violence and harassment at work at the most recent session of the Conference to inform ways the Conference can optimize its function as regards standard-setting in the context of a two-week session.<sup>18</sup> This would be consistent with the call under the Social Justice Declaration that the ILO make the best use of its unique advantage of the tripartite structure and standards system.<sup>19</sup> Additionally, the Governing Body may wish to continue its discussion on the possible impact of the SRM TWG's recommendations on the agenda of the Conference, noting the SRM TWG's ongoing discussion of how to ensure its recommendations are followed up as an institutional priority and how to ensure coherence and consistency in the standard-setting follow-up to its recommendations on occupational safety and health (OSH).<sup>20</sup>

### Subjects under consideration for possible inclusion in future sessions

21. In November 2018, the Governing Body continued to examine seven subjects for inclusion on the agenda of future sessions.<sup>21</sup> It decided to include two out of three items that had been identified as ripe for future inclusion on the agenda of the Conference at the next available slot: an item on inequality and the world of work (general discussion) on the agenda of 2020; and a standard-setting item on apprenticeships (double discussion) on the agenda of 2021.
22. It may be recalled that the agenda of the 109th Session (2020) currently includes a recurrent discussion on social protection (social security) as well as the above-mentioned general discussion on inequality and the world of work. The 334th Session (October–November 2018) of the Governing Body has created an expectation that the Governing Body complete the agenda of the Conference session with one further technical item. However, many constituents expressed the view in the course of the discussion that this last slot should be reserved for a follow-up item to the Centenary Session, suggesting that a final decision could be taken by the Governing Body at its 337th Session in October–November 2019.<sup>22</sup>
23. In respect of the third item of *A just transition of the world of work towards environmentally sustainable economies and societies for all (standard setting)*<sup>23</sup>, the guidance provided suggested evolving support for a Conference agenda item without producing a clear

<sup>17</sup> Earlier discussions in the Working Party that proposals for Conference agenda items should come in particular from the outcomes of ILO tripartite meetings or other meetings (regional, sectoral, meetings of experts) (see [GB.319/WP/GBC/1](#), para. 15).

<sup>18</sup> In November 2016, different views were expressed as regards the possibility of including two standard-setting items on the agenda of the Conference ([GB.328/PV](#), paras 16 (Workers' group), 18 (ASPAG), 21 (India), 23 (Brazil)).

<sup>19</sup> 2016 [resolution on Advancing Social Justice through Decent Work](#), para. 15.

<sup>20</sup> See [GB.331/LILS/2](#), Appendix, para. 7.

<sup>21</sup> See [GB.329/INS/2](#), paras 23–27.

<sup>22</sup> As already underlined, the Governing Body could give consideration to the possibility that the 2019 Centenary session might itself adopt conclusions that impact on the setting of the Conference agenda for subsequent sessions; [GB.328/INS/3](#), para. 39(d).

<sup>23</sup> See Appendix I, para. 3, for the views expressed at the 328th Session (October–November 2016) of the Governing Body.

consensus as to whether the item should directly aim at standard-setting or be the subject of a general discussion first (see Appendix I).<sup>24</sup> During the November 2018 discussion, some constituent groups suggested that just transition could be a general discussion item first and perhaps be examined by the SRM TWG with a view to identifying potential regulatory gaps.<sup>25</sup> In the light of the foregoing considerations, one option is to wait for the Conference to express itself at its Centenary Session on the relative importance of climate change for the future of work and the urgency of the action which the Organization should take as a result, and defer a decision on the final technical item for the 2020 Conference agenda to the Governing Body's 337th Session (October–November 2019).

