



## SECOND ITEM ON THE AGENDA

**Date, place and agenda of the 95th Session (2006) of the International Labour Conference****Contents**

	<i>Page</i>
Date .....	1
Place .....	1
Agenda .....	1
Proposals .....	2
Fundamental principles and rights at work .....	2
1. New measures concerning discrimination in employment and occupation – Extension of the grounds on which discrimination is prohibited in Article 1 of Convention No. 111 .....	2
Employment .....	5
2. Decent jobs and productivity .....	5
3. Promoting decent work in reconstruction of conflict-affected countries (standard setting) .....	8
Employment/Social protection .....	11
4. Employment and social protection in ageing societies .....	11
Social dialogue .....	14
5. The employment relationship .....	14
Gender .....	18
6. Gender equality in the world of work .....	18
Technical cooperation .....	21
7. The role of the ILO in technical cooperation .....	21

## Date

1. *In accordance with the provisions adopted by the Governing Body at its 254th Session (November 1992),<sup>1</sup> it is proposed that the 95th Session (2006) of the International Labour Conference should open on Tuesday, 30 May 2006.*

## Place

2. *It is proposed that the session be held in Geneva.*

## Agenda

3. At its 95th Session (2006) the Conference will have before it the following standing items:
  - Reports of the Chairperson of the Governing Body and the Director-General, including the Global Report on child labour under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work; and
  - information and reports on the application of Conventions and Recommendations.
4. In addition, the agenda of this session of the Conference should include a scheduled second discussion on a new instrument establishing a promotional framework in the area of occupational safety and health. The first discussion on this item will take place at the 93rd Session (2005) of the Conference.
5. According to practice, the Conference deals with three technical items at the same session. The Governing Body would thus have to choose two additional items in order to complete the agenda of the 95th Session (2006) of the Conference. The Governing Body held a first discussion on seven proposals submitted for consideration in this context in November 2003.<sup>2</sup> Following this discussion, the Governing Body decided to retain all seven items for further consideration in March 2004.
6. Pursuant to requests made by members of the Governing Body at the November session, the proposals submitted in the following include a clearer reference to the relevance of each of the proposals to the achievement of the strategic objectives of the Organization. This will be further developed in the presentations of future proposals. At the same time, and as part of the ongoing efforts by the Office to limit the volume of the documents submitted to the Governing Body, the proposals have been shortened and are presented in a more synthetic form.
7. *Against this background, the Governing Body is invited to complete the agenda of the 95th Session (2006) of the International Labour Conference by selecting two of the following seven proposals presented below:*

<sup>1</sup> GB.254/16/19, para. 5.

<sup>2</sup> Including five of the six proposals suggested but not retained for consideration in the context of the agenda of the 93rd Session (2005) of the Conference (GB.288/2/1) and two additional proposals (GB.288/2/2).

- (i) *new measures concerning discrimination in employment and occupation – extension of the grounds on which discrimination is prohibited in Article 1 of Convention No. 111 (standard setting – single discussion);*
- (ii) *decent jobs and productivity (general discussion based on an integrated approach);*
- (iii) *promoting decent work in reconstruction of conflict-affected countries (standard setting);*
- (iv) *employment and social protection in ageing societies (general discussion based on an integrated approach);*
- (v) *the employment relationship (standard setting – single discussion);*
- (vi) *gender equality in the world of work (general discussion based on an integrated approach); and*
- (vii) *the role of the ILO in technical cooperation (general discussion).*

## Proposals

### Fundamental principles and rights at work

#### 1. ***New measures concerning discrimination in employment and occupation – Extension of the grounds on which discrimination is prohibited in Article 1 of Convention No. 111***

##### Summary

In its Special Survey of 1996 on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Committee of Experts found that a number of grounds on which discrimination is prohibited in other ILO standards, in other international standards and, above all, in national legislation, are not covered by this Convention. Convention No. 111 is, however, the ILO's principal instrument against discrimination. It is therefore recommended that the Governing Body consider the adoption of a Protocol that would leave the Convention itself unchanged and would allow countries ratifying it to accept formally additional grounds on which discrimination would be prohibited. This would consolidate the ILO's protection against discrimination, and bring the ILO into closer harmony with more recent international human rights instruments adopted by other organizations and with developing national practice. A single Conference discussion would probably suffice for the adoption of the proposed Protocol.

### Introduction

8. In its 1996 Special Survey on Convention No. 111, the Committee of Experts recommended that consideration be given to adopting a Protocol to the Convention that would provide additional grounds on which discrimination would be prohibited under the Convention, taking account of changes which have taken place in this field and are reflected in national law, incorporating prohibited grounds of discrimination already covered in other ILO Conventions. The Committee of Experts suggested adding a Protocol that could be ratified in addition to the Convention. Convention No. 111, one of the ILO's fundamental Conventions, would remain unmodified. This would augment the ILO's

ability to act under the strategic objective of fundamental principles and rights at work, and reclaim the ILO's place as a leader in international law on equality at work.

### The situation in national law and practice

9. Convention No. 111 requires ratifying States to take action against discrimination in employment and occupation on the basis of race, colour, sex, religion, political opinion, national extraction and social origin. The Committee found, however, that there was sufficient indication in national laws on discrimination, or in other ILO Conventions, to merit the adoption of a Protocol that would allow States to undertake additional obligations in respect of some or all of the following criteria (listed in alphabetical order): age, disability, family responsibilities, language, matrimonial status, nationality, property, sexual orientation and state of health. Recent research reveals an increasing number of countries extending grounds of prohibited discrimination to include the aforementioned ones. Indications have been given in previous submissions<sup>3</sup> of how these criteria are addressed in national law and practice, and specific examples are omitted here for reasons of space. As examples, recent research has identified over 35 countries that have included *age* among the prohibited grounds of discrimination. A variety of measures have been adopted in regard to *state of health* in different countries, some concerning the state of health generally, bearing in mind that one of the current problems linked to state of health is discrimination against workers who are HIV-positive or who have contracted AIDS. Including a provision prohibiting any kind of discrimination based on health would be in agreement with the recently adopted ILO code of practice on HIV/AIDS and the world of work. More than 40 member States have adopted measures to protect and promote equality of opportunity between *disabled and other workers*. Member States are increasingly adopting measures specifically protecting workers who are vulnerable to discrimination on the basis of their *sexual orientation*. A growing number of member States also expressly include the prohibition of discrimination on the basis of the specific grounds of *language* in their current constitution, anti-discrimination or labour legislation.

