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Institutional Section

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Agenda of future sessions of the International Labour Conference

Purpose of the document

This document is intended to facilitate consideration by the Governing Body of proposals for the agenda of the International Labour Conference for 2025 and beyond, including the strategic approach to be followed (see the draft decision in paragraph 44).

Relevant strategic objective: All four strategic objectives.

Main relevant outcome: Enabling outcome B: Effective and efficient governance of the Organization.

Policy implications: Implications for the Conference agenda for 2025 and beyond.

Legal implications: Those arising from the application of the Standing Orders of the Conference and the 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 347th Session (March 2023).

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

Related documents: [GB.334/INS/2/1](#); [GB.334/PV](#); [GB.335/INS/2/1](#); [GB.335/PV](#); [GB.337/INS/2](#); [GB.337/INS/2\(Add.1\)](#); [GB.337/INS/3/2](#); [GB.337/PV](#); [GB.341/INS/3/1\(Rev.2\)](#); [GB.341/PV](#); [GB.343/INS/2\(Rev.1\)](#); [GB.343/PV](#); [GB.344/PV](#).

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► A. Overview of the Conference agenda-setting process

1. The applicable rules concerning the agenda of the International Labour 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.¹ The agenda of the Conference consists of standing and technical items.
2. 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.
3. 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 or to holding a general discussion or a recurrent discussion. Other items that may be included by the Governing Body are items that can usually be dealt with in a plenary sitting, by the General Affairs Committee or by other technical committees holding a limited number of sittings.² For standard-setting items, a double discussion remains the norm, unless the Governing Body decides to hold a single discussion.³ The Governing Body may also decide that a standard-setting item is to be considered at a preparatory technical conference, which would potentially enable it to place this item on the agenda for a single discussion.⁴ Proposals to place an item on the Conference agenda must be 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.⁵
4. 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, 2008, as amended in 2022 (Social Justice Declaration) in 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. At its 341st Session (March 2021), the Governing Body decided to defer the recurrent discussions on employment, social protection (labour protection) and fundamental principles and rights at work. The current cycle will end in 2024 with a recurrent discussion on fundamental principles and rights at work.⁶

¹ See [ILO Constitution](#), arts 14(1) and 16(3); [Standing Orders of the International Labour Conference](#), arts 10–12, 23 and 44–52; [Standing Orders of the Governing Body](#), section 5 and art. 6.2.

² See Appendix V for an overview of the selection of technical items for the Conference agenda (2010–30).

³ In recent times, the Conference adopted the Social Protection Floors Recommendation, 2012 (No. 202), and the Protocol of 2014 to the Forced Labour Convention, 1930, on the basis of a single discussion.

⁴ [Standing Orders of the International Labour Conference](#), art. 45(5).

⁵ See art. 5.1.1 of the [Standing Orders of the Governing Body](#).

⁶ [GB.341/PV](#), para. 50.

The strategic and coherent approach

5. 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.⁷ The approach requires a strategic focus in the setting of the Conference agenda, which today means using the momentum created by the ILO Centenary Declaration for the Future of Work (Centenary Declaration) and the Global Call to Action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient (the Global Call to Action) to place emphasis on institutional coherence and flexibility. It also requires full tripartite engagement in the agenda-setting process.
6. In accordance with the strategic approach, the Governing Body keeps under review the coordination between the outcomes of previous discussions at the Conference and the consideration of proposals for future sessions. It makes linkages between the setting of the Conference agenda and other institutional processes and strategic discussions, such as those concerning the ILO's Strategic Plan for 2022–25.⁸
7. Constituents have continued to express their support for the coherent and strategic approach to setting the agenda.⁹ The general elements of the strategic and coherent approach, such as the need to ensure institutional coherence, a balance between allowing adequate time for preparation and adequate flexibility, and full tripartite engagement through transparency and inclusiveness, therefore continue to remain valid.¹⁰
8. The Centenary Declaration reaffirms that the setting of international labour standards, together with their promotion, ratification and application, is of fundamental importance to the Organization. It requires the Organization to have and promote a clear, robust, up-to-date body of international labour standards, which responds to the changing patterns of the world of work and protects workers, taking into account the needs of sustainable enterprises.¹¹ The Global Call to Action encompasses efforts by Member States to reinforce “respect for international labour standards ... with particular attention to areas where serious gaps have been revealed by the crisis”.¹²
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.¹³ The current practice is to select instruments related to a particular topic, in time for the ensuing General Survey to be discussed at the Conference session preceding the session at which the Conference holds the related recurrent discussion.
10. Some members of the Governing Body have also noted the potential impact of following up on the standard-setting recommendations of the Standards Review Mechanism Tripartite Working Group (SRM TWG) on future sessions of the Conference, calling for flexibility and

⁷ GB.322/PV, para. 17, and GB.322/INS/2, paras 11–19.

⁸ GB.340/PFA/1(Rev. 1).

⁹ GB.328/PV, GB.329/PV, GB.331/PV, GB.332/PV, GB.334/PV, GB.335/PV, GB.337/PV, GB.341/PV and GB.343/PV.

¹⁰ GB.328/INS/3, para. 38.

¹¹ ILO Centenary Declaration for the Future of Work, Part IV(A).

¹² ILO, Resolution concerning a global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient, International Labour Conference, 109th Session, June 2021, para. 11(B)(a).

¹³ ILO, Resolution on advancing social justice through decent work, para. 15.1.

innovation in the strategic approach to Conference agenda-setting.¹⁴ At the 337th Session (October–November 2019), some Governing Body members expressed support for enhanced links between General Surveys, the Standards Review Mechanism and the recurrent discussions.¹⁵ In this regard, the Employers' group has expressed the view that the Governing Body enjoys autonomy in setting the agenda of the Conference and, in doing so, is free to consider recommendations of the SRM TWG, but also other areas of the ILO mandate. The Workers' group has recalled that following up on the recommendations of the SRM TWG in respect of standard-setting is an institutional priority, as the Governing Body has decided on several occasions. The Governing Body may wish to provide further guidance on the possible impact of the SRM TWG's recommendations on the agenda of the Conference.

11. A procedural road map for the implementation of the strategic and coherent approach, 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.¹⁶ The Centenary Declaration underlines the importance of such transparency.¹⁷

▶ B. Agenda of the Conference beyond 2022

Session	Agenda item number			
	IV	V	VI	VII
110th (2022)	Apprenticeships – standard-setting (first discussion).	Recurrent discussion on the strategic objective of employment.	Social and solidarity economy – general discussion.	Inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work through an amendment to paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022.
111th (2023)	Apprenticeships – standard-setting (second discussion).	Recurrent discussion on the strategic objective of social protection (labour protection).	Just transition, including consideration of industrial policies and technology, towards environmentally sustainable economies and societies for all – general discussion.	Abrogation of Convention No. 163. Withdrawal of Conventions Nos 70, 75, 165, 178 and of the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976, as well as of Recommendations Nos 9, 10, 20, 28, 48, 75, 76, 78, 105, 106, 108, 138,

¹⁴ GB.341/PV, paras 25, 36 and 39.

¹⁵ GB.337/PV, paras 757 and 760.

¹⁶ GB.328/INS/3, paras 7–15, for more detailed elements on the implementation of the strategic and coherent approach. An updated road map, covering the period from now up to 2025, is presented in section E of this document and in Appendix V.

¹⁷ ILO Centenary Declaration for the Future of Work, Part IV(A)

Session	Agenda item number	IV	V	VI	VII
					140, 141, 142, 155, 173 and 185.
112th (2024)	Occupational safety and health protection against biological hazards – standard-setting (first discussion).	Recurrent discussion on the strategic objective of fundamental principles and rights at work.	Decent work and the care economy – general discussion.		Abrogation of Conventions Nos 45, 62, 63 and 85.
113th (2025)	Occupational safety and health protection against biological hazards – standard-setting (second discussion).	Recurrent discussion on the strategic objective of social dialogue and tripartism (to be confirmed); or Evaluation of the impact of the Social Justice Declaration (to be confirmed).	To be decided at the: <ul style="list-style-type: none"> • 347th Session of the Governing Body (March 2023) if standard-setting (first discussion); or • 347th, 349th or 350th Sessions of the Governing Body if general discussion. 		

Subjects under consideration for possible inclusion in the agenda of future sessions of the Conference

12. As indicated in the procedural road map submitted to the Governing Body at its 344th Session (March 2022),¹⁸ at its present session, the Governing Body will consider a possible item on the agenda of a future session of the Conference concerning the adoption of a Convention and a Recommendation with a view to introducing amendments to specific provisions of 15 instruments, consequential to the inclusion of a safe and healthy working environment in paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022.¹⁹
13. Should the Governing Body decide on a standard-setting item to be placed on the agenda of the Conference, the earliest available session to do so in the light of the preparatory timelines prescribed by the Standing Orders of the Conference would be the 113th Session (2025). Such decision should be taken no later than at the 347th Session (March 2023) of the Governing Body.²⁰

¹⁸ GB.344/INS/3/1, para. 35.

¹⁹ See also GB.346/INS/3/3.

²⁰ The overview of the technical items selected for the Conference agenda (2010–30) contained in Appendix V may be of assistance when determining the possible timing for the selection of the proposed items currently before the Governing Body. The decision to include a standard-setting item should be taken by the Governing Body at its session in March 2023 (for the 2025 session of the Conference) or in March 2024 (for the 2026 session). The decision to include items with a view to a general discussion should be taken at the latest in March 2023 (for the 2024 session) or March 2024 (for the 2025 session). These deadlines are due to the fact that, under the Standing Orders of the Conference, for standard-setting items, the Office needs to send, not less than 18 months before the opening of the session of the Conference at which the question is to be discussed, a report on law and practice and a questionnaire to Member States. Thus, in principle, for the June 2024 session

- 14.** The Governing Body may wish to consider further an item on “Harnessing the fullest potential of technology” with a view to a general discussion at a future session of the Conference.²¹ At its 343rd Session (November 2021), some members of the Governing Body expressed the view that there was merit in considering the implications of environmental and digital transition together.²² Other members indicated that it would be prudent to await the outcome of the meeting of experts on decent work in the platform economy before considering the subject as a potential agenda item.²³ At the 344th Session, the Employers’ group expressed the view that the item on harnessing the fullest potential of technology should remain on the list of potential items for discussion by the Conference following the Governing Body’s decision to include an item on just transition on the agenda of the 111th Session of the Conference (2023) as the item was broader than climate change-related policy.
- 15.** At the 344th Session, the Employers’ group formulated three further proposals for general discussion items to be included in the agenda of a future session of the Conference:
- (a) ensuring that education and training systems are accessible and responsive to the labour market needs, with an emphasis on employability and the role of the social partners;
 - (b) the role of the ILO and its constituents in supporting a structural transformation of the economy towards higher levels of productivity;
 - (c) innovative approaches to tackling informality and promoting transitions towards formality.²⁴
- 16.** Four other items continue to require further work or discussion in other tripartite forums before they can be considered to give rise to full proposals for inclusion on the agenda of the Conference. An update of the follow-up undertaken in relation to these subjects is provided in Appendix I, section 3. The four items are:
- Access to labour justice: prevention and resolution of individual labour disputes;
 - Protection of whistle-blowers in the public service;
 - Decent work in the platform economy (as mentioned in paragraph 13); and
 - Protection of workers’ personal data in the digital era.

of the Conference, a report would need to be sent no later than the end of November 2022 (18 months before). A decision by the Governing Body in November 2022 would not allow the Office time to prepare these documents. General discussions are not subject to the same requirements: the Standing Orders of the Conference provide that, when a question has been placed on the agenda for general discussion, the Office shall communicate a report on the question to the governments, so as to reach them not less than two months before the opening of the session of the Conference at which the item is to be discussed. As time is needed to prepare the report in such cases, it is highly advisable for the Governing Body to have taken a decision by March of the preceding year at the latest.