24. Turning to the 110th Session (2021) of the Conference, the agenda currently includes a recurrent discussion on employment policy and a standard-setting item on apprenticeships (double discussion). It is worth bearing in mind that a decision to include another new standard-setting item (double discussion) for 2021 should be decided no later than the present Governing Body session if the regular timeline for the preparatory stages of a standard-setting process provided for in the Standing Orders of the International Labour Conference are to be observed.<sup>26</sup>
25. In relation to the four subject matters that required further work and/or discussion before being considered for possible inclusion on the agenda of the Conference, an update of the follow-up is provided in Appendix I. During the November 2018 discussion, constituents expressed a significant diversity of opinion in respect of these four subject matters.<sup>27</sup> In the context of the item on non-standard forms of employment, some Government members proposed to prioritize global policy solutions, analysis of working conditions and guidance on measures to ensure decent work in the platform economy.<sup>28</sup> This proposal echoed a call for action expressed in the resolution of the Recurrent Discussion on Social Dialogue

<sup>24</sup> It may be recalled that in November 2016, some constituents proposed the item for inclusion on the agenda of the 2018 session of the Conference, and endorsed the item again in November 2017 and March 2018. During the November 2017 and March 2018 discussions, the item was not supported by other constituent groups. See [GB.331/PV](#).

<sup>25</sup> See [GB.334/INS/PV](#).

<sup>26</sup> See Appendix I to assist in determining a possible timing for the selection of the proposed items currently before the Governing Body. The inclusion of a standard-setting item should occur preferably in the upcoming March 2019 Governing Body (for the 2021 session) or in March 2020 (for the 2022 session). The inclusion of items with a view to a general discussion could occur at the latest in March 2019 (for the 2020 session) or March 2020 (for the 2021 session). In response to questions raised in the November 2017 discussion, it may be noted that these deadlines are due to the fact that, under the ILC Standing Orders, for standard-setting items the Office needs to send, not less than 18 months before the opening of the Conference, a report on law and practice and a questionnaire to member States. Thus, in principle, for the June 2021 ILC, a report needs to be sent no later than the end of October 2019 (18 months before) – hence it needs to be decided at the upcoming March 2019 Governing Body (allowing for time to prepare these documents). However, exceptionally, a programme of reduced intervals can be approved by the Governing Body upon proposal by the Officers. General discussions are not subject to the same requirements – the ILC Standing Orders provide that when a question has been placed on the agenda for general discussion, the Office shall communicate a report upon the question to the governments, so as to reach them not less than two months before the opening of the Conference. In this regard, time is needed to prepare the report, it thus being highly advisable to have a decision taken by the Governing Body at the latest in March of the preceding year.

<sup>27</sup> See [GB.334/INS/PV](#).

<sup>28</sup> *ibid.*

adopted by the 107th Session of the Conference (2018).<sup>29</sup> The Office will continue to provide regularly updated reports to future sessions of the Governing Body until such time as the subject matters are considered ripe for inclusion on the agenda of the Conference. The four subjects are:<sup>30</sup>

- resolution of individual labour disputes;
- non-standard forms of employment;
- decent work in the world of sport; and
- independence and protection in public service (fight against corruption).

26. In March 2018, the Office indicated that it expected to be in a position to move forward proposals for standard-setting items on OSH in October 2018, following the SRM TWG's fourth meeting that was held from 17 to 21 September 2018.<sup>31</sup>
27. At its 334th Session in October–November 2018, the Governing Body approved the recommendations adopted by the SRM TWG at its fourth meeting concerning eleven instruments on OSH (specific branches of activity), labour statistics and labour inspection.<sup>32</sup> Taken together with its work during its third meeting in September 2017,<sup>33</sup> the SRM TWG has now completed its review of all the instruments in its initial programme of work that concern OSH, labour statistics and labour inspection.
28. The Governing Body called upon the Organization and its tripartite constituents to take appropriate measures to follow up on the SRM TWG's recommendations relating to standard setting.<sup>34</sup> While noting that in the course of its review in 2018 it did not identify any regulatory gaps in coverage requiring standard-setting action, the SRM TWG agreed that its recommendations involving possible standard-setting action from past years, as well as any resulting from future reviews, were a crucial part of its work to fulfil its mandate and trusted that the Governing Body would take this into account when selecting standard-setting items to place on the agenda of the Conference.<sup>35</sup> This relates to requests made by the Governing Body to the Office to prepare, for consideration for inclusion at the earliest dates possible in future agendas of the International Labour Conference, proposals for four possible standard-setting items on OSH, concerning biological hazards; ergonomics; the consolidation of the instruments concerning chemical hazards; and the revision of the instruments concerning guarding of machinery.<sup>36</sup>

<sup>29</sup> See [Resolution concerning the second recurrent discussion on social dialogue and tripartism](#), 107th Session of the International Labour Conference, May–June 2018, para. 6(e).