### Coverage in other standards

10. The Committee of Experts also devoted considerable attention in the Special Survey to the additional grounds for discrimination that are covered in other ILO standards. Even though Convention No. 111 is the ILO's principal instrument on the prevention of discrimination, it does not cover many of the areas on which ILO standards offer the strongest – and often the only – protection in international law. These include age,<sup>4</sup> nationality,<sup>5</sup> trade union membership,<sup>6</sup> disability<sup>7</sup> and family responsibilities.<sup>8</sup> The adoption of a suitable Protocol

<sup>3</sup> See in particular GB.288/2/1.

<sup>4</sup> This is found in eight Conventions, one Protocol to a Convention and five Recommendations – see detailed list in GB.288/2/1.

<sup>5</sup> Apart from instruments on migration for employment, such provisions are found in four Conventions and four Recommendations. The ground of nationality is fundamental to the standards relating to migrants and provisions intended to ensure them equality of opportunity and treatment and/or protection against discrimination are therefore included in six Conventions and four Recommendations on this subject.

<sup>6</sup> This ground is found in four Conventions, one Protocol and three Recommendations. Trade union membership of migrant workers is referred to in three Recommendations.

<sup>7</sup> Two Conventions and three Recommendations.

would allow the consolidation of protection and added coherence in the ILO's advisory and supervisory efforts on the subject. This may be particularly important as the ILO brings its body of standards up to date.

11. Finally, human rights standards adopted by other international organizations since 1958 have further expanded the protection offered in international law against discrimination, without all these grounds being covered in Convention No. 111. The Committee of Experts stated that, "with a view to the coherence of international human rights law, it would be desirable to take these into account in considering the present Convention". Among these instruments, the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights, both adopted in 1966 and now widely ratified, both cover discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. On the regional level, the Committee of Experts noted also the European Convention on Human Rights, adopted in 1950, which in its Article 14 prohibits discrimination on the basis of "sex, race, colour, language, religion, political or other opinion, association with a national minority, property, birth or other status".<sup>9</sup>

## Conclusions

12. The Governing Body is therefore invited to give further consideration to the proposal by the Committee of Experts to examine a Protocol to Convention No. 111 on possible additional grounds of discrimination. The Committee recommended that the Governing Body and the Conference consider two alternative solutions in this respect. The first would be to allow States to ratify the Protocol and to choose which additional grounds they would wish to accept as additional obligations under the Convention. The second possibility would be to adopt a list of "core" grounds that would have to be accepted when ratifying the Protocol, and allowing States to decide to accept others as well. The Committee considered that this should be done with no modification to the existing instrument, but simply by the adoption of a Protocol that could be ratified on a voluntary basis.
13. The Committee of Experts also pointed out that a provision already exists in Convention No. 111 allowing governments to undertake obligations in regard to grounds other than those detailed in the Convention, though it is not actually used by ratifying countries. Article 1(1)(b) states that the definition of discrimination can be modified to include any other distinction, exclusion or preference which may be determined by the government of the ratifying country after consultation with representative employers' and workers' organizations. It may be expected that this Protocol would have several advantages over Article 1(1)(b). Upon adoption, a Protocol would have to be submitted to the competent authorities of all member States in the same manner as Conventions and Recommendations, and would therefore have to be considered formally by governments. There is no obligation on governments that have ratified the Convention to undertake any formal consultation on the grounds of discrimination under Convention No. 111, and they do not appear in fact to carry out consultations in this regard.

<sup>8</sup> One Convention and two Recommendations.

<sup>9</sup> Many analogous provisions exist, e.g. in the Inter-American human rights provisions (OAS Charter and Protocol of Buenos Aires, Convention on Human Rights and Protocol of San Salvador); European Convention on Human Rights and various Protocols, European Social Charter and the African Charter on Human and Peoples' Rights.

14. Ratification of the Protocol would give rise to an international obligation as well as a public commitment to the grounds specified by the government ratifying it, providing a rallying point for action concerning the prevention of discrimination in employment and occupation. Depending on national legal systems, it would embed the grounds selected in national law, as well as in international commitments, in a way that a voluntary declaration under Article 1 of the Convention would not. In addition, there is no contradiction between the approach of ratifying an additional Protocol and that of making additional declarations under Article 1 of the Convention – they would be compatible and could be complementary if governments were to begin using the procedure allowed for in the Convention.
15. Finally, the preliminary research and preparation for consideration of this item has very largely been done. The documentation for a discussion could be prepared quite quickly, and a single Conference discussion would probably suffice for the adoption of a Protocol.

## Employment

### 2. *Decent jobs and productivity*

#### Summary

Globalization is transforming production systems, work organization and labour markets. The fast pace and intensity of these changes are raising concerns about the quantity and quality of jobs. Consequently, the Global Employment Agenda is undertaking to re-examine the notion of productivity and its link to decent work. International labour standards, in particular those on which the Declaration on Fundamental Principles and Rights at Work is based, relate directly to the “high road” to productivity and competitiveness. More generally, the tripartite structure of the ILO, as well as its experience with technical cooperation, could contribute substantially to ensure that strategies and approaches adopted by member States and enterprises meet the goals of promoting decent work and improving productivity. It is proposed to hold a general discussion based on an integrated approach to develop guidance and an efficient plan of action to consolidate and strengthen the Office’s efforts to promote the growth of decent work and enterprise viability.