²¹ Appendix I, section 2.

²² At the same session, the Workers’ group had suggested, in the interest of finding consensus, that the general discussion item on a just transition could be merged with that on harnessing the fullest potential of technology (see [GB.344/PV](#), para. 73).

²³ [GB.343/PV](#), para. 33.

²⁴ The Employers’ group had previously put forward similar proposals including: ensuring that education and training systems are responsive to the labour market needs of today and tomorrow, with an emphasis on employability; expanding choices and optimizing opportunities for all workers; and supporting the role of the public sector as a significant employer and provider of quality public services (see [GB.337/PV](#), para. 25).

► C. Follow-up to the recommendations of the SRM TWG

Recommendations concerning occupational safety and health instruments

17. At its fifth meeting, in September 2019, the SRM TWG discussed the follow-up to be given to its earlier recommendations, as approved by the Governing Body in 2017 and 2018, calling for standard-setting on the topics of biological hazards, ergonomics and manual handling, chemical hazards and guarding of machinery.²⁵
18. At its 337th Session (October–November 2019), the Governing Body approved the recommendations of the SRM TWG, requesting the preparation of those standard-setting proposals at the earliest dates possible and as a matter of institutional priority.²⁶
19. At its 341st Session (March 2021), the Governing Body decided to place on the agenda of the 112th Session (2024) and 113th Session (2025) of the Conference an item related to occupational safety and health (OSH) protection against biological hazards (standard-setting – double discussion).
20. Accordingly, the Office proposals for standard-setting items on the topics of chemical hazards; ergonomics and manual handling; and guarding of machinery remain to be included on the agenda of future sessions of the Conference as a matter of institutional priority. The updated proposals are set out in Appendix I, section 2. As requested by the Governing Body, the Office’s proposals have been guided by the SRM TWG’s recommendations regarding the thematic integration approach.²⁷
21. The Governing Body may wish to further consider the modalities of the standard-setting discussions implementing the SRM TWG’s recommendations, taking into account the SRM TWG’s consensus that the process of standard-setting should be flexible, address the four specific topics, and ensure optimum time efficiency, cost-effectiveness and inclusivity.
22. Paragraphs 23 to 31 capture the views expressed by Governing Body members during the three most recent sessions on the four options that have been explored so far for standard-setting on the consolidation of instruments on chemical hazards, keeping in mind that the option eventually chosen for chemical hazards does not have to be replicated for ergonomics and manual handling or guarding of machinery.
23. At its 341st Session (March 2021), the Governing Body considered proposals from the Office to have the four OSH items included for double-discussion standard-setting on the agenda of consecutive sessions of the Conference from 2023 to 2030. Some members of the Governing Body were of the view that these proposals were acceptable, but they stressed the need to accommodate any possible outcomes of other relevant discussions. Some members, while considering that the standard-setting proposals were even more pertinent in the context of the pandemic, welcomed proposals from the Office as to how to proceed with the OSH standard-setting items in an innovative and efficient way in order to ensure the best of standard-setting results while maintaining the procedural road map.²⁸ Some members

²⁵ GB.337/LILS/1, Appendix, Annex I, para. 9.

²⁶ GB.337/LILS/1, para. 5(a).

²⁷ ILO, “Ensuring Coherence and Consistency in the Standard-setting Follow-up to SRM TWG Recommendations on OSH”, Working paper 1, fifth meeting of the SRM TWG, 23–27 September 2019, para. 14.

²⁸ GB.341/PV, paras 33 and 36.

expressed their preference for a consolidation and rationalization of instruments concerning OSH protection, and the provision of detailed guidance in this regard in non-normative instruments. Finally, some other members were of the view that each OSH hazard required a customized regulatory approach so that a single integrated instrument on OSH hazards would not be suitable.²⁹

24. At its 343rd Session (November 2021), the Governing Body considered Office proposals outlining three options:³⁰

- Maintain the double-discussion procedure for each of the three remaining OSH items and schedule their inclusion on the Conference agenda consecutively so that no more than one technical OSH committee is convened in any single year.³¹ The Employers' group expressed a preference for this option.³²
- Convene three separate preparatory technical conferences, possibly in 2023, 2024 and 2025, followed by a single discussion at the Conference, possibly in 2026, 2027 and 2028.³³ The Workers' group exceptionally supported the proposal to convene three preparatory technical conferences, as did certain regional government groups, subject to receiving further details on the modalities and cost implications of convening preparatory technical conferences.³⁴
- Convene a preparatory technical conference in 2023 or 2024 on the three OSH items followed by a single standard-setting discussion of draft instruments, possibly in 2026. No support was expressed for this proposal in the light of the excessive demands this option would place on the human and financial resources required from constituents and the Office to simultaneously service three technically complex discussions.

²⁹ GB.341/PV, paras 13, 21 and 22.

³⁰ GB.343/INS/2(Rev.1).

³¹ Specifically, this option entailed: (1) standard-setting discussions on the consolidation of instruments concerning chemical hazards at the 114th Session (2026) and 115th Session (2027) of the Conference; (2) standard-setting discussions on ergonomics and manual handling at the 116th Session (2028) and 117th Session (2029) of the Conference; and (3) standard-setting discussions on machine safety at the 118th Session (2030) and 119th Session (2031) of the Conference.

³² GB.343/PV, para. 31.

³³ Preparatory technical conferences are provided for in several rules of the ILO. In essence, they are intended to develop and specify questions – primarily standard-setting questions – to be submitted to the Conference. Art. 14(2) of the Constitution (resulting from the 1946 constitutional revision) considers them as one of the ways “to ensure thorough technical preparation and adequate consultation of the Members primarily concerned” prior to the adoption of a Convention or Recommendation by the Conference. See also arts 38 and 45(5) of the Standing Orders of the International Labour Conference and arts 5.1.3, 5.1.6 and 5.1.9 of the Standing Orders of the Governing Body. The holding of such preparatory technical conferences as regards maritime standards is a well-established practice. Technical conferences have been convened on eight occasions to prepare instruments on other items such as labour inspection, employment policy and the maximum permissible weight to be carried by one worker. Preparatory technical conferences offer flexibility in terms of time, duration and composition of the participating delegations while maintaining the full participation of ILO membership at the stage of the subsequent single discussion at the Conference. Technical conferences need to be budgeted separately depending on the modalities determined by the Governing Body but any additional cost is at least partially recuperated by the reduction in the number of technical committees otherwise required for double-discussion procedures. See, for further analysis, [Addressing the Impact of SRM TWG Recommendations on the Conference Agenda and the Office](#), Working Paper 2, fifth meeting of the SRM TWG, 23–27 September 2019, paras 31–46.

³⁴ GB.343/PV. The Asia and Pacific group (ASPAG), the group of industrialized market economy countries (IMEC) and the European Union (EU) and its Member States supported the proposal. The EU and its Member States were of the view that the preparatory conferences could be designed in a manner similar to tripartite technical meetings, where the Office bears the participation costs of the social partners and interested governments can attend at their own expense.

25. At its 344th Session (March 2022), the Governing Body considered, without reaching consensus, four options for potentially innovative and efficient modalities of standard-setting on OSH, beginning with the consolidation of instruments on chemical hazards. The Office took note of the views expressed and questions raised in respect of each option.

Option 1. Maintain the default option of a double-discussion procedure for standard-setting on chemical hazards

26. To spread the Office's workload and avoid convening more than one technical OSH committee in any single year, the standard-setting discussions could be scheduled for the 114th (2026) and the 115th (2027) Sessions of the Conference. Some members of the Governing Body expressed a preference for this option.³⁵

Option 2: Convene a preparatory technical conference, possibly in 2024 or 2025, followed by a single discussion at the Conference, possibly in 2026

27. Considering the high degree of technical expertise required to develop standards on protection against chemical hazards, some members of the Governing Body indicated they could exceptionally support this option as it appeared to allow for broad participation. Some members stressed the importance of ensuring that delegations to such conference are fully tripartite and supported by advisers while others emphasized the requirements of flexibility and cost-effectiveness.³⁶
28. In response to the request of certain Governing Body members, Appendix II presents elements on the modalities of a possible preparatory technical conference on the consolidation of instruments on chemical hazards. Should the Governing Body decide to convene such a preparatory technical conference, the Office can present more detailed arrangements, including standing orders and a budgeted proposal, taking into account the Governing Body's guidance on the details of the modalities. As indicated in Appendix II, Member States are normally represented at a preparatory technical Conference on a fully tripartite basis (1:1:1) with the cost of participation of all national delegates borne by the participating Member State. The Governing Body would have to adopt rules of procedure (standing orders) for the preparatory Conference. It may be recalled that for the purpose of the preparatory technical conference on Maritime Labour Standards in 2004, every delegate was entitled to vote individually; the votes of Shipowners' delegates and Seafarers' delegates were weighted so as to ensure each of these two groups have half the voting power of the total number of governments represented at the Conference and entitled to vote; and decisions were taken by a simple majority of the votes cast.³⁷ Traditionally, such a conference would be funded from savings that arose under the ordinary budget (Part I), or failing that, through unforeseen expenditure (Part II) of the budget for the biennium concerned.

Option 3. Convene a tripartite technical meeting, possibly in 2024 or 2025, followed by a single discussion at the Conference, possibly in 2026

29. Some regional groups indicated preference for this option provided that the preparatory technical meeting had wider participation than usual, as such technical meeting would be

³⁵ GB.344/PV, paras 78 and 86 (group of Latin American and Caribbean countries (GRULAC)), para. 90 (Employers' group).

³⁶ GB.344/PV, para. 49 (Workers' group) and para. 88 (EU and its Member States).

³⁷ See art. 9 of the Standing Orders of the Preparatory Technical Conference on Maritime Labour Standards, September 2004, Appendix II.

much simpler and more flexible and cost-effective than a technical conference. Questions with respect to the tripartite composition and voting rights of participants in a technical meeting remained to be answered. Other members could only agree to a preparatory technical meeting if the sufficiently wide tripartite participation could be guaranteed, thus providing for a broad range of expertise on chemical hazards from the various regions of the world.³⁸

- 30.** In response to some of the clarifications sought, it may be recalled that technical meetings are convened for the purpose of conducting an in-depth discussion on policy issues based on a report prepared by the Office, in order to generate conclusions, points of consensus or similar documents and possibly resolutions. They stimulate international tripartite consensus on a specific issue and can be used by the Organization and Member States for policymaking to deal with the issue addressed. Technical meetings' participants represent their respective governments or non-government groups. Technical meetings are composed of: (a) one representative of each interested government, keeping in mind that the Governing Body may decide to limit the participation of governments; and (b) such number of representatives of workers and employers as determined by the Governing Body. The Office bears the cost of transportation and subsistence only of Employer and Worker representatives. Decisions are to be taken by consensus, failing which dissenting positions or reservations are placed on the record without impeding the adoption of the decision.³⁹

Option 4. Convene a tripartite meeting of experts, possibly in 2024 or 2025, followed by a single discussion at the Conference, possibly in 2026

- 31.** No support was expressed for this option. Meetings of experts are convened either to provide the Organization with expert advice on a specific technical issue or in order to adopt technical guidance. They are composed of a fixed number of experts who serve in their personal capacity and act and speak in their expert capacity and not as representatives of a government or group. The Governing Body determines the composition which must correspond to an equal number of experts nominated by governments, the Employers' group and the Workers' group of the Governing Body. This number must be a multiple of four. The Office covers the cost of transportation and subsistence for all experts, including those nominated by governments. Decisions are to be taken by consensus, failing which dissenting positions or reservations are placed on the record without impeding the adoption of the decision.⁴⁰

Recommendations concerning abrogation and withdrawal of instruments

- 32.** At its 343rd Session (November 2021), the Governing Body noted that in approving the recommendations adopted by the SRM TWG at its sixth meeting (September 2021), certain follow-up actions would need to be discussed by the Governing Body at the earliest possible session. One of those actions was the placement on the agenda of the 118th Session (2030) of the Conference of an item concerning the abrogation of the Sickness Insurance (Industry) Convention, 1927 (No. 24), and the Sickness Insurance (Agriculture) Convention, 1927 (No. 25), and the withdrawal of the Sickness Insurance Recommendation, 1927 (No. 29).⁴¹ As the

³⁸ GB.344/PV, para. 90 (IMEC), para. 67 (EU and its Member States), para. 86 (ASPAG). The Workers' group suggested participation by 40 to 50 worker representatives would be appropriate (para. 83).