<sup>30</sup> See [GB.328/PV](#), paras 17 (Workers' group), 19 (Africa group), 20 (IMEC).

<sup>31</sup> [GB.332/INS/2](#), paras 12–15, 27.

<sup>32</sup> [GB.334/LILS/3](#), para. 5.

<sup>33</sup> [GB.331/LILS/2](#).

<sup>34</sup> [GB.334/LILS/3](#), para. 5(c).

<sup>35</sup> *ibid.*, appendix (report of the SRM TWG), para. 7.

<sup>36</sup> [GB.331/LILS/2](#), para. 5(f).

29. At the same meeting in September 2018, the SRM TWG discussed options for how to ensure its recommendations are followed up as an institutional priority and how to ensure coherence and consistency in the standard-setting follow-up to its recommendations on OSH, stressing that this was the beginning of a longer discussion that would have a considerable impact on ILO standards policy.<sup>37</sup> Given that this discussion directly and intrinsically impacts on the preparation of proposals for standard-setting in the area of OSH – and recognizing the ongoing nature of the SRM TWG’s discussions – the Office will not be in a position to move forward the four proposals for standard-setting items on OSH until the SRM TWG’s discussion of the standard-setting follow-up to its recommendations on OSH has advanced. The Governing Body will be kept informed of the SRM TWG’s discussions in this regard.
30. It seems pertinent to recall that the mandate given to the Organization to ensure that it has a clear, robust and up-to-date body of international labour standards that respond to the changing patterns of the world of work, also implies it must stand ready to provide a credible and robust response to new issues demanding regulation in the world of work through standard setting and supervision. It is by giving high normative priority to the key challenges of transformational change at work that the ILO will secure its relevance in the multilateral system.

## D. Procedural road map

31. The updated proposal for the procedural road map is as follows:
- 337th Session (October–November 2019): The Governing Body would assess the implications for the setting of the Conference agenda in light of the outcome of the discussions at the Centenary Session (2019) of the Conference, and taking into account the general discussion on effective development cooperation and the recurrent discussion on social dialogue and tripartism under the current five-year cycle. In that light the Governing Body would take a decision, deferred from the 335th Session, on one technical item to complete the agenda of the 2020 Conference agenda, as well as one technical item to complete the agenda of the 2021 Conference agenda particularly if the choice for the latter would be a standard-setting item.
  - 338th Session (March 2020) and beyond: The Governing Body would continue to provide guidance on the agenda of the Conference within the strategic approach. The Governing Body would take a decision on a technical item for the 2022 Conference agenda if it chooses a standard-setting item to be governed by the normal double-discussion adoption procedure.

## Draft decision

32. *The Governing Body adopted the road map outlined in paragraph 31 of document GB.335/INS/2/1 and requested the Director-General to take into account the guidance provided in preparing the paper for the 337th Session (October–November 2019) of the Governing Body.*

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<sup>37</sup> GB.334/LILS/3, para. 35.

## Appendix I. Items for the agenda of future Conferences

### 1. One possible item for the agenda of future sessions of the Conference

#### ***A just transition of the world of work towards environmentally sustainable economies and societies for all (standard setting, double discussion)***

Source, nature and context of the possible item <sup>1</sup>

1. This proposal originates from a suggestion made by the Workers' group and presented to the Governing Body at its 316th Session (November 2012), with the indication that it should be considered further in light of the outcome of the general discussion on sustainable development, decent work and green jobs at the 102nd Session of the Conference in 2013. The Conference discussion resulted in the adoption of *Conclusions concerning achieving decent work, green jobs and sustainable development*. With regard to international labour standards, the conclusions included a proposal to convene a meeting of experts to give further guidance on issues related to the greening of economies, green jobs and a just transition for all. <sup>2</sup> At its March and June 2014 sessions, the Governing Body mandated a meeting of experts to adopt in particular draft guidelines. The Meeting of Experts took place in October 2015 and unanimously adopted *Guidelines for a just transition towards environmentally sustainable economies and societies for all*. At its 325th Session (October–November 2015), the Governing Body requested the Director-General to use the Guidelines as a basis for activities and outreach. <sup>3</sup>
2. This proposal is made for a discussion on the transition of the world of work towards environmentally sustainable economies and societies for all. The Workers' group has expressed support for a standard-setting process during the experts' meeting and before the Governing Body in November 2015. In particular, the Worker spokesperson stated that the group "had been calling for the development of an instrument on a just transition with a view to sustainable development and viewed the Guidelines as a first step towards such a standard". Several groups also referred to different aspects of the just transition. <sup>4</sup>
3. At the 328th Session of the Governing Body (October–November 2016), the proposal was supported for inclusion to the agenda of the 107th Session (2018) by the Workers' group and