#### Background

16. The forces fuelling globalization are simultaneously transforming production systems and labour markets. Increased competition could create a “race to the bottom” where enterprises short-sightedly compete based on suppression of unions, low wages, poor working conditions, precarious employment conditions and use of child labour. The World Commission on the Social Dimension of Globalization has highlighted the need for policies and strategies at various levels to ensure that competition is constructive rather than destructive.
17. Studies have shown that long-term competitiveness can only be achieved through continuous total productivity improvement. Sustainable and long-term real productivity gains are achieved in turn through approaches which emphasize labour-management cooperation and consultation, good human resources management and development, enterprise and industry upgrading, and equitable sharing of productivity gains among stakeholders.

- 18.** Decent work is productive and remunerative work done in conditions of freedom, equity, security and human dignity. The four strategic objectives of decent work include employment creation, rights at work, social protection and social dialogue. The current Global Employment Agenda stresses that synergies exist between decent work and productivity – decent work is essential for sustainable productivity improvement, while increased productivity is essential to ensure further growth in the quantity and quality of employment.
- 19.** A decent work-based approach to productivity management stresses the importance of trust, communication and cooperation between managers and workers. Mutual respect for the rights of workers and employers is not only an obligation, but also a critical means of building trust; listening to each other in social dialogue is not only fundamental to human dignity, but also essential for building effective channels of communication. Trust and communication together are essential for fostering cooperation, which is vital for ongoing productivity improvement.
- 20.** Likewise, productivity improvements that focus on the importance of people in the production process support each of the strategic objectives of decent work. Sustainable productivity improvements foster continuous economic growth. This growth in turn fosters increased demand for goods and services, with the potential to stimulate further job creation. Productivity increases also help advance rights at work: productivity gains can be partially reinvested in areas such as improving skills and making the workplace safer; and gains can be shared in the form of increased wages and benefits, and reduced hours of work. A portion of productivity gains can also be invested in expanding and strengthening safety nets. Lastly, the social dialogue process at the micro and meso levels which makes productivity increases possible also reinforces broader social dialogue participatory processes.
- 21.** The benefits of decent work-based approaches to increasing productivity and competitiveness have been achieved by many enlightened and progressive enterprises. However, much remains to be done to shift the status of these practices from the exception to the rule. Best practices that highlight the complementarities of decent work and productivity improvement must be documented and disseminated, and further innovations encouraged through guidelines, tripartite consultations and policy prescriptions.

#### ILO means of action

- 22.** The ILO's efforts to promote the synergies between decent work and productivity improvement are shaped by the values expressed in the Declaration of Philadelphia, the Declaration on Fundamental Principles and Rights at Work, and international labour standards (ILSs) more generally. Certain ILSs are specifically focused on improving productivity, such as those promoting cooperation, consultation and communication at the national, industrial and undertaking levels.<sup>10</sup> However, ILSs concern a broad range of workplace issues, many of which address either directly or indirectly particular aspects of productivity improvement, such as education and skills development, occupational health and safety, working time, minimum age for work and non-discrimination.

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<sup>10</sup> See: the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94); the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113); and the Communications within the Undertaking Recommendation, 1967 (No. 129).

- 23.** Technical cooperation activities have been undertaken with bipartite and tripartite local and regional institutions to build the capacities of member countries, the tripartite constituencies and enterprises to promote decent work through the high road approach to productivity and competitiveness. The Office launched an action programme during the 1998-99 biennium, which has focused on the changing nature of productivity and competitiveness and the impact on decent work. The programme undertakes studies on key topics and develops tools for managers and workers' organizations to integrate decent work principles into routine management practices. Current work addresses specific issues of particular concern, such as socially responsible approaches to enterprise restructuring and rooting human resource management and development in ILSs and social dialogue.

#### Proposed solution

- 24.** The present subject matter has previously been submitted for a general discussion. However, the Governing Body has recently adopted a new practice to place items on the agenda of the International Labour Conference for general discussions based on an "integrated approach", which is particularly appropriate for the present subject matter, given the fundamental importance of promoting decent and productive work, and the broad range of related ILO activities. Such a discussion could: examine further the potential benefits of a decent work-based approach to improving productivity; address emerging concepts such as social productivity and the integration of productivity with the notion of social stability and equity; explore how the ILO could further promote policies, strategies and approaches that will foster synergies between decent work and productivity improvement; and draw up a plan of action. Such a discussion would be a useful follow-up to the *World Employment Report 2004*, which has as its theme the relationship between productivity, employment promotion and poverty reduction.

#### Conclusion

- 25.** It is proposed to hold a general discussion on the subject of "decent jobs and productivity". Should the Governing Body decide to include such an item on the agenda, the Conference may wish to: examine the problems, challenges and opportunities related to promoting decent work through improving productivity in the era of globalization; identify strategies and approaches which are consistent with the ILO principles expressed in the Declaration on Fundamental Principles and Rights at Work and ILSs more generally; identify the structures, skills and competencies required for continuous productivity improvement at the level of enterprises, sectors, and nationally; explore how the benefits and gains from productivity improvement could be fairly shared among the stakeholders; provide examples of laws and policies which have supported decent work-based productivity improvements; and highlight the important roles of the social partners. The aim of such a discussion would be to develop an efficient plan of action which coordinates and maximizes the impact of ILO activities in this area, and to develop relevant programmes and other means of action which would contribute to promoting effective policies, strategies and approaches.



### 3. **Promoting decent work in reconstruction of conflict-affected countries (standard setting)**

#### Summary

The current exponential increase in armed conflicts globally poses serious challenges to the implementation of the ILO Decent Work Agenda in terms of massive unemployment and poverty and, by the destruction of social and economic infrastructure, making job creation and the promotion of democracy, human rights and labour standards more difficult. Currently, about one-third of ILO member States are in conflict, emerging from conflict, re-entering into conflict or affected by conflict in a neighbouring country.

The ILO has an important role to help prevent war and social conflict, to support the process of reintegration and reconstruction, and to build durable peace, and its work in this field has been recognized by the award of the Nobel Peace Prize in 1969.