³⁹ ILO, [Standing Orders for technical meetings and Standing Orders for meetings of experts](#), 2019, Introductory note and art. 12 of the Standing Orders for technical meetings.

⁴⁰ Introductory note and art. 11 of the Standing Orders for meetings of experts.

⁴¹ GB.343/PV, para. 486(e)(i)

Governing Body has already placed on the agenda of the same session an item on the abrogation and withdrawal of certain maritime instruments⁴², it may wish to adjust the scope of the item to include Conventions Nos 24 and 25 and Recommendation No. 29.

33. At its current session, the Governing Body will consider the recommendations adopted by the SRM TWG at its seventh meeting (September 2022). One of the recommendations concerns the proposed abrogation of three Conventions – the Workmen’s Compensation (Accidents) Convention, 1925 (No. 17), the Workmen’s Compensation (Occupational Diseases) Convention, 1925 (No. 18), and the Workmen’s Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42) – and the withdrawal of three Recommendations – the Workmen’s Compensation (Minimum Scale) Recommendation, 1925 (No. 22), the Workmen’s Compensation (Jurisdiction) Recommendation, 1925 (No. 23), and the Workmen’s Compensation (Occupational Diseases) Recommendation, 1925 (No. 24). The SRM TWG recommended that the Governing Body place an item to that effect on the agenda of the 121st Session (2033) of the Conference.⁴³
34. Appendix III summarizes information on the instruments proposed for abrogation or withdrawal.

► D. Initiating a new cycle of recurrent discussions

35. At its 343rd (November 2021) and 344th (March 2022) Sessions, the Governing Body provided guidance on the initiation of a new cycle of recurrent discussions.⁴⁴ The Workers’ group supported the initiation of a new cycle of recurrent discussions as of 2025, as it saw no need for an evaluation prior to starting the new cycle. The Employers’ group expressed a keen interest in continuing recurrent discussions beyond 2025, but was in favour of placing on the agenda of the 113th Session (2025) of the Conference an item to evaluate the impact of the Social Justice Declaration.
36. In further determining their views on this question, Governing Body members may wish to consider the contribution of recurrent discussions to streamlining the process of setting the Conference agenda,⁴⁵ both as regards the structure of each session’s agenda and the selection of items by the Governing Body in light of the priorities identified by the Conference in the context of recurrent discussions. Consideration should also be given to the linkage between recurrent discussions and the selection of instruments for future General Surveys in line with Part I(B) of the follow-up to the Social Justice Declaration. Finally, it may be recalled that, at the

⁴² The Governing Body decided to place on the agenda of the 118th Session (2030) of the Conference an item on the abrogation of Conventions Nos 22, 23, 55, 56, 58, 68, 69, 92, 133, 134, 146, 164 and 166 (GB.343/PV, para. 62(d)).

⁴³ GB.346/LILS/1. The SRM TWG also recommended that the Governing Body might reconsider the date at which the Conference would consider the item, in light of an evaluation to be held in 2028 to assess whether Member States with effective ratifications of those outdated Conventions have taken any necessary action to ratify either the Social Security (Minimum Standards) Convention, 1952 (No. 102) (Part VI), or the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121).

⁴⁴ GB.343/PV; Part III(c) of the Social Justice Declaration and Part III of its Annex provide that the timing of such evaluation is to be decided by the Governing Body and the evaluation “may be repeated from time to time”, without imposing specific intervals for it. Should the Governing Body decide to initiate a new cycle without prior evaluation and to maintain the sequence of strategic objectives adopted for the present cycle of recurrent discussions, an item for a recurrent discussion on social dialogue would be placed on the agenda of the 113th Session (2025) of the Conference.

⁴⁵ ILO, Resolution on advancing social justice through decent work, para. 15.2(c)(iii).

present session, the Governing Body will also consider a possible amendment to Part I(A) of the Social Justice Declaration in the context of the follow-up to the resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work. More specifically, the Governing Body will examine whether OSH should remain under the strategic objective of social protection or rather be placed under fundamental principles and rights at work. That discussion, and the related decision that the Governing Body may take, will have an impact on the forthcoming 2023 and 2024 recurrent discussions as well as on the future cycle.⁴⁶

- 37.** An evaluation of the impact of the Social Justice Declaration was undertaken for the first time by the Conference at its 105th Session (2016), in accordance with Part III(C) of the follow-up to the Declaration (see Appendix IV). In preparing for the evaluation, the Governing Body had provided guidance on its scope and modalities during several sessions.⁴⁷
- 38.** The report prepared for the Conference and the debate in the relevant Conference Committee focused on the impact of three sets of steps taken to promote the implementation of the Declaration: action taken by Members, action taken by the ILO and action taken at the international and regional levels. As a result, the Conference adopted a resolution on advancing social justice through decent work, which identified priority areas for action for the ILO to effectively assist its Members and also called upon Members to take action on mainstreaming the Decent Work Agenda into national and regional strategies, progressive achievement of the ratification and implementation of fundamental and governance Conventions, promotion of policy coherence and the promotion of sustainable enterprises. The resolution further invited the Governing Body to take action to ensure the effective implementation of the resolution. The resolution also stipulated that action outlined in it formed an integral part of the next evaluation of the impact of the Social Justice Declaration to be undertaken by the Conference.⁴⁸ At its 329th Session (March 2017), the Governing Body adopted a programme of work to give effect to the resolution.⁴⁹
- 39.** The Governing Body could nonetheless decide to review itself specific matters addressed under the Declaration, such as the modalities of recurrent discussions which fall under its responsibility, but this review would not constitute the evaluation of the impact of the Declaration to be undertaken by the Conference as set forth in its follow-up.
- 40.** If the Governing Body preferred that an evaluation or a review of modalities be undertaken at the end of the current cycle of recurrent discussions, it could consider either:
 - (a) placing an item on the agenda of the 2025 session of the Conference in accordance with Part III of the follow-up to the Declaration;
 - (b) deciding that the Governing Body would undertake a review of modalities over its March and November 2025 sessions; or
 - (c) convening a tripartite technical meeting to undertake a review of modalities in the first half of 2025 and report to the November 2025 session of the Governing Body.

⁴⁶ GB.346/INS/3/3.

⁴⁷ GB.322/INS/3, GB.323/INS/3, GB.325/INS/3.

⁴⁸ Neither the Social Justice Declaration nor the resolution, nor decisions of the Governing Body stipulate a time at which the next evaluation must take place.

⁴⁹ GB.329/INS/3/1.

41. Such an evaluation could consider similar elements to those considered in the 2016 evaluation and assess the progress made in the implementation, and the impact of, the programme of work adopted by the Governing Body at its 329th Session.
42. Should the Governing Body decide not to place on the agenda of the Conference in 2025 a further evaluation of the Social Justice Declaration, it could determine a new cycle of recurrent discussions with the intention of conducting an evaluation at the end of that cycle in 2030.

▶ E. Procedural road map

43. The updated proposal for the procedural road map is as follows:

At its 346th Session (October–November 2022), the Governing Body will:

- decide the modalities by which a standard-setting proposal on the consolidation of instruments on chemical hazards is to be placed on the agenda of the Conference;
- decide or provide guidance on the modalities by which standard-setting proposals on ergonomics and manual handling and on guarding of machinery are to be placed on the agenda of the Conference;
- provide guidance as to whether to include an item on the evaluation of the impact of the Social Justice Declaration on the agenda of the 113th Session (2025) or to initiate a new cycle of recurrent discussions at the same session, possibly starting with the strategic objective of social dialogue and tripartism;
- decide whether to include an item on the agenda of a future session of the Conference concerning the adoption of a revising Convention and a revising Recommendation with a view to introducing amendments to specific provisions of 15 instruments, consequential to the inclusion of a safe and healthy working environment in paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022; and
- continue to provide guidance on the agenda of future sessions of the Conference.

At its 347th Session (March 2023), the Governing Body would:

- if it has not completed the agenda of the 113th Session of the Conference (2025) at its 346th Session, consider placing a technical item on the agenda of that session if it chooses a standard-setting item;
- decide whether to include an item on the evaluation of the impact of the Social Justice Declaration on the agenda of the 113th Session (2025) or to initiate a new cycle of recurrent discussions at the same session, possibly starting with the strategic objective of social dialogue and tripartism;
- if this has not been decided at its 346th Session, consider the modalities by which standard-setting proposals on ergonomics and manual handling and on guarding of machinery (OSH) based on the SRM TWG's recommendations are placed on the agenda of the Conference; and
- continue to provide guidance on the agenda of future sessions of the Conference.

At its 349th Session (October–November 2023), the Governing Body would:

- if it has not completed the agenda of that session of the Conference at its 346th Session, consider placing a technical item on the agenda of the 113th Session (2025); and
- continue to provide guidance on the agenda of future sessions of the Conference.

▶ Draft decision

44. The Governing Body:

- (a) **decided to place on the agenda of the 114th Session (2026) of the Conference an item on the consolidation of instruments on chemical hazards for standard-setting on the basis of a double discussion;**

OR

decided to convene a preparatory technical conference on the consolidation of instruments on chemical hazards in 2024 with a view to submitting a consolidated instrument to the Conference at its 114th Session (2026) for possible adoption under a single discussion procedure, and to request the Office to take into account its guidance in preparing detailed arrangements, including standing orders and a budgeted proposal, for consideration at its 347th Session (March 2023);

OR

decided to convene a tripartite technical meeting on the consolidation of instruments on chemical hazards in 2024 with a view to submitting a consolidated instrument to the Conference at its 114th Session (2026) for possible adoption under a single discussion procedure, and to request the Office to take into account its guidance in preparing detailed arrangements, including its composition, place and date, duration, costs and financing, for consideration at its 347th Session (March 2023);

- (b) **decided that an item on the abrogation of Conventions Nos 24 and 25 and the withdrawal of Recommendation No. 29 be placed on the agenda of the 118th Session (2030) of the Conference;**
- (c) **decided that an item on the abrogation of Conventions Nos 17, 18 and 42 and the withdrawal of Recommendations Nos 22, 23 and 24 be placed on the agenda of the 121st Session (2033) of the Conference.**
- (d) **requested the Office to take into account the guidance provided in preparing a document concerning a possible evaluation of the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022, for the 347th Session (March 2023) of the Governing Body;**
- (e) **requested the Office to take into account the guidance provided in preparing proposals for tripartite technical meetings on access to labour justice and on protection of workers' personal data in the digital era; and**
- (f) **requested the Office to take into account the guidance provided in preparing the document concerning the agenda of future sessions of the Conference for the 347th Session (March 2023) of the Governing Body.**