<sup>1</sup> For the previous discussion in the context of the agenda of the Conference, please see [GB.316/INS/4](#), paras 88–90; see also [GB.316/PV\(&Corr.\)](#), paras 12 (Employers' group), 18 (Workers' group), 23 (Africa group), 31 (United Kingdom); [GB.319/INS/2](#), Appendix VIII, paras 6–9; [GB.319/PV](#), para 7 (Workers' group), 11 (Denmark on behalf of the Netherlands, Switzerland and the Nordic countries, Iceland, Finland, Sweden and Denmark), 18 (China), 19 (Canada) and 29 (Brazil).

<sup>2</sup> See *Conclusions concerning achieving decent work, green jobs and sustainable development*, paras 19(d) and 24.

<sup>3</sup> See [GB.325/PV](#), para. 494(b).

<sup>4</sup> See [GB.326/POL/INF/1](#), para. 267; [GB.325/POL/3](#); [GB.325/PV](#), paras 472–494; see in particular paras 472 (Workers' group) and 473 (Employers' group).

the Africa group.<sup>5</sup> The Employers' group and IMEC saw no value in developing a Convention or a Recommendation as the ILO had adopted the Guidelines to address the matter.<sup>6</sup> Other governments considered that it would be preferable not to include a second standard-setting item on the agenda of the 2018 session.<sup>7</sup> The Workers' group subsequently supported the decision to include the item on effective development cooperation on the agenda of the 107th Session on the condition that the proposal on a just transition remained under discussion for the agenda of future Conference sessions.

#### Constituents' needs and realities in light of the ILO strategic objectives

4. The report prepared for the 2013 general discussion by the Conference stressed that the damage to economies and to society caused by environmental degradation has the potential to undo many of the gains in development and poverty reduction. Communities and groups including indigenous and tribal peoples, which are already vulnerable to discrimination and exclusion, and sectors such as agriculture, forestry and fisheries, which employ well over 1 billion people, are the most threatened by climate change. Developing countries are hit the hardest in sectors essential for economic growth and employment.<sup>8</sup> In the absence of adequate guidance to address the implications of climate change on enterprises, workers and communities and respond to the needs of the world of work, social justice could be compromised with serious risks of widening inequalities. On the other hand, a well-managed transition guided by appropriate labour standards fully taking into consideration the imperative of decent work, could create many new decent jobs, protect workers and enterprises and enable social dialogue while providing remedies for those affected by changes.
5. The Paris Agreement, which highlights the imperative of a just transition and the creation of decent work, recognizes "a just transition" and employment as essential parameters of the global response to climate change. However, a policy and guiding framework responding effectively and comprehensively to the needs and realities of the world of work will not emanate from the governance structures in the climate change regime. It must originate from the ILO as the only tripartite United Nations agency mandated to provide appropriate guidance to promote sustainable development, productive employment and decent work for all women and men.
6. In the context of UN reform a growing number of UN Development Assistance Frameworks (UNDAFs) and related policy frameworks are integrating an environmental dimension, based on climate change agreements and obligations that countries have entered into. A similar framework on social dimensions linked to environmental policies would ensure that the ILO and member States have appropriate guidance to enact employment and social policies to reflect adequately decent work dimensions.

<sup>5</sup> See [GB.328/PV](#), paras 16 and 19.

<sup>6</sup> *ibid.*, paras 15 and 20.

<sup>7</sup> *ibid.*, paras 20 (ASPAG), 21 (India) and 23 (Brazil).