At the present time, however, the ILO does not have a comprehensive framework for addressing the essential ILO issues relating to reconstruction in the context of decent work and encompassing poverty reduction and employment promotion, social and economic reintegration, relief and reconstruction, social protection, social dialogue for peace and reconciliation, and early-warning systems.

What is now needed is an appropriate policy framework including up-to-date instruments to respond not only to immediate but also longer term needs of conflict-affected countries and the roles of the constituents in this sphere. At tripartite consultative meetings, constituents have repeatedly stressed the urgent need for a policy framework and for intensified ILO action in this area.

It is thus considered important to place the item of promoting decent work in the reconstruction of conflict-affected countries on the agenda of the International Labour Conference in 2006 with a view to developing an ILO instrument, most probably in the form of a Recommendation, to serve as an essential policy framework for ILO and constituents' activities in this area.

#### The problem

26. The last decade has witnessed an alarming increase in the frequency and intensity of armed conflicts around the world. Currently, about one-third of ILO member States are in conflict, emerging from conflict, re-entering into conflict or affected by conflict in a neighbouring country. These conflicts result in massive unemployment, underemployment and poverty.
27. The ILO has a mission to prevent war and social conflict and has received the Nobel Peace Prize in recognition of its work in this field. The ILO also supports the process of reintegration and reconstruction to build a sustainable peace, but currently does not have a comprehensive framework for ensuring that it can effectively respond to immediate and longer term needs of conflict-affected countries.
28. In the past 60 years the nature, origins and impact of armed conflicts have changed in important ways. In the context of the twenty-first century, several different features of conflict and post-conflict situations need to be addressed, including the fact that most conflicts are within States; their origins vary; they can last a long time; conflict situations tend to recur; civilians are involved as perpetrators and victims; the technology of war is changing; and that internal migration flows increase.
29. Existing ILO standards do not currently adequately address the new nature of conflicts being experienced globally, nor provide governments, employers and workers with the kind of comprehensive guidance that they may need in addressing the problems of concern to the ILO in conflict-affected countries. The lack of such a framework limits the ILO's capacity at the national level and constitutes an impediment for the ILO to play an effective role within the United Nations system in this field.

## Relation to previously adopted instruments

- 30.** The currently most relevant instruments in this area include the Social Security (Armed Forces) Recommendation, 1944 (No. 68), and the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71). These two instruments have already been examined by the Governing Body Working Party on Policy regarding the Revision of Standards. With regard to Recommendation No. 68 the Working Party noted that its objective still seemed to be relevant although the context was no longer the same. As regards Recommendation No. 71, the Working Party noted that while it had long been considered to be of no further interest, the present proposal seemed to indicate that there was renewed interest in the issues it covered.<sup>11</sup> The Governing Body invited member States to communicate to the Office any additional information on the possible need to replace this Recommendation.<sup>12</sup>
- 31.** In addition to the fundamental and priority Conventions as well as the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, which are relevant for all countries in all circumstances, a number of other international labour standards<sup>13</sup> are also relevant in this context.

## Proposed solution

- 32.** At a tripartite seminar on the subject in November 1997, and at several annual consultative meetings (such as in June 1999, 2000, 2001 and 2002), the constituents have already expressed the need for a framework to guide their actions in tackling crises, including the aftermath of armed conflicts. There is a need to take stock of the work being done in this field, to firm up a comprehensive and visible policy framework, and to develop a revitalized standard to guide the work of the Organization and its constituents in conflict-affected countries.
- 33.** Developing such a framework would provide an opportunity to identify what principles embodied in Recommendations Nos. 68 and 71 remain relevant, what may need to be re-examined, and what new considerations are relevant and need to be considered, and which, in addition to the fundamental principles and rights at work, need to be given urgent priority in the context of reconstruction. The framework should also spell out operational support modalities and provide guidance on strategic partnerships of the ILO with its constituents, with agencies and organizations within the United Nations system and with NGOs and civil society. Other more specific issues relating to special target groups and to the various ILO technical programme components will also need to be addressed including: social and economic reintegration of special vulnerable groups,

<sup>11</sup> GB.274/LILS/WP/PRS/3, p. 8.

<sup>12</sup> The Office has not yet undertaken any specific follow-up action with respect to this decision.

<sup>13</sup> They include, but are not restricted to: the Employment Policy Convention, 1964 (No. 122); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117); the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159); the Labour Administration Convention, 1978 (No. 150); and Recommendation (No. 158), 1978; the Human Resources Development Convention, 1975 (No. 142) (including Recommendation No. 150); the Social Security (Minimum Standards) Convention, 1952 (No. 102); the Equality of Treatment (Social Security) Convention, 1962 (No. 118); and the Maintenance of Social Security Rights Convention, 1982 (No. 157); the Part-Time Work Convention, 1994 (No. 175); the Indigenous and Tribal Peoples Convention, 1989 (No. 169); and the Worst Forms of Child Labour Convention, 1999 (No. 182).

employment-friendly infrastructure reconstruction, poverty reduction and employment promotion, social dialogue and reconciliation, social protection and safety nets and rebuilding of national institutions.

#### Progress made in preparatory work

34. Under the Special Allocation for Peace and Democracy in Central America, 1993, authorized by the Governing Body, the ILO participated directly in the Guatemalan peace negotiations at the request of the United Nations Secretary-General. The ILO was the only United Nations specialized agency to play a key role in the final agreement.
35. Research activities and seminars have been carried out starting with the ILO Action Programme on Skills and Entrepreneurship Training from Countries Emerging from Armed Conflict in the 1990s and through special partnerships in major UNDP and UNOPS programmes in more than 20 countries affected by conflicts and natural disasters.
36. Since 1999, IFP/CRISIS has launched technical assistance programmes and projects, relating to the broad cross-section of the four sectors of ILO expertise including not only employment-related issues such as vocational training, local economic development, economic and social reintegration, employment services centres, employment promotion and employment-intensive reconstruction, but also social protection and social dialogue in more than 25 countries. IFP/CRISIS has mobilized more than US\$30 million for these programmes.
37. A paper was presented to the Governing Body Committee on Employment and Social Policy in March 2000 on “ILO strategy and activities on employment and social concerns in crisis situations”.<sup>14</sup> IFP/CRISIS continues to work closely with other key UN agencies in research consultation on crises, networking with external researchers, conducting training and capacity-building programmes, and producing many essential research studies and manuals on crises, which cover armed conflict. The annual meetings with ILO constituents are proving very useful in terms of exchange of information and sharing of ideas. Research and consultation continue regarding the application of ILO decent work principles in a post-crisis environment.