► Appendix I

Items for the agenda of future sessions of the Conference

1. Follow-up to the recommendations of the Standards Review Mechanism Tripartite Working Group

1. Upon the recommendations of the Standards Review Mechanism Tripartite Working Group (SRM TWG) the Governing Body at its 331st Session (October–November 2017) requested the Office to prepare, for consideration for inclusion at the earliest dates possible in the agenda of future sessions of the Conference, proposals for possible standard-setting items on biological hazards, ergonomics and manual handling, recognizing regulatory gaps, on the consolidation of the instruments concerning chemical hazards, and on the revision of the instruments concerning guarding of machinery.¹
2. The agenda for the Conference in 2023 and beyond regarding standard-setting items on occupational safety and health (OSH) as identified above should be guided by the need to ensure a clear, robust and up-to-date body of international labour standards with respect to certain occupational hazards. The resolution adopted by the Conference at its 110th Session to include a safe and healthy working environment in the ILO framework of fundamental principles and rights at work and designate two instruments as fundamental Conventions has added urgency to ensuring that OSH regulatory gaps are filled and that international labour standards respond to changing patterns of the world of work.
3. At its 337th Session (October–November 2019), the Governing Body requested the Office to be guided by the recommendations of the SRM TWG regarding the “thematic integration approach”. As was discussed by the SRM TWG, regulation through thematic integration would, *prima facie*, involve customized standard-setting processes for the four thematic subtopics as decided by the Governing Body. Variations could be on the basis of decisions, whether the standard-setting action should result in a Protocol, a Convention or a Recommendation, or a Convention and a Recommendation. Alternatively, new instruments to complement the existing up-to-date instruments could combine binding and non-binding provisions into a single instrument.
4. The earliest opportunity to include a standard-setting item on OSH hazards on the agenda of the Conference would be at the 113th Session (2025). Should the Governing Body wish to follow a practice of a single standard-setting item per Conference session, the earliest opportunity would be the 114th Session (2026), considering that an item on biological hazards has already been included on the agenda of the Conference in 2024 and 2025. The complexity of the topics to be addressed would favour at least two discussions, which can take the form of either a regular double-discussion procedure; a preparatory technical conference followed by a single discussion; or a meeting of experts or technical meeting followed by a single discussion.²

¹ GB.331/LILS/2, Annex, paras 17(i), 19(ii), 27 and 31.

² ILO, *Background Information for Developing an ILO Policy Framework for Hazardous Substances*, MEPFHS/2007, 2007, para. 37.

A. Standard-setting item on the consolidation of instruments concerning chemical hazards

5. Every year more than 1 billion workers are exposed to hazardous substances, including pollutants, dusts, vapours and fumes in their working environments.³ According to the latest available estimates (2021), 82 per cent of global work-related mortality is caused by non-communicable diseases,⁴ many of these as a result of exposure to hazardous chemicals such as asbestos (209,481 deaths annually and 3.97 million loss of healthy life years). Because of significant knowledge gaps in respect of the occupational health effects of exposure to the steady proliferation of chemical compounds as well as the latency between exposure and at least some known diseases, health effects including fatalities could well be vastly underestimated.
6. The urgency to revise the ILO's normative framework on sound management of chemicals at work does not stem from a regulatory gap but from a need to pursue consolidation, coherence and regular updating of relevant standards. Protection against chemical hazards is currently covered by an instrument that focuses on key principles, the Chemicals Convention, 1990 (No. 170), and is classified as up to date. Convention No. 170 governs the sound management of all risks relating to the use of chemicals at work. It requires a comprehensive national framework for the safe use of chemicals at work, including the formulation, implementation and periodic review of a coherent national policy, as well as defining responsibilities of employers and rights and duties of workers at the level of the undertaking. Convention No. 170 and the Chemicals Recommendation, 1990 (No. 177), are supplemented by an ILO code of practice on safety in the use of chemicals at work (1993). Five instruments that precede Convention No. 170 address specific chemical hazards such as white lead, benzene, lead poisoning, and white phosphorus.⁵ The coexistence of these older instruments on specific chemicals and later principles-based Convention No. 170 affects the coherence of the ILO's normative framework on chemicals and as recommended by the SRM TWG is in need of revision.
7. In order to ensure continued and future relevance of the ILO normative framework on chemical hazards, the third SRM TWG meeting recommended "follow-up involving standard-setting action" as a measure of "practical and time-bound follow-up action"⁶ for the five instruments. The SRM TWG further recommended that these be revised in a consolidated manner, which could conceivably be realized through a Protocol to Convention No. 170.
8. The concerns raised as a reason for revising these instruments recognized that the practice of regulating, in detail, an individual hazardous substance in a single instrument is considered outdated; that there are concerns relating to the five instruments that are gender-related and the inappropriateness to include specific limits for exposure in standards (as is done in the Benzene Convention, 1971 (No. 136), for example); that provisions should be drafted in a manner that will ensure that ILO instruments are kept up to date with scientific and technological progress; and that to the extent that fixed limits should also be regulated, a system for easy updating of such limits should be provided for.

³ ILO, *Exposure to Hazardous Chemicals at Work and Resulting Health Impacts: A Global Review*, 2021

⁴ World Health Organization (WHO) and ILO, *WHO/ILO Joint Estimates of the Work-related Burden of Disease and Injury, 2000–2016: Global Monitoring Report*, 2021.

⁵ White Lead (Painting) Convention, 1921 (No. 13); Benzene Convention (No. 136) and Recommendation (No. 144), 1971; Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4); and White Phosphorus Recommendation, 1919 (No. 6).

⁶ GB.331/LILS/2, para. 3.

9. A new instrument complementing Convention No. 170 and revising the five older instruments could ensure valuable prohibitions are maintained while facilitating the introduction of new prohibitions or exposure standards that are easily updated in line with scientific and technological development.⁷ It could ensure the ILO makes a strategic, tripartite contribution to policy coherence with a number of international treaties and initiatives that have gathered momentum since the adoption of Convention No. 170, such as the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention for Prior-Informed Consent, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Minamata Convention on Mercury, the Strategic Approach to International Chemicals Management, and the Globally Harmonized System of Classification and Labelling of Chemicals. Such policy coherence could in turn promote the ratification and application of Convention No. 170.⁸
10. The COVID-19 pandemic has fuelled an increase in chemical exposures due to more frequent and widespread use of disinfectants, hand sanitizers, and cleaning products and personal protective equipment. Unsafe use of these products can lead to toxic effects in people, with healthcare workers and young persons in cleaning and health services most at risk.

B. Standard-setting item on ergonomics and manual handling

11. Human factors or ergonomics applies theory, principles, and data from many relevant disciplines to the design of products and work processes and systems, taking into account the complex interactions between the human and other humans, the environment, tools and equipment, and technology to enhance human performance and well-being in the world of work.⁹ Ergonomic hazards include manual materials handling causing overexertion; inappropriate lighting or selection and use of tools; continuous standing or sitting while working; slips, trips or falls; thermal discomfort; and office postures causing musculoskeletal disorders (MSDs). The wide variety of MSDs renders an accurate estimate of direct and indirect costs particularly difficult but available evidence suggests that MSDs account for around a third of all injuries and illnesses, a higher-than-average absenteeism and significant healthcare costs, informal care costs and production losses.¹⁰ Attention to prevention of ergonomic risks and efforts to improve comfort and well-being at work also becomes more urgent as workforces age and workers are expected to work longer.
12. New standards could, based on the questionnaire sent to Member States in the course of the standard-setting process, clarify the defining role of human factors and ergonomics in the development of work processes and systems and help determine internationally recognized forms, challenges and opportunities with respect to human factors and ergonomics at the workplace. It could set out broad principles for addressing such challenges and for promoting health and safety through the management of high-quality human factors and ergonomics. The instrument could specify national policies and regulations on human factors and ergonomics at work, establish a defined system of rights, responsibilities and duties of

⁷ Updating of exposure limits or “threshold limit values” (TLVs) could follow a procedure similar to the one set out in the List of Occupational Diseases Recommendation, 2002 (No. 194).

⁸ Convention No. 170 is currently ratified by 22 Member States, of which 3 have ratified in the past four years.

⁹ Kathleen Mosier and Juan Carlos Hiba, “[The Essential Contribution of Human Factors/Ergonomics to the Future of Work We Want](#)”, (ILO, 2019).

¹⁰ See, for example, figures from the US Centers for Disease Control and Prevention or the European Agency for Safety and Health at Work. According to the US Bureau of Labor Statistics (BLS) in 2013, MSD cases accounted for 33 per cent of all worker injury and illness cases.

governments, employers, workers and their organizations, and promote a holistic approach to the design, management and operation of work.

13. In accordance with the recommendations of the SRM TWG, the new standards would revise the Maximum Weight Convention (No. 127) and Recommendation (No. 128), 1967, and update the regulatory approach to manual handling.
14. The preparatory work would be informed by a detailed law and practice report, studies of good practices and data collection, as well as broad consultations with constituents, partners across the UN system and with professional bodies and other stakeholders. It is proposed that a tripartite meeting of experts be held as early as 2024 to advise the Office on the scope of the issues by standard-setting. Preparatory work could also be informed by technical guidelines published by the Office in 2021.¹¹

C. Standard-setting item on the revision of instruments concerning guarding of machinery

15. New standards would revise the Guarding of Machinery Convention (No. 119) and Recommendation (No. 118), 1963. In 2002, the Cartier Working Party had recommended a classification of Convention No. 119 as “to be revised” and in 2017, the Governing Body approved a recommendation of the SRM TWG to revise the instruments concerning guarding of machinery “at the earliest dates possible”.¹²
16. At its 91st Session (2003), the Conference called for the revision of Convention No. 119 and Recommendation No. 118 in order to take into account technical difficulties in the application of the instruments, the latest developments in technology and the need to provide safety and health-related information and training in the transfer of technology. The principal aim of the early instruments to protect workers from machinery-induced accidents by using safety technologies continued to be important and valid, but needed to be complemented with comprehensive approaches to promote safety and health in the use of machinery, including the consultation, information and training of workers on all relevant aspects of machinery throughout its lifecycle, including emergency procedures.¹³
17. Based on the benchmarks set in the code of practice on safety and health in the use of machinery (2013),¹⁴ new standards could set out broad principles for addressing safety and health issues in the use of machinery.
18. New standards in the form of a Convention could outline in definitional form the nature of safety and health in the use of machinery and define safety and health requirements and precautions applicable to governments, workers and employers, and also to designers, manufacturers and suppliers of machinery.
19. New standards in the form of a Recommendation (or non-binding provisions in a binding instrument), could provide further detailed guidance on more specific technical requirements and measures on the working environment, control systems, machinery guarding and

¹¹ ILO, *Principles and Guidelines for Human Factors/Ergonomics (HFE) Design and Management of Work Systems*, 2021. The guidelines were prepared by team of expert writers, reviewers, and representatives from the International Ergonomics Association, the International Labour Organization, and other institutions and organizations that recognize the critical need for human factors/ergonomics principles and guidelines in the design and management of work systems.

¹² GB.283/LILS/WP/PRS/1/2 (Office background paper, March 2002); GB.331/PV, para. 723(f)(iii).

¹³ ILO, *Examination of Instruments concerning Occupational Safety and Health (General Provisions and Specific Risks): Technical Note 7 – Instruments concerning the Guarding of Machinery*, Third Meeting of the SRM TWG (25–29 September 2017), 5 and 6.

¹⁴ ILO, *Safety and Health in the Use of Machinery*, ILO code of practice, 2013.

protection against mechanical and other hazards, information and marking, and supplementary measures relating to specific machinery types.

20. A Conference discussion on safety and health in the use of machinery would be informed by a review of the code of practice published in 2013 and a detailed law and practice report and be based on the questionnaire sent to Member States in the course of the standard-setting process.