<sup>8</sup> See the statement made by the Government representative from Bangladesh at the 326th Session (March 2016) of the Governing Body: "climate change hindered labour mobility and access to employment, and such challenges required specific interventions" ([GB.326/PV](#), para. 318).

Implementation of the strategic and coherent approach  
and added value of a standard-setting discussion by  
the International Labour Conference

7. The 2016 Conference resolution on Advancing Social Justice through Decent Work notes the rapidity of environmental changes as one of the drivers of change in the world of work.<sup>9</sup> The 2018 World Employment and Social Outlook under the theme of “Greening with jobs” analysed international labour standards (ILS) most relevant to environmental sustainability. It shows that ILS protection of the environment initially focused on the protection of workers but gradually, in certain contexts, has grown to become an objective on its own. Inversely, Multilateral Environmental Agreements (MEAs) can contribute to broadening the reach of labour standards, particularly those MEAs that contain labour provisions, for example, Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships (2009).
8. These trends suggest that frameworks addressing environmental change could grow in their consideration of labour issues. However, no other body can better provide such a guidance in ways reflecting values and objectives of the ILO than the International Labour Conference. A Conference discussion in or around 2021 would feed into the Green Initiative and provide the needed responses in the global transition to a low-carbon world from the perspective of decent work. The Conference would contribute in a significant manner to the dynamics of global action on climate change and provide a policy framework on social and labour-related policies, to complement the global policy framework on environmental matters. ILO tripartite constituents will be enabled to engage in the implementation by member States of climate change policies from a labour and social perspective.
9. The concept of “just transition” is increasingly being used by a number of different groups, organizations and institutions. However, these actors are not always defining or using the concept in a similar way. Different groups may use it to mean different things, and, as part of the same process, they may use it to address different constituencies for different purposes. This may entail a lack of coherence in policies and approaches to just transition. ILO guidance would provide a shared and international definition of just transition which would ensure the inclusion of decent work as the ILO’s tripartite constituents have defined it.

Expected outcome

10. The expected outcome would build on the unanimously adopted *Guidelines for a just transition towards environmentally sustainable economies and societies for all*, giving them authoritative guidance on the role of decent work for a just transition. Such guidance would be a means for the Conference and the Governing Body to monitor the implementation of social and labour issues in relation to environmental change and related policies, including in the context of UN reforms and country support. It will enable member States to pursue an inclusive approach to the governance of sustainable development, bringing labour and social issues at the core, in line with the 2030 Agenda. The Conference discussion would represent an important milestone following the Future of Work Initiative and the possible centenary outcome, since all constituents have already clearly indicated the need to strengthen the nexus among economic, social and environmental dimensions.

<sup>9</sup> See ILO: *Resolution on Advancing Social Justice through Decent Work: Evaluation of the impact of the ILO Declaration on Social Justice for a Fair Globalization and conclusions for future action*, International Labour Conference, 105th Session, Geneva, June 2016, para. 13.

## Preparation of the Conference discussion

11. The Conference will benefit from the results of the 2013 Conference general discussion and the work of the tripartite Meeting of Experts held in October 2015. The Conference will benefit from the new legal analysis contained in the WESO 2018 report and its conclusions. It will build on an enhanced understanding of decent work and climate change issues by ILO constituents and readiness to provide informed policy guidance in this area.