#### Conclusion

38. The ILO has a mission to prevent social conflict which contributes to preventing war, to support the process of reintegration and reconstruction, and to build sustainable peace. Constituents have expressed views on the urgent need for intensified ILO action in this area and for an appropriate and broader policy framework and up-to-date instruments. Now that the ILO is increasingly involved in crisis preparedness and response programmes, it is most timely to place the item of “promoting decent work in the reconstruction of conflict-affected countries” on the agenda of the International Labour Conference in 2006 with a view to developing a contemporary ILO instrument, which could be in the form of a Recommendation that would provide appropriate guidance to ILO constituents.

<sup>14</sup> GB.277/ESP/2.

## Employment/Social protection

### 4. *Employment and social protection in ageing societies*

#### Summary

The increase of life expectancy is one of the most precious achievements of humankind. Paradoxically, in many countries longer life expectancy has not been accompanied by longer working lives. In many countries, average retirement ages have dropped, posing a threat to the financial viability of public budgets and a risk of older people becoming socially excluded. Many concerns about the financing of social security are based on the assumption that growth will not create enough jobs or ageing will limit the size of the labour force. Therefore, there will be fewer people contributing to social security systems, while an increasing number will be seeking benefits. However, we should not be thinking in terms of distributing jobs currently available but in creating more and better jobs in a labour force that gradually includes older age groups. This is crucial for developing countries where old-age poverty is an increasing concern and few older people can afford retirement. We also need to look for ways to gradually extend social security in order to provide the population with a reasonable income for their later years. Full employment is the best way to create the tax and contribution base to ensure social protection. The ILO can play a key role in developing innovative strategies to meet these challenges and to take advantage of the opportunities of ageing. It is proposed to hold a general discussion based on an integrated approach to develop an efficient plan of action covering ILO instruments, research activities, technical cooperation and other means of action that would contribute to promoting policies, strategies and approaches to ensure a decent and secure old age.

#### Contemporary trends

- 39.** The world's population is growing older at an accelerating pace. Fertility rates are declining, and people live longer. Between now and 2050, the number of people aged 60 and over should rise from about 600 million to 2 billion.<sup>15</sup> Developing countries are ageing faster than industrialized countries<sup>16</sup> while the demographic effects of the HIV/AIDS pandemic still remain to be fully assessed. Over the next 50 years, the older population in the developing world is expected to multiply by four.<sup>17</sup>
- 40.** Paradoxically, longer life expectancy has not been accompanied by longer working lives, particularly in developed countries. Growing unemployment has generated labour supply reduction measures stimulating early labour market withdrawals. Countries are facing concerns about the financial viability of social protection systems. While there are reasons to alter labour supply reduction policies, there are barriers which do not allow an easy reversal. Employment promotion remains the overriding concern. Also, policies are needed to increase participation rates of older workers notably in industrialized countries. The dilemma is that investment in older workers' employability has to be made at an early stage when many countries still face labour surpluses.
- 41.** Promoting productive and decent employment is crucial in the developing world. Policies on social protection financing could then be developed with more resources. In these

<sup>15</sup> United Nations Population Division, World Population Prospects, The 2002 Revision, <http://esa.un.org>

<sup>16</sup> See table 2 "Velocity of ageing", in "An inclusive society for an ageing population: The employment and social protection challenge", paper contributed by the ILO to the Second World Assembly on Ageing, Madrid, 8-12 April 2002.

<sup>17</sup> [www.un.org/ageing/coverage/pr/socm3.htm](http://www.un.org/ageing/coverage/pr/socm3.htm); See also table 2 "Velocity of ageing", idem.

countries, the absence or low level of pensions push older people into informal sector employment and old-age poverty is of increasing concern.

#### The ILO's response

42. The ILO's response to these issues includes standard setting, research and collaboration in international efforts. Technical cooperation addressing older workers is practically inexistent and the ILO has no specific information bases devoted to older workers.

#### *Labour standards and older workers*

43. The relevant Conventions on fundamental workers' rights apply to all workers irrespective of age. Older workers as a group with specific needs are identified in several Recommendations.<sup>18</sup> The only instrument specifically relating to older workers is the Older Workers Recommendation, 1980 (No. 162). This instrument was recently examined by the Governing Body<sup>19</sup> and different views were expressed regarding its revision. The Governing Body decided to maintain the status quo.
44. ILO instruments on social security and human resources development are also relevant. Regarding social security, the key instruments include Part V of the Social Security (Minimum Standards) Convention, 1952 (No. 102), as well as the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128), and Recommendation (No. 131). These instruments were examined in the light of consultations held and the general discussion on social security during the 89th Session (2001) of the International Labour Conference and were considered to be up to date. The Governing Body also invited the Office to offer technical assistance with respect to these instruments including dissemination of information. Regarding human resources, the Human Resources Development Convention, 1975 (No. 142), is up to date, while its accompanying Recommendation (No. 150) is under revision. A first discussion was held at the 91st Session (2003) of the International Labour Conference.
45. Regarding equality of opportunity age is not listed among the grounds on which discrimination is prohibited in the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Some 35 countries have, however, included age among the prohibited grounds for discrimination. This has been brought up in the context of the proposal to extend the grounds listed in Convention No. 111. This proposal has been submitted on several occasions to the Governing Body, but it has not yet been retained.<sup>20</sup>

#### *Research and international collaboration*

46. ILO work in the early 1990s resulted in working papers on training for older workers and on OECD countries' experience regarding policies targeting older workers. The *World Labour Report* of 1995 and the *World Employment Reports* of 1998 and 2001 have taken

<sup>18</sup> The Workers' Housing Recommendation, 1961 (No. 115); the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169); the Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189); and the Safety and Health in Agriculture Recommendation, 2001 (No. 192), Para. 4.3.