D. Updating of new instruments on occupational safety and health

21. Standard-setting in the three areas would use appropriate approaches, so that new instruments can be easily updated, in particular with respect to technical provisions to ensure the continued relevance of the standards, taking into account national circumstances. Simplified revision mechanisms used in the Maritime Labour Convention, 2006, as amended (MLC, 2006), the Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185), and the Work in Fishing Convention, 2007 (No. 188), or Recommendation No. 194 could serve as examples.

2. Harnessing the fullest potential of technology to achieve decent work and sustainable development (general discussion)

Source, nature and context of the possible item outcome

22. At its 344th Session (March 2022), the Governing Body decided to place on the agenda of the 111th Session (2023), for a general discussion, an item on a just transition, including consideration of industrial policies and technology, towards environmentally sustainable economies and societies for all.¹⁵ A proposed item on "harnessing the fullest potential of technological progress", which was potentially broader than climate change-related policy,¹⁶ would remain under consideration for inclusion on the agenda of future sessions of the Conference possibly after the general discussion on just transition by the Conference.¹⁷
23. The Centenary Declaration directs the Office to harness "the fullest potential of technological progress and productivity growth, including through social dialogue, to achieve decent work and sustainable development, which ensure dignity, self-fulfilment and a just sharing of the benefits for all".¹⁸ The 2021 Global Call to Action further reinforces the need to harness "technological progress and digitalization, including platform work, to create decent jobs and sustainable enterprises, enable broad social participation in its benefits and address its risks and challenges, including by reducing the digital divide between people and countries".¹⁹
24. The impact of technology on the promotion of full, productive and freely chosen employment has been the subject of Conference discussions and statements on a regular basis in the past. Already at its 57th Session (1972), the Conference adopted a resolution on Labour and Social Implications of Automation and Other Technological Developments.²⁰ The Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), devotes a section to

¹⁵ GB.344/PV, para. 99(a)(i).

¹⁶ GB.337/PV, para. 25 and GB.341/PV, para. 31.

¹⁷ GB.344/PV, paras 79 and 82.

¹⁸ ILO Centenary Declaration for the Future of Work, Part II(A)(ii).

¹⁹ ILO, Global Call to Action, para. 13(a)(v).

²⁰ ILO, *Resolutions Adopted by the International Labour Conference at Its 57th Session*, Geneva, 1972, 10.

“Technology Policies”. Recommendation No. 169 identifies “the development of technology as a means of increasing productive potential and achieving the major development objectives of creation of employment opportunities and the satisfaction of basic needs” and frames its facilitation as “one of the major elements of national development policy”.

25. At its 328th Session (March 2016), the Governing Body considered a possible item on the role of technology and other structural drivers in changing the nature of unemployment and underemployment. The aim of the item, which was not retained at the time, was to develop policy responses to questions such as whether there are sufficient quality job opportunities available for all women and men jobseekers in different contexts, at different age groups and skills levels; how technological changes and other factors affect the structural features including the level, nature and quality of job opportunities and skills demands; and if indeed these trends and patterns gradually develop into structural and permanent features in the labour markets.²¹

Relevance in light of the ILO strategic objectives

26. Recommendation No. 169 highlights the vast potential of technology for decent work including higher productivity, expansion of the volume and structure of employment, improvement of working conditions, reduction of working time, opportunities to use existing and future skills and improved linkages between large-scale and small-scale undertakings. A Conference discussion could take stock of the extent to which existing and new technologies (for example, robotics, digital, nano or biotechnology) have realized that potential and whether policies have succeeded in eliminating negative effects, for example on OSH.
27. New technologies such as artificial intelligence (AI), machine learning and robotics can provide opportunities and help developing and emerging economies to leapfrog, but they also create new challenges. Over the past decade, concerns have been raised about new technologies replacing human labour on a large scale,²² though there is no consensus in the literature about the potential impacts on jobs and the estimates vary substantially depending upon the country.²³ Existing research has also raised questions around whether an entire occupation is prone to automation or rather a specific task within an occupation. These studies further reveal that the job effects are quite uneven, as the risk of automation is greater for low-skilled compared to high-skilled jobs, dependent on the sector, firm size and country.²⁴ In particular for developing countries, the risk of job loss from automation is significant in this regard and might outstrip possible job gains in emerging sectors.²⁵
28. The new technologies can bring about significant productivity gains, new market opportunities and new jobs. However, evidence to date shows a slowdown in productivity in advanced as well as emerging and developing economies over the past decade and a half, which could be due to time lags in diffusion or lack of organizational capabilities and/or workforce skills to exploit

²¹ GB.328/PV, para. 10.

²² Carl Benedikt Frey and Michael A. Osborne, “The Future of Employment: How Susceptible are Jobs to Computerisation?”, *Technological Forecasting and Social Change*, 114 (2017), 254–280.

²³ Damian Grimshaw and Uma Rani, “The Future of Work: Facing the Challenges of New Technologies, Climate Change and Ageing”, in *Contemporary Human Resource Management*, eds Adrian Wilkinson, Tony Dundon and Tom Redman (London: Sage Publications, 2021).

²⁴ Melanie Arntz, Terry Gregory and Ulrich Zierahn, *Digitalization and the Future of Work: Macroeconomic Consequences*, IZA Institute of Labour Economics Discussion Paper Series, No. 12428, 2019.

²⁵ Francesco Carbonero, Ekkehard Ernst and Enzo Weber, “Robots Worldwide: The Impact of Automation on Employment and Trade”, Institute for Employment Research IAB Discussion Paper, No. 07/2020, 2020.

them, or concentration of AI and data among a small fraction of large firms.²⁶ These findings have given rise to the so-called “productivity-paradox”, wherein there is no noticeable increase in productivity despite increased spending in information and communication technology assets and services.²⁷ The existing evidence points towards a need for conducting more systematic research to have a realistic understanding of the factors that shape the adoption and diffusion of technologies and its impact on productivity in different types of firms, industries, sectors and country or region.

29. In the transformation process towards a more widespread use of new technologies the key is to identify the right skills and to prepare the workforce for new task profiles. There is no systematic evidence with regard to the type of skills and competences needed as the transformation process is highly country-specific. Skills anticipation and career guidance systems, which make use of Big Data and AI are well placed to tackle the complexity of the adjustment process and to smoothen the transition path for individual workers.²⁸
30. New technologies also create new challenges which are associated with income and job security, work intensification and certain discriminatory practices. As highlighted below, digital labour platforms provide new sources of income and work opportunities, but they also raise challenges with regard to working conditions, workers’ rights and protection, and can also pose risks for workers’ privacy as large amounts of data are collected.²⁹ The use of AI and “algorithmic management” practices for managing work processes and worker performance on digital labour platforms, which are based on vast amounts of data, can result in discriminatory practices that target particular groups of workers. AI, wearable devices and tools, among others are also increasingly used in traditional workplaces to monitor work performance.³⁰ The data collected through AI and other devices can help in decision-making at the firm level such as downsizing, productivity or designing tasks or jobs, and can adversely affect the workers if not well-regulated.
31. Technologies can be effectively harnessed to provide decent work to all workers. For instance, governments in a number of countries have started to utilize digital technologies to promote formalization through the registration of both economic units and of employment, digital payments or electronic payroll, the provision of social protection and other benefits, filing and payment of taxes, among others.³¹ This strategy could be replicated and scaled up in a variety of different contexts, including platform work. Technologies can also help in increasing compliance through maintenance of digital records, which are transparent and using targeted inspection and enforcement. Similarly, with increasing work intensification, working time can

²⁶ Peter Bauer et al., *Productivity in Europe: Trends and Drivers in a Service-based Economy*, JRC Technical Report, (European Union, 2020); Alistair Dieppe, ed., *Global Productivity: Trends, Drivers, and Policies* (World Bank, 2020); Prasanna Tambe et al., “*Digital Capital and Superstar Firms*”, National Bureau of Economic Research (NBER) Working Paper Series, Working Paper No. 28285, 2020.

²⁷ Erik Brynjolfsson, Daniel Rock and Chad Syverson, “*Artificial Intelligence and the Modern Productivity Paradox: A Clash of Expectations and Statistics*”, in *The Economics of Artificial Intelligence: An Agenda*, eds Ajay Agrawal, Joshua Gans and Avi Goldfarb (Chicago: The University of Chicago Press, 2019), 23–60; Bart van Ark, Klaas de Vries, and Abdul Erumban, “*How to Not Miss a Productivity Revival Once Again?*”, NIESR Discussion Paper No. 518, 2020.

²⁸ Karlis Kandars et al., *Mapping Career Causeways: Supporting Workers at Risk* (Nesta, 2020).

²⁹ ILO, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work*, 2021.

³⁰ Valerio De Stefano, “*Negotiating the Algorithm: Automation, Artificial Intelligence and Labour Protection* ILO Employment Policy Department Working Paper, No. 246 (ILO, 2018); Pheobe Moore, Martin Upchurch, and Xanthe Whittaker, eds, *Humans and Machines at Work: Monitoring, Surveillance and Automation in Contemporary Capitalism*, (Palgrave Macmillan, 2018).

³¹ Juan Chacaltana, Vicky Leung and Miso Lee, “*New Technologies and the Transition to Formality: The Trend Towards E-Formality*”, ILO Employment Working Paper No. 247, 2018.

be digitally maintained to ensure protection of wages for hours worked, as well as to ensure compliance with working-time regulations.

32. The Centenary Declaration specifically calls for “policies and measures that ensure appropriate privacy and personal data protection, and respond to challenges and opportunities in the world of work relating to the digital transformation of work, including platform work”. The role of such policies is even more important in the context of the COVID-19 pandemic and its aftermath with remote working, which can have serious economic and social consequences if effective policies and regulations are not put in place to protect the workers and ensure that digital access is available to all.
33. To harness technology so that the benefits can be shared equally by firms and workers, both men and women, in different parts of the world would require addressing the digital divide besides a well-informed approach to data regulation. This will allow many developing countries to transition towards formality, provide improved access to markets and facilitate access to public services, which can lead to productivity gains. This will require more investments and finance for developing or upgrading the digital infrastructure to reduce the widening gaps, so that existing inequalities are not exacerbated and to ensure there is universal access to all.

Expected outcome

34. An expected outcome of a general discussion would be conclusions and a resolution on the contribution of technology to and its impact on the promotion of full, productive and freely chosen employment; guidance on action to be taken by Member States to enhance the protection of workers in light of new technologies; and proposals for normative or non-normative initiatives to be supported in future programming by the ILO. It would build on the outcome of the meeting of experts on decent work in the platform economy scheduled for 2022. A general discussion would provide an opportunity for the ILO to present a tripartite view on the UN Secretary-General’s Roadmap for Digital Cooperation³² and Call to Action on Human Rights³³ and contribute to the achievement of Sustainable Development Goals (SDGs) 8 and 9.³⁴

3. Update as regards the follow-up envisaged in relation to subjects currently under preparation

A. Access to labour justice: Prevention and resolution of labour disputes³⁵

35. The Conference 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. 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 Conference conclusions from the 2018 recurrent discussion on social dialogue and

³² United Nations, *Roadmap for Digital Cooperation*, Report of the Secretary-General, June 2020.

³³ United Nations, *The Highest Aspiration – A Call to Action for Human Rights*, 2020, notably the workstream on new frontiers of human rights.

³⁴ Particularly SDG 9.c, which aims to “significantly increase access to information and communications technology and strive to provide universal and affordable access to the internet in least developed countries by 2020”.