## **2. Update as regards the follow-up envisaged in relation to four subjects**

### **A. Resolution of individual labour disputes**

12. The ILC conclusions from the 2013 recurrent discussion called on member States to ensure respect for the rule of law, including through the strengthening of dispute prevention and resolution mechanisms.<sup>10</sup> They further called on the Office to expand its assistance to strengthen and improve the performance of labour dispute prevention and resolution systems and mechanisms, including for the effective handling of individual labour complaints. In turn, the ILC conclusions from the 2018 recurrent discussion on social dialogue call on members to establish, where appropriate, and develop with social partners dispute prevention and resolution mechanisms that are effective, accessible and transparent.<sup>11</sup> They further call on the Office to assist members and constituents to strengthen dispute prevention and resolution systems at various levels that promote effective social dialogue and build trust.<sup>12</sup>
13. The Office continues its research on mechanisms for resolution of labour disputes, in the framework of the Plan of Action to implement the ILC conclusions from 2013. This includes research to identify guiding principles for effective resolution of labour disputes, and analysis of global developments in the promotion of access to justice, in the context of the SDGs. Preliminary research findings suggest that individual labour disputes have been increasing worldwide. Causes include an increased range of individual rights protections; a decrease in trade union density and/or collective bargaining coverage; and increased inequality as a result of segmented labour markets. It appears that the increase in individual labour disputes has contributed to challenges that can limit access to labour justice. These can include high costs and delays; a lack of independence and impartiality; and reduced scope for social dialogue, including collective mechanisms. Member States have responded in a variety of ways including: modified procedural rules; improved capacity of dispute resolution practitioners; and promotion of workplace mechanisms.
14. The preliminary research findings also suggest that the existing body of ILS could be enhanced. First, there is no single standard that directly and comprehensively addresses the issue of labour dispute resolution. Secondly, there is a relative lack of detail in the guidance in existing standards.<sup>13</sup> Matters on which guidance could be valuable include: the role of the state in ensuring the effective application of the rule of law through access to labour justice; the role and operation of courts and non-judicial mechanisms in resolving labour disputes,

<sup>10</sup> *Provisional Record No. 11*, International Labour Conference, 102nd Session, Geneva, June 2013, para. 9(4), and para. 12(6).

<sup>11</sup> *Provisional Record No. 6A*, International Labour Conference, 107th Session, Geneva, June 2018, para. 3(j).

<sup>12</sup> *ibid.*, para. 5(j).

<sup>13</sup> This stands in contrast with, for example, the guidance available on labour inspection.



including specialist labour courts; and the role of the social partners in effective labour dispute prevention and resolution.

15. Existing standards are set to be reviewed by the SRM TWG: four of the six instruments in set 12 relate to dispute resolution.<sup>14</sup> This, together with further research findings, will enable the Office to advise the Governing Body about the desirability of action, and the form that any such action may take. During the 2018–19 biennium the Office will finalize: (1) publications on individual labour dispute resolution in non-OECD countries;<sup>15</sup> and (2) a number of related policy briefs. Given the wide variety of national practices, the interconnections between different types of labour disputes, and the use of similar institutions and procedures for different types of disputes, a possible first next step would be a meeting of experts. This meeting might then advise on subsequent action including either/or a general discussion and standard-setting.

## **B. Non-standard forms of employment**

16. The Meeting of Experts on Non-Standard Forms of Employment, held in February 2015 and endorsed by the Governing Body at its March 2015 session, called on the Office to “analyse whether there are gaps in international labour standards, or instruments that do not sufficiently reflect the reality of today’s world of work, and identify barriers to ratification of standards”. The Office was asked to evaluate “the need for additional labour standards possibly through meetings of experts to address temporary contracts, including fixed-term contracts, and discrimination based on employment status”. During the recurrent discussion on labour protection, at the 104th Session of the Conference, the constituents reiterated the need to evaluate additional international labour standards possibly through a meeting of experts, “and including, but not limited to, using the Standards Review Mechanism”. At the 325th Session (October–November 2015) of the Governing Body, under the follow-up to the recurrent discussion, it was indicated that the Governing Body could convene such a meeting for 2017 and that the interaction and coordination of such a meeting and the SRM would be clarified. The proposed meeting of experts will be informed by activities recently conducted by the Office on non-standard employment as part of the effort to build the Office’s knowledge base in this emerging area. The organization of the meeting remains dependent on resource availability.

## **C. Decent work in the world of sport<sup>16</sup>**

17. This subject is considered in the framework of the agenda of the Conference on the basis of a suggestion made by the UNI Global Union.<sup>17</sup> As it is an emerging and sectoral topic, the document submitted to the Governing Body in November 2016 suggested that it could be

<sup>14</sup> Set of instruments 12: Labour inspection, labour administration and industrial relations instruments comprises the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85), the Labour Inspection Recommendation, 1923 (No. 20), the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94), the Communications within the Undertaking Recommendation, 1967 (No. 129), and the Examination of Grievances Recommendation, 1967 (No. 130). [GB.326/LILS/3/2](#).

<sup>15</sup> A book on individual labour dispute resolution in OECD countries was published in 2016: M. Ebisui, S. Cooney and C. Fenwick (eds): *Resolving individual labour disputes: A comparative overview*, ILO (ISBN 978-92-2-130419-7).