<sup>19</sup> In the context of the Working Party on Policy regarding the Revision of Standards, see GB.279/LILS/WP/PSR/4, p. 21, and GB.279/LILS/3.

<sup>20</sup> GB/288/2/1, paras. 29-42.

up the issue. The ILO contributed a paper on labour markets and ageing to a special G8 conference on this theme (Tokyo, September 1999).

47. The ILO was actively involved in the preparations of the Second World Assembly on Ageing (Madrid, April 2002) as well as in the Assembly itself.<sup>21</sup> The Assembly adopted the Madrid International Plan of Action on Ageing 2002 (MIPA) and the Political Declaration. The ILO also participated in the Ministerial Conference on Ageing (Berlin, September 2002).<sup>22</sup>
48. The ILO, together with the Governments of Germany and Japan, organized the High-level Conference on Social Dialogue and Ageing in the EU Accession Countries (Budapest, November 2002). The ILO also participated in the G8 High-level Meeting on Employment (Paris, May 2003) as well as in an expert group meeting on modalities for review and appraisal of the MIPA organized by the UN Programme on Ageing (Malta, November 2003).

#### Proposed directions

49. The importance of these issues is reflected in numerous international events in which the ILO has participated. In terms of overarching policy, promoting full employment is the best way to ensure that people have a guaranteed pension when the time comes to leave employment. Many older persons prefer work to inactivity and can provide a valuable contribution to economies. The extension of working life demands complementary measures such as lifelong learning, improving working conditions and combating age discrimination. Furthermore, it is necessary to examine disincentives for employers to employ older workers as well as those that discourage older workers to continue to work.
50. In order to enable constituents to assess and develop a strategy in relation to all ILO means of action it is proposed to hold a general discussion based on an integrated approach on this subject including special consideration of the ILO's contribution to appropriate strategies in this area.
51. In addition to research into current trends, existing data requires particular examination so as to establish regional differences, and to analyse the economic and social consequences of population ageing as well as individual ageing. Further attention should be given to identifying *labour market policies* for older workers including a gradual and flexible transition to retirement. In terms of *human resources development* further consideration should be given to training policies and lifelong learning as well as the provision of job placement and job search assistance for older persons. The Conference may wish to focus on how the Global Employment Agenda is addressing these issues.
52. Regarding *social security*, three main challenges lie ahead. First, how can social security schemes be financed in a sound and sustainable way? Second, how can the role of social security as a productive factor in promoting employment, facilitating structural change and fostering economic growth be further strengthened? This includes the issue of how the transition from work to retirement can be facilitated by policies that do not encourage too early withdrawal from the labour market. Third, how can social security coverage be

<sup>21</sup> The ILO submitted the report "An inclusive society for an ageing population: Employment and social protection issues", GB.283/ESP/5 (Mar. 2002).

<sup>22</sup> The Conference adopted the Regional Implementation Strategy for the MIPA and the Berlin Ministerial Declaration: [www.unece.org/ead/pau/age/conf2002frame.htm](http://www.unece.org/ead/pau/age/conf2002frame.htm) .

extended to the most vulnerable groups in ageing societies especially to those in the informal economy?

53. Regarding the implementation of measures to combat *age discrimination in employment and occupation* special attention should be given to older women. Finally, providing a *safe and healthy working environment* for older workers requires particular attention, including the elimination of occupational hazards and working conditions which reduce working capacity.

## Conclusion

54. This proposal examines key *social protection* challenges, namely the long-term financing of pensions, health and long-term care; the role of social security as a productive factor; and the extension of social security coverage. The proposal reflects the fact that productive and decent *employment* is the most powerful lever to cope with demographic change and to maintain and extend social protection for people of all ages. Prolonging working lives, if desired, demands complementary measures such as skill development, improvement in and adaptation of employment and working conditions and promoting *older workers' labour rights* through, inter alia, combating age discrimination. *Social dialogue* plays a crucial role in the design and implementation of policies for older workers. All these measures are thus related to all four strategic objectives. For older people, the four pillars of the Decent Work Agenda mean the opportunity to remain an active part of the economy and society in conditions of dignity, freedom, equality and security.
55. It would be timely for the International Labour Conference in 2006 to address the aforementioned issues and to examine the challenges and opportunities related to ageing in the context of decent work. Such a discussion could serve as a platform for future ILO activities on this topic and priority areas could be identified. Since four years will have elapsed since the World Assembly on Ageing, it will provide an opportunity to discuss progress and future policy directions in implementing the MIPA. Holding a discussion based on an integrated approach would allow constituents to have a global view of all the ILO's means of action and to develop a coherent strategy.

## Social dialogue

### 5. *The employment relationship*

#### Summary

The conclusions on the employment relationship adopted at the 91st Session (2003) of the International Labour Conference requested the Governing Body to place this item on the agenda of a future session. The conclusions envisaged the adoption of a Recommendation to provide guidance to member States on the clarification of the scope of the employment relationship, without defining universally its substance, and to enable employers and workers to know their status and, consequently, their respective rights and obligations under the law. The Recommendation should promote the adoption of a national policy on the scope of the employment relationship, focus on disguised employment relationships and on the need for mechanisms to ensure that persons within an employment relationship have access to the protection they are due at the national level. It should be flexible and address the gender dimension; it should not interfere with genuine commercial and independent contracting arrangements and it should promote collective bargaining and social dialogue as a means of finding solutions to the problem at the national level and should take into account recent developments in employment relationships and the conclusions of the International Labour Conference (2003). The Office considers that it is feasible to adopt such a Recommendation in a single discussion.