³⁵ Office research has been realigned with the Programme and Budget for 2022–23 with the objective of supporting constituents in “revising legal frameworks in relation to dispute prevention and resolution to extend and protect rights for all, streamlining procedures and reinforcing the qualifications and capacity of personnel”. See [GB.341/PFA/1](#), para. 81.

tripartism call on Members to establish, where appropriate, and develop with social partners dispute prevention and resolution mechanisms that are effective, accessible and transparent. 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.³⁶

36. SDG 16.3 targets promotion of the rule of law and access to justice for all. It is thought that as many as two thirds of the world's population have no meaningful access to justice.³⁷ *Our Common Agenda* identifies justice as an essential dimension of the social contract and failure by states to provide access as a key factor in fuelling distrust and inequality.³⁸
37. The Office continues to progress in its research on mechanisms for resolution of labour disputes, in the framework of the plan of action to implement the Conference 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.³⁹ The Office has expanded its research to cover how mechanisms for resolution of labour disputes have been affected by and have responded to the challenges of the COVID-19 pandemic.⁴⁰
38. The Office is receiving a rising number of requests for technical advice regarding access to labour justice. To strengthen its response capacity, the Office has developed a diagnostic self-assessment tool. In 2022, the Office has piloted the tool in Barbados, Bangladesh, Lesotho and Mexico on a tripartite basis, taking advantage of the opportunity to collect comparative information regarding legal frameworks regulating mechanisms and procedure for collective disputes.⁴¹ The tool will be published next year following a tripartite workshop validating a revised version of the tool.
39. The preliminary research findings suggest that the existing body of international labour standards could be further strengthened. First, there is no single standard that directly and comprehensively addresses the issue of individual labour dispute resolution. Second, there is a relative lack of detail in the guidance in existing standards. Matters on which specific 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-

³⁶ The Governing Body has had the opportunity to discuss regular progress reports on the research undertaken since 2013 in the context of considering items for future sessions of the Conference. See most recently GB.341/PV, GB.343/PV and GB.344/PV.

³⁷ SDG Knowledge Hub, "SDG 16 and the 2021 Voluntary National Reviews: An Opportunity to Advance Justice for All", April 2021.

³⁸ United Nations, *Our Common Agenda*, Report of the Secretary-General, 2021, para. 23.

³⁹ Preliminary research findings suggest that individual labour disputes have been increasing worldwide. Causes include growing labour forces, particularly in high labour migration regions; 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; insufficient capacity to address evolving forms of labour disputes; and reduced scope for social dialogue, including collective mechanisms. Member States have responded in a variety of ways including: the establishment of new or additional dispute resolution mechanisms and bodies; modified procedural rules and institutional structures; improved capacity of dispute resolution practitioners; specialized dispute resolution mechanisms for vulnerable groups of workers; and increased dispute prevention measures, including through the promotion of workplace mechanisms.

⁴⁰ ILO, *Report on the Rapid Assessment Survey: The Response of Labour Dispute Resolution Mechanisms to the COVID-19 Pandemic*, 2021.

⁴¹ See section 7, "Labour disputes and their resolution" of the ILO Comparative Legal Database on Industrial Relations [IRLex](#).

judicial mechanisms in resolving labour disputes, including specialist labour courts; and the role of the social partners in effective labour dispute prevention and resolution. The impact of the COVID-19 pandemic on labour dispute resolution institutions is likely to linger longer than initially expected, especially regarding opportunities and challenges in respect of digitalization of proceedings, uneven access to technological tools and lack of statistical data.⁴² Furthermore, labour market transformations, including digitalization, are showing increasing demand for effective labour dispute mechanisms and institutions.

40. Existing standards are set to be reviewed by the Standards Review Mechanism: 4 of the 6 instruments in set 12 relate to dispute resolution. This, together with ongoing 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 2020–21 biennium, the Office published: (1) a series of regional studies on access to justice and the role of labour courts;⁴³ (2) a number of related working papers;⁴⁴ and (3) the results of a Rapid Assessment Survey.⁴⁵ In the 2022–23 biennium, the Office is set to publish: (1) a factsheet on “Access to labour justice in collective labour disputes: Evidence from the updated IRLex database”; and (2) an issue brief on “Collective labour disputes and mechanisms for their resolution: A comparative legal analysis”. A report on “Access to justice: Guidance from international labour standards” is forthcoming.
41. Office research and experience suggest a 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, and at the same time digital technological disparities of the institutions to deliver access to labour justice to all, in particular facing challenges from the pandemic. Also, government as well social partners have increased their attention to these matters and requested more technical assistance to the Office.
42. A possible first next step would be a meeting of experts to be scheduled in 2024 or 2025. This meeting might then advise on subsequent action including placing a possible item for discussion on the agenda of a future session of the Conference.

B. Protection of whistle-blowers in the public service

43. 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 also highlighted this issue in the Sectoral Advisory Bodies in October 2014. The Governing Body was informed in October 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

⁴² ILO, *Report on the Rapid Assessment Survey*, 33.

⁴³ The regional studies consider separate publications for Europe, Asia and the Pacific, Arab States, Africa and Latin America. The publications are: *Access to Labour Justice: Judicial Institutions and Procedures in Selected European Countries*; *Access to Labour Justice: Judicial Institutions and Procedures in Selected African Countries*; *Access to Labour Justice: Judicial Institutions and Procedures in Selected Asian & Pacific Countries*; *Access to Labour Justice: Judicial Institutions and Procedures in Selected South American Countries*; and *Access to Labour Justice: Judicial Institutions and Procedures in Selected Arab countries*.

⁴⁴ Related publications including: Eusebi Colàs-Neila and Estela Yélamos-Bayarri, *Access to Justice: A Literature Review on Labour Courts in Europe and Latin America*, ILO Working Paper 6, 2020; Michael Gay and Craig Bosch, *Report on Review of Malaysia’s Labour Dispute Resolution System* (ILO, 2020); César Arese, *Acceso a la tutela judicial efectiva laboral en países de América del Sur*, Documento de Trabajo de la OIT 10 (ILO, Geneva, 2020).

⁴⁵ ILO, *Report on the Rapid Assessment Survey*.

and protection of certain categories of public service workers, notably through the fight against corruption.⁴⁶

44. As this is an emerging topic and issues are still open, the document submitted to the Governing Body in October 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. As a result, the Office has published a working paper on national law and practice on protecting whistle-blowers in the public and financial services sectors.⁴⁷ The topic is now considered sufficiently mature for examination by a meeting of experts. As such a meeting was not possible to organize due to the COVID-19 pandemic, the Sectoral Advisory Bodies, at their meeting of January 2021, decided to propose to the Governing Body a technical meeting on the protection of whistle-blowers in the public service sector to be held during the 2022–23 biennium. The Governing Body endorsed this proposal at its 341st Session (March 2021).⁴⁸ At its 343rd Session, the Governing Body set the dates of the meeting for 26–30 September 2022, with a composition of interested Governments, eight Employer representatives, eight Worker representatives, as well as advisers, observers, official international organizations, and non-governmental international organizations as observers.⁴⁹ The results of this meeting will be submitted to the Governing Body at its 347th Session in March 2023.

C. Decent work in the platform economy

45. The Centenary Declaration directs the ILO to ensure “that diverse forms of work arrangements, production and business models, including in domestic and global supply chains, leverage opportunities for social and economic progress, provide for decent work and are conducive to full, productive and freely chosen employment”. The question of how to ensure that diverse forms of work arrangements meet these objectives has been a recurring call in the Governing Body, especially since the February 2015 Meeting of Experts on Non-Standard Forms of Employment and the subsequent recurrent discussions on social protection (labour protection) at the 104th Session (2015) and on social dialogue and tripartism at the 107th Session (2018) of the Conference. The 2021 Global Call to Action calls for ILO leadership in supporting the efforts of Member States to harness “the fullest potential of technological progress and digitalization, including platform work, to create decent jobs and sustainable enterprises, enable broad social participation in its benefits and address its risks and challenges, including by reducing the digital divide between people and countries”.⁵⁰
46. Online digital labour platforms, which have emerged over the past decade, are part of the growing diversity of work arrangements. Work on these platforms includes both “cross-border, web-based platforms” (also sometimes referred to as “crowdwork” or “online outsourcing”) and location-based applications (apps) which allocate work to individuals in a specific geographical area. For cross-border, web-based platforms, the work is outsourced through an open call to a geographically dispersed crowd or to individuals through freelancing platforms. Though some of these jobs entail the movement of work from the offline to the online economy, in

⁴⁶ GB.325/INS/2, para. 31.

⁴⁷ ILO, *Law and Practice on Protecting Whistle-blowers in the Public and Financial Services Sectors*, Working Paper No. 328, 2019.

⁴⁸ See GB.341/PV, paras 653–662.

⁴⁹ See GB.343/POL/2(Rev.2), Appendix I.

⁵⁰ ILO, Global Call to Action, para. 13(a)(v).

other instances, they are new tasks that permit the smooth functioning of web-based industries or the advancement of AI systems, such as content moderation on social media sites, or data annotation. Typical activities of location-based apps are transportation, delivery and home services.

47. Reliable estimates of the employment share of the platform economy are scarce. Figures for 14 EU Member States indicate that it concerns roughly 2 per cent of the adult population. An ILO survey of 3,500 workers on five major crowdwork platforms revealed there were workers from 75 countries, with strong representation from Africa, Asia and the Americas. Nevertheless, it is expected that work on digital labour platforms will continue to expand. According to the Oxford Internet Institute's Online Labour Index, activity on the five largest English-language web-based labour platforms expanded by one third between July 2016 and March 2019. This number is likely to increase given the interest of Fortune 500 companies to scale up platform sourcing.
48. Drawing on surveys and interviews with some 12,000 workers and representatives of 85 businesses around the world in multiple sectors, the *World Employment and Social Outlook 2021* report highlights that digital labour platforms are opening up opportunities that did not exist before, particularly for women, young people, persons with disabilities and marginalized groups in all parts of the world. It also reports that platforms allow businesses to access a large workforce with varied skills, while expanding their customer base. At the same time, many businesses face challenges relating to unfair competition, non-transparency with regard to data and pricing, and high commission fees. For many platform workers challenges relate to working conditions, the regularity of work and income, and to social protection and freedom of association and collective bargaining rights. Many governments, enterprises and workers' representatives, including unions, have begun to address some of these issues and have developed a variety of responses. The COVID-19 pandemic has highlighted both the employment opportunities platform work is generating in the recovery phase from job and income loss and the regulatory challenges to ensure platform workers' safety and health is protected and they are covered by adequate social protection measures.
49. The platform economy is disrupting existing business models but also the employment model upon which these business models traditionally rely. Digital platforms are transforming drastically how organizations conceive business, interact with one another and create value for society. Work on digital labour platforms provides workers with the opportunity to work from any place, at any time and is particularly attractive for countries with weak labour demand. Yet engaging in such work can generate risks for workers with regard to their status of employment, employment and income security, social protection and other benefits, and the exercise of freedom of association and the right to collective bargaining, as most of this work is being performed outside the scope of labour law and is often undeclared. Moreover, in the cross-border, web-based platforms, the platform, and its clients, may be located in a different jurisdiction than the workers, making it difficult for regulators to apply local labour laws.
50. Understanding of mechanisms to ensure decent work for workers on digital labour platforms needs to be further enhanced. While the Office continues research, constituents have recognized the need for official discussions on this topic. The Centenary Declaration calls on all Members, with the support of the ILO, to "respond to challenges and opportunities in the world of work relating to the digital transformation of work, including platform work", and develop "policies and measures that ensure appropriate privacy and personal data protection". The resolution concerning inequalities and the world of work, adopted by the Conference at its 109th Session (2021), recalls that "digitalization and the rise of digital labour platforms can

create new drivers of inequality, but also provide workers with income-generating opportunities.”⁵¹ In addition, the 335th Session (March 2019) of the Governing Body recalled the discussion in October 2018, in which some governments proposed to prioritize action towards decent work in the platform economy. The discussion referred to the resolution concerning the second recurrent discussion on social dialogue and tripartism (2018) calling for “(e) ... access to freedom of association and the effective recognition of the right to collective bargaining of digital platform and gig economy workers ...”.