<sup>16</sup> See [GB.328/INS/3](#), Appendix I, section 2(C), paras 39 and 40. See [GB.328/PV](#), para. 17 (Workers’ group).

<sup>17</sup> See [GB.320/INS/2](#), para. 30.

addressed first by a sectoral technical meeting or meeting of experts, which would allow constituents to examine the scope of the issues and its particular legal and policy framework. In the framework of their meetings from 11 to 13 January 2017, the sector advisory bodies have considered the proposal and recommended that the topic be discussed at a Global Dialogue Forum under the programme of sectoral meetings 2018–19. This recommendation was endorsed by the Governing Body at its 329th Session (March 2017) as part of the programme of global sectoral meetings for 2018–19.<sup>18</sup> A Global Dialogue Forum on decent work in the world of sports has been programmed for the second half of 2019 and the dates and composition will be proposed to the Governing Body in a future session.

**D. Independence and protection in public service (fight against corruption)<sup>19</sup>**

18. The conclusions of the Global Dialogue Forum on Challenges in Collective Bargaining in the Public Service (Geneva, 2–3 April 2014) included references to the role of legislation, social dialogue and collective bargaining in the independence and protection of public servants, including anti-corruption legislation. The Workers' group highlighted this issue also in the sectoral advisory bodies in October 2014. The Governing Body was informed in November 2015 that a proposal from Public Services International had been received for an item on the Conference agenda with a view to standard setting to ensure the independence, impartiality and protection of certain categories of public service workers, notably through the fight against corruption.<sup>20</sup>
19. As this is an emerging topic and issues are still open, including whether ILO work should also address private sector workers, the document submitted to the Governing Body in November 2016 suggested that the topic be first examined by a meeting of experts. In the framework of their meetings from 11 to 13 January 2017, the sectoral advisory bodies have recommended that the Office undertake research on the topic as part of the sectoral programme 2018–19.

<sup>18</sup> See [GB.329/POL/4](#), Appendix II; [GB.329/PV](#), para. 512.

<sup>19</sup> See [GB.328/INS/3](#), Appendix I, section 2(D), paras 41–43. See [GB.328/PV](#), paras 17 (Workers' group indicating that the scope of the fight against corruption should include both public services and the private sector), 20 (IMEC stating that it was premature for the Governing Body to ask sectoral advisory bodies to take into account the inclusion of a meeting of experts in the proposals for 2018–19 as there was no need for the Governing Body to signal its preference on one of the four possible future subjects requiring further work).

<sup>20</sup> See [GB.325/INS/2](#), para. 31.

## Appendix II. Overview of the technical items selected for the Conference agenda (2010–23)

Session	Technical items			
99th (2010)	Decent work for domestic workers – <b>standard setting</b> , double discussion (first discussion).	Elaboration of an autonomous Recommendation on HIV/AIDS in the world of work – <b>standard setting</b> , double discussion (second discussion).	A <b>recurrent discussion</b> on the strategic objective of employment, under the follow-up to the Social Justice Declaration.	Review of the follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work.
100th (2011)	Decent work for domestic workers – <b>standard setting</b> , double discussion (second discussion).	Labour administration and labour inspection – <b>general discussion</b> .	A <b>recurrent discussion</b> on the strategic objective of social protection (social security), under the follow-up to the Social Justice Declaration.	
101st (2012)	Elaboration of an autonomous Recommendation on the Social Protection Floor – <b>standard setting</b> , single discussion.	Youth employment crisis – <b>general discussion</b> .	A <b>recurrent discussion</b> on the strategic objective of fundamental principles and rights at work, under the follow-up to the Social Justice Declaration, and the follow-up (revised, June 2010) to the 1998 Declaration.	
102nd (2013)	Employment and social protection in the new demographic context – <b>general discussion</b> .	Sustainable development, decent work and green jobs – <b>general discussion</b> .	A <b>recurrent discussion</b> on the strategic objective of social dialogue, under the follow-up to the Social Justice Declaration.	Further review of remaining measures previously adopted by the Conference under article 33 of the ILO Constitution to secure compliance by Myanmar with recommendations of the Commission of Inquiry on forced labour.
103rd (2014)	Supplementing the Forced Labour Convention, 1930 (No. 29), to address implementation gaps to advance prevention, protection and compensation measures, to effectively achieve the elimination of forced labour – <b>standard setting</b> , single discussion.	Facilitating transitions from the informal to the formal economy – <b>standard setting</b> , double discussion (first discussion).	Second <b>recurrent discussion</b> on the strategic objective of employment, under the follow-up to the Social Justice Declaration.	Approval of amendments to the Code of the Maritime Labour Convention, 2006, as adopted by the Special Tripartite Committee established under Article XIII of the Convention.
104th (2015)	The transition from the informal to the formal economy – <b>standard setting</b> , double discussion (second discussion).	Small and medium-sized enterprises and decent and productive employment creation – <b>general discussion</b> .	A <b>recurrent discussion</b> on the strategic objective of social protection (labour protection), under the follow-up to the Social Justice Declaration.	