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## The general discussion

- 56.** At the 91st Session (2003) of the International Labour Conference, a general discussion was held on the scope of the employment relationship.<sup>23</sup> As a result, the Governing Body was requested to place this item on the agenda of a future session of the International Labour Conference and that a Recommendation be considered as an appropriate response.<sup>24</sup> It concluded that one of the consequences associated with changes in the structure of the labour market, the organization of work and the deficient application of the law is the growing phenomenon of workers who are in fact employees but find themselves without the protection of an employment relationship. This lack of protection exacerbates gender inequalities at work, particularly where women workers are predominant and where disguised and ambiguous employment relationships are frequent.
- 57.** The situation of workers who are unprotected because of a lack of clarity about their employment status undermines the impact of national and international labour standards whose application depends mainly on the existence of an employment relationship. This problem is relevant to the strategic objectives of the ILO in relation to promoting and implementing standards and fundamental principles and rights at work (Strategic Objective No. 1), creating greater opportunities for women and men to secure decent employment and income (Strategic Objective No. 2), enhancing the coverage and effectiveness of social protection for all (Strategic Objective No. 3) and promoting the effectiveness of legal frameworks (operational objective 4(b)). The 86th Session (1998) of the International Labour Conference had already invited the Governing Body to place the issues regarding situations where workers require protection on the agenda of a future session of the International Labour Conference for standard setting.
- 58.** The concept of the employment relationship is common to all legal systems and traditions, but the obligations, rights and entitlements associated with it vary from country to country. Similarly, the criteria for determining whether or not an employment relationship exists can vary even though in many countries common notions such as dependency or subordination are found. Regardless of the criteria used, there is a shared concern among governments, employers and workers to ensure that the criteria are sufficiently clear so that the scope of application of various laws and regulations can be more easily determined so that they cover those who are meant to be covered, i.e. those who are in employment relationships.
- 59.** The discussion focused on dependent workers who lack protection due to one or a combination of the following factors:
- the law is unclear, too narrow in scope or otherwise inadequate;
  - the employment relationship is disguised under the form of a civil or a commercial arrangement;

<sup>23</sup> ILO: Report V, *The scope of the employment relationship*, ILC, 91st Session, Geneva, 2003.

<sup>24</sup> ILO: *Provisional Record* No. 21, "Conclusions concerning the employment relationship", para. 25, p. 57, ILC, 91st Session, Geneva, 2003.



- the employment relationship is ambiguous;
- the worker is in fact an employee, but it is not clear who the employer is, what rights the worker has, and against whom these rights can be enforced;
- lack of compliance and enforcement.

**60.** An employment relationship is considered ambiguous whenever a person works under conditions that give rise to an actual and genuine doubt about the existence of an employment relationship. It was acknowledged that there is an increasing number of these cases where it is very difficult to distinguish between employees and independent workers and in many areas this distinction has become blurred.

**61.** A disguised employment relationship occurs when the employer disguises the status of a person who is in fact an employee so as to hide his or her true legal status. This can occur through the inappropriate use of civil or commercial arrangements. False self-employment, false subcontracting, the establishment of pseudo-cooperatives, false provisions of services and false company restructuring are amongst the most frequent means used to disguise the employment relationship. The discussion concluded that this phenomenon is detrimental to the interest of workers and employers and an abuse that is inimical to decent work and should not be tolerated.

**62.** The Conference also discussed the so-called triangular employment relationships, where a person works for the benefit of a third party (the user). These relationships need to be examined in so far as they may result in a lack of protection to the detriment of the employee. In such cases, the major issues at stake consist of determining who the employer is, what rights the worker has and who is responsible for them. The issue of triangular employment relationships was not resolved.

**63.** The Conference recalled that poor enforcement and lack of compliance with the law could be significant factors in explaining why many workers lack protection. It declared that there should be a strong political commitment from the State to ensure compliance with the law, supporting all mechanisms that facilitate this. Social partners should be involved where appropriate and cooperation should be promoted between the different government enforcement agencies to enable the pooling and more efficient use of resources to combat abuse arising out of disguised employment arrangements. Labour administrations and their services, particularly labour inspectors, have a crucial role to play in this regard.

**64.** In order to better assess and address the various issues relating to the scope of the employment relationship, governments should develop a national policy framework in consultation with the social partners. Such a policy might include, but not necessarily be limited to, the following elements:

- providing workers and employers with clear guidance concerning employment relationships, in particular the distinction between dependent workers and self-employed persons;
- combating disguised employment relationships which have the effect of depriving dependent workers of proper legal protection;
- not interfering with genuine commercial or genuine independent contracting;

- 
- providing access to appropriate resolution mechanisms to determine the status of workers.
- 65.** Member States should undertake an in-depth review to identify shortcomings in order to explore appropriate and balanced solutions that take different interests into account. The Conference acknowledged that a substantial number of innovative measures have in fact been introduced in many countries to address the problems related to the determination of the employment status of workers.
- 66.** The Conference declared that the ILO has a significant role to play in this area. To this end it should expand its knowledge base and allocate resources for a programme of technical cooperation, assistance and guidance to member States on the scope and application of the employment relationship to address the scope of the law, general aspects of the employment relationship, access to courts, policy guidelines and capacity building to strengthen administrative and judicial action to promote compliance. Particular attention should be paid to developing more extensive and accurate statistical data. These issues will be addressed by the Office in its programme of work during the present biennium within the framework of its overall work priorities and available resources.

#### The proposed Recommendation

- 67.** According to the conclusions of the general discussion held at the International Labour Conference, the proposed Recommendation should provide guidance to member States on the clarification of the scope of the employment relationship, without defining universally its substance, so as to enable employers and workers to know their status and, consequently, their respective rights and obligations under the law.
- 68.** The Recommendation should promote the adoption of a national policy on the scope of the employment relationship and focus on disguised employment relationships and on the need for mechanisms to ensure that persons within an employment relationship have access to the protection they are due at the national level. Such a Recommendation should be flexible enough to take account of different economic, social, legal and industrial traditions and address the gender dimension. It should not interfere with genuine commercial and independent contracting arrangements. It should promote collective bargaining and social dialogue as a means of finding solutions to the problem at the national level and should take into account recent developments in employment relationships and the abovementioned conclusions.
- 69.** Such a Recommendation may be adopted in a single or a double discussion. A substantial body of work was already undertaken by the Office for the general discussion at the International Labour Conference in 2003 and the standard-setting discussions at the International Labour Conferences in 1997 and 1998. Also, the conclusions of the 2003 general discussion, and in particular Paragraph 25, provide sufficient guidance as to the scope and content of such a Recommendation. The Office considers that it is feasible to adopt such a Recommendation in a single discussion.