51. A majority of members of the Governing Body have expressed support for a future Conference discussion on decent work in the platform economy.⁵² Following the Governing Body’s decision taken at its 343rd Session, a tripartite meeting of experts on decent work in the platform economy will be convened in October 2022 to help shape the necessary policy approach. The results of this meeting should draw on all relevant tripartite discussions and inform the recurrent discussion on social protection (labour protection) to be held at the 111th Session (2023) of the Conference, which will pay attention to, among others, the opportunities and challenges associated with the growing diversity of forms of work arrangements. Depending on the outcome of the tripartite meeting of experts, either a general discussion or a standard-setting item on decent work in the platform economy could be envisaged, possibly as early as the 113th Session (2025) of the Conference depending on possible other items currently considered for inclusion on the Conference agenda.

D. Protection of workers’ personal data in the digital era⁵³

52. Workers’ personal data are collected and processed for a number of often legitimate reasons, including selection for employment, contractual obligations, personal administration and human resources management, OSH and protection of the employer. However, data collection and processing may also entail the risk of breaching the right of workers to privacy and, in certain cases, even result in their being discriminated against. These concerns are intensifying with the increasing use of information and communication technology for work-related purposes. Algorithmic management, which heavily relies on the processing of personal data, is an important feature of the platform economy that progressively came to encompass other workplaces across the socio-economic spectrum. Further, the massive shift to telework during the ongoing COVID-19 pandemic, to counter the spread of the contagion, has raised concerns regarding the potential implications for workers’ surveillance and the processing of their health data.
53. Therefore, it is of the utmost importance to devise a clear and strong governance on the use of workers’ personal data, including their use in the context of algorithm-based management. The Centenary Declaration calls upon ILO Member States to adopt “policies and measures that ensure appropriate privacy and personal data protection, and respond to challenges and opportunities in the world of work relating to the digital transformation of work, including platform work”. In June 2021, the Conference adopted the Global Call to Action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient in which the ILO’s constituents commit to “(e) introduce, utilize and adapt teleworking and other new work arrangements so as to retain jobs and expand decent work opportunities through, among other means, regulation, social dialogue, collective bargaining, workplace cooperation

⁵¹ ILO, [Resolution concerning inequalities and the world of work](#), Resolution XVI, International Labour Conference, 109th Session, 2021, para. 21.

⁵² GB.337/PV, GB.341/PV, GB.343/PV and GB.344/PV.

⁵³ See GB.343/PV and GB.344/PV for previous discussions of the item by the Governing Body.

and efforts to reduce disparities in digital access, respecting international labour standards and privacy and promoting data protection and work–life balance”.

54. Already in 1996, an ILO meeting of experts adopted a code of practice on the protection of workers’ personal data. Several international labour standards also refer to the need to protect workers’ personal data, including the Private Employment Agencies Convention (No. 181) and Recommendation (No. 188), 1997, and the Occupational Health Services Recommendation, 1985 (No. 171). Further, the HIV and AIDS Recommendation, 2010 (No. 200), and the Domestic Workers Recommendation, 2011 (No. 201), expressly call for the adoption of measures consistent with the above-mentioned code of practice. The code of practice, completed by a commentary prepared by the ILO, regulates the collection, security and storage of personal data, as well as their use and communication to third parties. It also enumerates workers’ individual and collective rights, and addresses the automated processing of data as well as electronic monitoring. There is nonetheless a need to assess its continuing relevance in light of the steady development of information and communications technologies. A growing number of countries throughout the world seek to protect workers’ rights in relation to the collection, processing and use of personal data. In the European Union the European General Data Protection Regulation applies also to workers’ personal data, while the Committee of Ministers of the Council of Europe adopted in 2015 a new Recommendation on the processing of personal data in the employment context, which takes into consideration the impact of the use of new information and communication technologies.
55. In view of the importance of this matter today and for the governance of the future of work, the Governing Body may consider holding a tripartite meeting of experts in the first half of 2024 that could review the challenges that emerge regarding the protection of workers’ personal data across regions, notably in light of the growing digitalization of work and the current state of regulation in law and practice. The review could cover the collection, storage and use of data, their communication to third parties, and the digital monitoring and algorithmic management of workers. Against this backdrop, the meeting of experts could assess the continued relevance of the ILO code of practice on the protection of workers’ personal data to today’s realities and needs and recommend possible adjustments and the most desirable follow-up action. Depending on the outcome of this meeting, the Governing Body may consider including an item on this subject matter on the agenda of future sessions of the Conference.

▶ Appendix II

Information on elements for a possible preparatory technical conference on the consolidation of instruments on chemical hazards

Introduction

1. As an alternative to the regular double-discussion standard-setting procedure, the Office recalls the possibility of convening a preparatory technical conference prior to the adoption of international labour standards on chemical hazards by a regular session of the Conference. An appropriate instrument could be adopted by the International Labour Conference in a single discussion in 2026 should the Governing Body not wish to place more than one item on occupational safety and health on the agenda of future sessions of the Conference. In accordance with paragraph 5.1.6 of the Standing Orders of the Governing Body, the Governing Body will have to determine the date, composition and terms of reference of a preparatory technical conference on the consolidation of instruments on chemical hazards. Below are possible proposals, which can be further elaborated based on the guidance provided by the Governing Body.

Date

2. A preparatory conference could be convened in the last quarter of 2023 for a period of two working weeks. This would be equal to the time normally available to a technical committee of the Conference for the completion of its work, and should allow sufficient time for adequate consideration of, and the formulation of proposals on, the technically complex subject of chemical hazards.
3. The period suggested would also leave sufficient leeway for the preparation and distribution well in advance of the documentation both for a preparatory conference in 2023 and, in the event of further action being recommended, for the 114th Session of the International Labour Conference (2026). The precise dates for a possible preparatory technical conference would be determined by the Governing Body in connection with the general programme of meetings for 2023.

Place

4. The preparatory technical conference could take place in Geneva.

Composition

5. Invitations to the preparatory technical conference could be issued to a limited number of Member States. However, chemical hazards is an issue with which, to a greater or lesser degree, all countries are concerned, and it is difficult to find a clear and obvious criterion on which a selected list of countries could be based such as exists in the case of a meeting dealing with a specified industry or activity. It could therefore be considered that an invitation to the Conference be issued to all States Members of the Organization, leaving each country to decide for itself whether it wishes to be represented.
6. With regard to the composition of delegations, the practice followed in respect of earlier preparatory technical conferences has in general been for each country to be represented by an equal number of delegates from each group. As there would be only one item on the

agenda, the Governing Body could think it appropriate that each Member State attending the Conference should be invited to send a delegation consisting of one Government delegate, one Employers' delegate and one Workers' delegate, together with such advisers as may be considered necessary.

Agenda

7. The agenda of the Conference would consist of a single item, as follows:
Consolidation of international labour standards concerning chemical hazards.
8. The documentation to be prepared by the Office for the preparatory technical conference would give particular attention to chemical hazards issues confronting developing countries.

Rules of procedure

9. The Governing Body would have to adopt rules of procedure (Standing Orders) for the preparatory conference.

Representation of the Governing Body

10. The budgetary credit for the Conference includes provision for a tripartite Governing Body delegation of three persons. The Governing Body could be asked to appoint the members of its delegation at a later session, if this option is chosen.

Representation of intergovernmental organizations and non-governmental international organizations

11. The Director-General would propose that the Governing Body authorizes him or her to invite interested international organizations and international non-governmental organizations to be represented at the preparatory technical conference.

Financial implications

12. In accordance with the usual practice in the case of preparatory technical tripartite conferences, the expenses of all the delegates will be met by their governments. Should the Governing Body decide to convene a preparatory technical conference, a detailed budget will be proposed to the Governing Body at its 346th Session (November 2022).¹

¹ A budget for a preparatory technical conference has not been included in the *Programme and Budget for the Biennium 2022-23*. Its cost may be estimated in the range of US\$500,000. Should it be decided to convene the preparatory technical conference in 2024, the Director-General would include in his budget proposals for 2024-25 the necessary financial provision for approval by the Conference.

► Appendix III

Instruments proposed for abrogation or withdrawal

Instruments concerning medical care and sickness benefits ¹

Sickness Insurance (Industry) Convention, 1927 (No. 24)

Sickness Insurance (Agriculture) Convention, 1927 (No. 25)

Sickness Insurance Recommendation, 1927 (No. 29)

Ratifications: Conventions Nos 24 and 25 and Recommendation No. 29 were all adopted in 1927. Convention No. 24 has been ratified by 29 Member States and subsequently denounced by 1 Member State. Convention No. 25 has been ratified by 21 Member States and subsequently denounced by 1 Member State. Among the States which are still parties to these Conventions, 20 have ratified both Conventions, whereas 8 have ratified Convention No. 24 but not Convention No. 25. In addition, these Conventions have been declared applicable to 5 non-metropolitan territories and 7 non-metropolitan territories, respectively.

Remarks: Conventions Nos 24 and 25 were revised by the Medical Care and Sickness Benefits Convention, 1969 (No. 130), which, together with the Social Security (Minimum Standards) Convention, 1952 (No. 102), reflects a more modern and comprehensive approach to issues concerning medical care and sickness benefits. Recommendation No. 29 is considered to have been de facto replaced by Convention No. 130 and by the Medical Care and Sickness Benefits Recommendation, 1969 (No. 134). Whereas Convention No. 130 is in force in fewer countries than the revised instruments, ratification of Convention No. 102 and acceptance of its Parts II and III represent an alternative for countries not able to immediately envisage the ratification of Convention No. 130. As there is no automatic denunciation of Conventions Nos 24 and 25 in the case of ratification of Conventions Nos 102 or 130, some ratifying States are already wholly or partially covered by later instruments. For this reason, only 12 of the 28 Member States that are currently bound by Convention No. 24 are not fully covered by up-to-date standards in the area of medical care and sickness benefit. Equally, only 6 of the 20 Member States currently bound by Convention No. 25 are not fully covered by up-to-date standards. With respect to non-metropolitan territories, Parts II and III of Convention No. 102 have been declared applicable to 1 territory, which is accordingly wholly covered by more recent regulation. The other 2 territories in relation to which Conventions Nos 24 and 25 have been declared applicable, as well as the 2 further territories to which only Convention No. 24 applies and the 4 territories to which only Convention No. 25 applies, are not covered by more recent instruments on medical care and sickness. For more detailed information, see [Technical Note 3](#).

Instruments concerning employment injury benefit ²

Workmen's Compensation (Accidents) Convention, 1925 (No. 17)

Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)

¹ See the report of the sixth meeting of the SRM TWG ([GB.343/LILS/1](#)).

² See the report of the seventh meeting of the SRM TWG ([GB.346/LILS/1](#)).

[Workmen's Compensation \(Occupational Diseases\) Convention \(Revised\), 1934 \(No. 42\)](#)

[Workmen's Compensation \(Minimum Scale\) Recommendation, 1925 \(No. 22\)](#)

[Workmen's Compensation \(Jurisdiction\) Recommendation, 1925 \(No. 23\)](#)

[Workmen's Compensation \(Occupational Diseases\) Recommendation, 1925 \(No. 24\)](#)

Ratifications: Conventions Nos 17 and 18 and Recommendations Nos 22, 23 and 24 were all adopted in 1925. Convention No. 17 has been ratified by 74 Member States and subsequently denounced by 3 Member States. Convention No. 25 has been ratified by 68 Member States and subsequently denounced by 9 Member States. Convention No. 42, which was adopted in 1934, has been ratified by 53 Member States and subsequently denounced by 13 Member States. Conventions Nos 17, 18 and 42 have been declared applicable to 16, 4 and 14 non-metropolitan territories respectively.