Session	Technical items			
105th (2016)	Decent work for peace, security and disaster resilience: Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71) – <b>standard setting</b> , double discussion (first discussion).	Decent work in global supply chains – <b>general discussion</b> .	<b>Evaluation of the impact of the Social Justice Declaration.</b>	Approval of amendments to the Annexes to the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185); and to the Code of the Maritime Labour Convention, 2006, as adopted by the Special Tripartite Committee.
106th (2017)	Decent work for peace, security and disaster resilience: Revision of Recommendation No. 71 – <b>standard setting</b> , double discussion (second discussion).	Labour migration – <b>general discussion</b> .	A <b>recurrent discussion</b> on the strategic objective of fundamental principles and rights at work, under the follow-up to the Social Justice Declaration.	Abrogation and/or withdrawal of Conventions Nos 4, 15, 28, 41, 60 and 67.
107th (2018)	Violence and harassment against women and men in the world of work – <b>standard setting</b> , double discussion (first discussion).	Effective ILO development cooperation in support of the Sustainable Development Goals – <b>general discussion</b> .	A <b>recurrent discussion</b> on the strategic objective of social dialogue and tripartism, under the follow-up to the Social Justice Declaration.	Abrogation of Conventions Nos 21, 50, 64, 65, 86 and 104 and Withdrawal of Recommendations Nos 7, 61 and 62.
108th (2019)	Violence and harassment against women and men in the world of work – <b>standard setting</b> , double discussion (second discussion).	[Important Outcome Document]	[Organization of debates and events connected to the Centenary]	
109th (2020) (to be completed)	To be decided in the 335th or 336th Governing Body Session.	Inequality and the world of work – <b>general discussion</b> .	A <b>recurrent discussion</b> on the strategic objective of social protection (social security), under the follow-up to the Social Justice Declaration.	Abrogation of Conventions Nos 8, 9, 16, 53, 73, 74, 91 and 145 and Withdrawal of Conventions Nos 7, 54, 57, 72, 76, 93, 109, 179 and 180 as well as of Recommendations Nos 27, 31, 49, 107, 137, 139, 153, 154, 174, 186 and 187.
110th (2021) (to be completed)	Apprenticeships – <b>standard setting</b> , double discussion (first discussion).	To be decided in the 335th or 336th Governing Body Session.	A <b>recurrent discussion</b> on the strategic objective of employment, under the follow-up to the Social Justice Declaration.	
111th (2022) (to be completed)	Apprenticeships – <b>standard setting</b> , double discussion (second discussion).	To be decided in the 335th or 336th Governing Body Session.	A <b>recurrent discussion</b> on the strategic objective of social protection (labour protection), under the follow-up to the Social Justice Declaration.	Withdrawal of Recommendation No. 20.

Session	Technical items
112th (2023) (to be completed)	A <b>recurrent discussion</b> on the strategic objective of FPRW, under the follow-up to the Social Justice Declaration.
113th (2024) (to be completed)	A <b>recurrent discussion</b> on the strategic objective of social dialogue and tripartism, under the follow-up to the Social Justice Declaration. Abrogation of Conventions Nos 45, 62, 63 and 85.

## Appendix III. Agenda of the ILO – timeline (2017–21)