Remarks: Conventions Nos 17, 18 and 42 and Recommendations Nos 22, 23 and 24 are employment injury standards of the so-called "the first generation". In particular, each of these instruments provided for workmen's compensation schemes, under which employers were liable for the compensation of workers and their surviving family dependants in case of an employment injury. Convention No. 102 (Part VI) establishes a social security approach to employment injury benefits, with a minimum level of benefits for workers and their dependants, and governance principles. The Employment Injury Benefits Convention [Schedule I amended in 1980] (No. 121) and its accompanying Recommendation (No. 121), 1964, are the most advanced standards in the field. They increase the level of benefits provided for in Convention No. 102 (Part VI) and introduce an explicit connection with prevention and rehabilitation. Convention No. 121 revises Conventions Nos 17, 18 and 42. The "first-generation" Conventions on employment injury benefit have higher ratification rates than the more up-to-date Conventions on the same subject matter. As Conventions Nos 17 and 18 do not include final provisions referring to future revisions, they are neither closed to new ratifications nor subject to automatic denunciation mechanisms. In contrast, ratification of Convention No. 121 by a Member State that has previously ratified Convention No. 42 results in the automatic denunciation of the latter. Moreover, Convention No. 42 has been closed to new ratifications since July 1967, when Convention No. 121 came into force. As regards Recommendations Nos 22, 23 and 24, they have been revised and de facto replaced by Recommendation No. 121. Conventions Nos 17, 18 and 42 and Recommendations Nos 22, 23 and 24 were classified as outdated by the Governing Body at its March 1998 and March 2000 sessions following the recommendations of the Cartier Working Party. This status was reaffirmed by the SRM TWG at its second meeting in 2016. Since then, no new ratifications of Conventions Nos 17, 18 and 42 have been registered. A number of Member States bound by these Conventions have accepted obligations contained in Conventions Nos 102 (Part VI) or 121, i.e. 24 of the 71 countries currently bound by Convention No. 17; 23 of the 59 countries currently bound by Convention No. 18; and 10 of the 40 countries currently bound by Convention No. 42. With respect to non-metropolitan territories, Part VI of Convention No. 102 has not been declared applicable to any non-metropolitan territories, whereas Convention No. 121 has been declared applicable to 1 non-metropolitan territory to which Convention No. 17 was also declared as applicable. For more detailed information, see [Technical Note 1](#).

▶ Appendix IV

Excerpt from the follow-up to the ILO Declaration on Social Justice for a Fair Globalization (2008)

- III. Evaluation by the Conference
 - A. The impact of the Declaration, in particular the extent to which it has contributed to promoting, among Members, the aims and purposes of the Organization through the integrated pursuit of the strategic objectives, will be the subject of evaluation by the Conference, which may be repeated from time to time, within the framework of an item placed on its agenda.
 - B. The Office will prepare a report to the Conference for evaluation of the impact of the Declaration, which will contain information on:
 - (i) actions or steps taken as a result of the present Declaration, which may be provided by tripartite constituents through the services of the ILO, notably in the regions, and by any other reliable source;
 - (ii) steps taken by the Governing Body and the Office to follow up on relevant governance, capacity and knowledge-based issues relating to the pursuit of the strategic objectives, including programmes and activities of the ILO and their impact; and
 - (iii) the possible impact of the Declaration in relation to other interested international organizations.
 - C. Interested multilateral organizations will be given the opportunity to participate in the evaluation of the impact and in the discussion. Other interested entities may attend and participate in the discussion at the invitation of the Governing Body.
 - D. In the light of its evaluation, the Conference will draw conclusions regarding the desirability of further evaluations or the opportunity of engaging in any appropriate course of action.

▶ Appendix V

Overview of the technical items selected for the Conference agenda (2010–30)

Session	Technical items			
99th (2010)	Decent work for domestic workers – standard-setting , double discussion (first discussion).	Elaboration of an autonomous Recommendation on HIV/AIDS in the world of work – standard-setting , double discussion (second discussion).	A recurrent discussion 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 – standard-setting , double discussion (second discussion).	Labour administration and labour inspection – general discussion .	A recurrent discussion 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 Social Protection Floors – standard-setting , single discussion.	Youth employment crisis – general discussion .	A recurrent discussion 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 – general discussion .	Sustainable development, decent work and green jobs – general discussion .	A recurrent discussion 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.

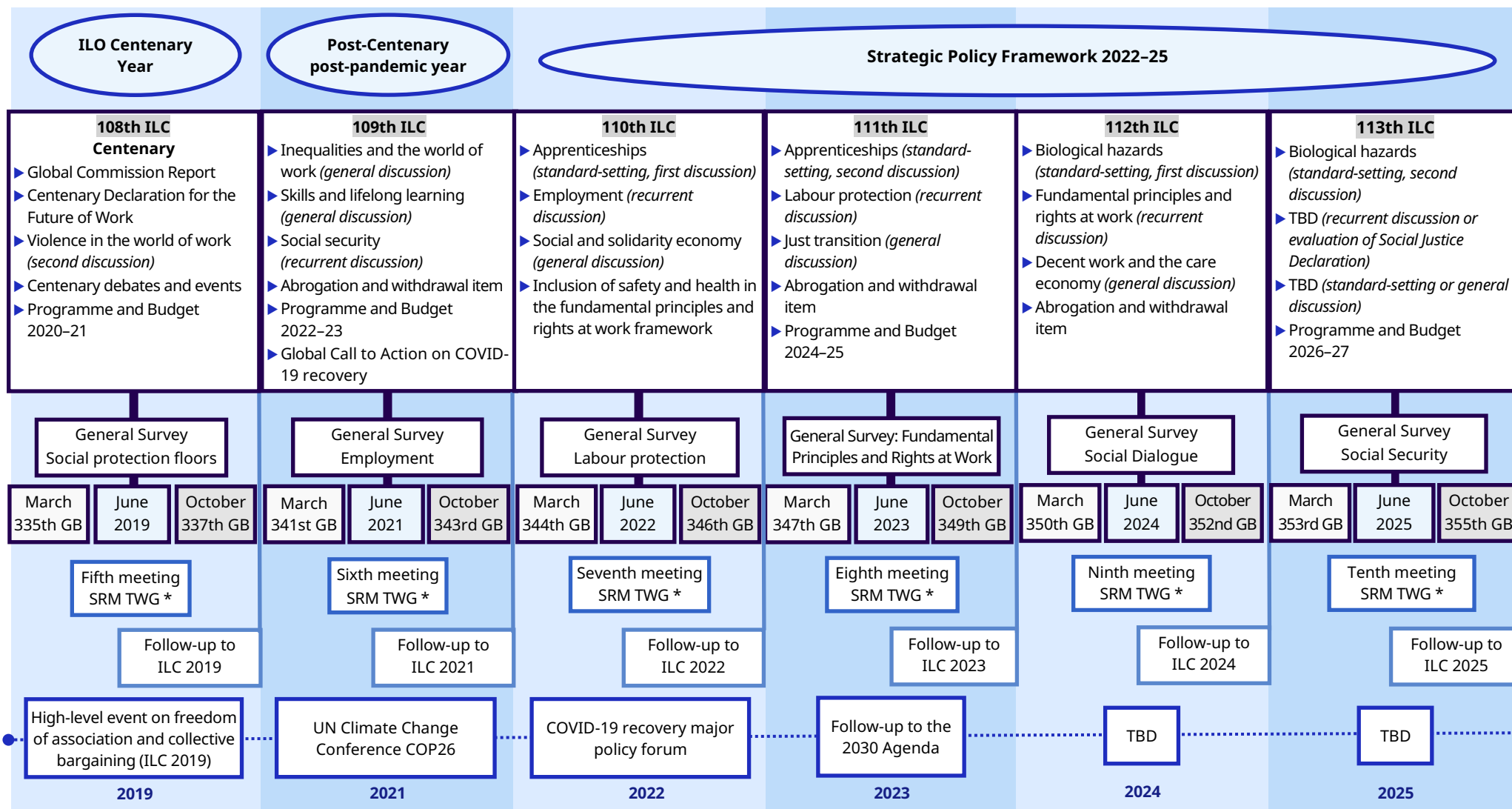
Session	Technical items			
103rd (2014)	Supplementing the Forced Labour Convention, 1930 (No. 29), to address implementation gaps to advance prevention, protection and compensation measures to effectively achieve the elimination of forced labour – standard-setting , single discussion.	Facilitating transitions from the informal to the formal economy – standard-setting , double discussion (first discussion).	Second recurrent discussion 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)	Facilitating transitions from the informal to the formal economy – standard-setting , double discussion (second discussion).	Small and medium-sized enterprises and decent and productive employment creation – general discussion .	A recurrent discussion on the strategic objective of social protection (labour protection), under the follow-up to the Social Justice Declaration.	
105th (2016)	Decent work for peace, security and disaster resilience: Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71) – standard-setting , double discussion (first discussion).	Decent work in global supply chains – general discussion .	Evaluation of the impact of the Social Justice Declaration.	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 the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71) – standard-setting , double discussion (second discussion).	Labour migration – general discussion .	A recurrent discussion 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 – standard-setting , double discussion (first discussion).	Effective ILO development cooperation in support of the Sustainable Development Goals – general discussion .	A recurrent discussion 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.

Session	Technical items			
108th (2019)	Violence and harassment against women and men in the world of work – standard-setting , double discussion (second discussion).	Centenary Declaration for the Future of Work.	Organization of debates and events connected to the ILO's Centenary.	
109th (2021)	Skills and lifelong learning – general discussion .	Inequality and the world of work – general discussion .	A recurrent discussion 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. Withdrawal of the Fee-Charging Employment Agencies Convention, 1933 (No. 34).
110th (2022)	Apprenticeships – standard-setting , double discussion (first discussion).	A recurrent discussion on the strategic objective of employment, under the follow-up to the Social Justice Declaration.	Social and solidarity economy – general discussion .	Inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work through an amendment to paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work, 1998
111th (2023)	Apprenticeships – standard-setting , double discussion (second discussion).	A recurrent discussion on the strategic objective of social protection (labour protection), under the follow-up to the Social Justice Declaration.	Just transition, including consideration of industrial policies and technology, towards environmentally sustainable economies and societies for all – general discussion .	Abrogation of Convention No. 163. Withdrawal of Conventions Nos 70, 75, 165, 178 and of the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976, as well as of Recommendations Nos 9, 10, 20, 28, 48, 75, 76, 78, 105, 106, 108, 138, 140, 141, 142, 155, 173 and 185.

Session	Technical items			
112th (2024)	Occupational safety and health protection against biological hazards – standard-setting , double discussion (first discussion).	A recurrent discussion on the strategic objective of fundamental principles and rights at work, under the follow-up to the Social Justice Declaration.	Decent work and the care economy – general discussion.	Abrogation of Conventions Nos 45, 62, 63 and 85.
113th (2025) (to be completed)	Occupational safety and health protection against biological hazards – standard-setting , double discussion (second discussion).	A recurrent discussion on the strategic objective of social dialogue and tripartism, under the follow-up to the Social Justice Declaration (to be confirmed).		
114th (2026) (to be completed)				
115th (2027) (to be completed)				
116th (2028) (to be completed)				
117th (2029) (to be completed)				
118th (2030) (to be completed)				Abrogation of Conventions Nos 22, 23, 55, 56, 58, 68, 69, 92, 96, 133, 134, 146, 164 and 166.

► Appendix VI

Agenda of the ILO – Timeline (2019–25)



* SRM TWG – Standards Review Mechanism Tripartite Working Group.