## Gender

### 6. *Gender equality in the world of work*

#### Summary

An item on the agenda of the International Labour Conference in 2006 on gender equality in the world of work would represent a significant opportunity to conduct a comprehensive up-to-date review of progress on gender equality in the world of work and ILO action in light of the social dimension of globalization and changing labour markets. This would be assessed particularly in relation to the Platform for Action adopted in Beijing in 1995, the Social Summit commitments included in the Copenhagen Declaration of 1995, ECOSOC's adoption in 1997 of a gender mainstreaming strategy and the Millennium Development Goals.

Against this background, the constituents could provide guidance on:

- integrating the ILO means of action to promote gender equality in the Decent Work Agenda;
- strengthening gender mainstreaming in the ILO strategic objectives;
- enhancing the Office and constituents' efforts and impact on eliminating gender discrimination.

The review would be timely and relevant and enable the ILO to chart a strategic course for its future work.

#### Introduction

- 70.** During the 71st Session (1985) of the International Labour Conference, a general discussion examined the question of equal opportunities and equal treatment for men and women in employment. This was the most recent comprehensive ILO review of progress on gender equality in the world of work and ILO action.
- 71.** Since then, tremendous changes have taken place in the global labour market with uneven progress in achieving gender equality. Different forms of gender inequality have arisen and new challenges emerged with the rapid expansion of the global economy. These include growing unemployment and poverty,<sup>25</sup> the feminization of international migration, trafficking for prostitution and forced labour,<sup>26</sup> and the emerging gender digital divide as new information and communication technologies shape the world of work.<sup>27</sup>
- 72.** Gender-based discrimination violates fundamental principles and rights at work, human rights and social justice. It weakens economic growth and the optimal functioning of enterprises and labour markets. This has been recognized by the international community, (e.g. MDGs, Monterrey Consensus and Johannesburg Plan of Implementation). The ILO has an incontestable contribution to make in the attainment of these agreed objectives.
- 73.** Now is the time for the ILO to take stock of global developments in order to update ILO policy and to determine priority areas for its work in promoting gender equality goals.

<sup>25</sup> The widely quoted estimate is that women constitute 70 per cent of the world's 1.3 billion poor living on less than US\$1 per day.

<sup>26</sup> "In the past decade, the international trade in human beings, particularly women and children, has reached epidemic proportions ... Each year, an estimated 700,000 to 1 million women and children are shipped across national boundaries and sold into modern day slavery. The trade in human beings is a worldwide scourge", in the *International Herald Tribune*, 1 June 2000.

<sup>27</sup> ILO: *World Employment Report 2001*, p. 319.

## Background: Progress, challenges and gaps

- 74.** Since the Fourth World Conference on Women in Beijing in 1995, the United Nations has noted the gain in the economic autonomy of women as a consequence of their increased participation in the labour market. However, the United Nations has recognized that significant obstacles impede the achievement of gender equality in employment.<sup>28</sup>
- 75.** Globalization has highlighted the plight of the working poor in the informal economy. Addressing gender issues in the context of the HIV/AIDS epidemic is a key concern. Sexual harassment and trafficking for prostitution are subjects for legislation and campaigns. The lack of adequate representation of women and their concerns in business, and in political and labour institutions, hampers genuine progress in achieving gender equality in the world of work. Ensuring a balance between work and family responsibilities and between paid and unpaid work remains a critical challenge. Assisting men and boys to play a positive role in changing gender relations is a new and crucial avenue for advancing gender equality.
- 76.** Figures derived from existing ILO statistics illustrate persistent gender disparities: 54 per cent of working-age women in the labour force compared to over 80 per cent male. Half the world's labour remains in gender-stereotyped occupations. Women continue to earn 20-30 per cent less than men. Nearly two-thirds of all part-time workers are female. In unpaid family work, women predominate.<sup>29</sup> Data indicate that the urban informal economy is a larger source of employment for women than for men.<sup>30</sup> Young women have great difficulty entering the labour market and retaining their jobs in periods of economic downturn. Women are much more likely to be underemployed or unemployed.<sup>31</sup> Women spend less time in paid work and considerably more time in unpaid work.

## ILO action to date

- 77.** The International Labour Conference in 1985 adopted a resolution on equal opportunities and equal treatment for men and women in employment. In 1991, the Conference adopted a resolution concerning ILO action for women workers. Since 1985, a number of standard-setting and other measures relevant to gender equality and women's employment have been on the agenda viz. the Night Work Convention, 1990 (No. 171),<sup>32</sup> the Part-Time

<sup>28</sup> United Nations: resolution adopted by the General Assembly, "Further actions and initiatives to implement the Beijing Declaration and Platform for Action", Twenty-third Special Session, 2000, A/RES/S-23/3, para. 20.

<sup>29</sup> Contributing family workers among economically active women are over 77 per cent in Bangladesh, 54 per cent in Pakistan, 44 per cent in Indonesia and Thailand, 65 per cent in Ethiopia and 54 per cent in Uganda.

<sup>30</sup> In India and Indonesia, the informal economy accounts for nine out of every ten working outside agriculture, while in Benin, Chad and Mali more than 95 per cent of the female non-agricultural labour force is in the informal economy. Even then, there is likely to be underestimation of the gender bias, since women are more likely to be in those informal economy activities that are invisible or undercounted.

<sup>31</sup> The proportion of the underemployed female labour force was at least treble the proportion of the male labour force in Belgium, Denmark, France, Germany, Israel, Italy, Norway, Spain and Sweden.

<sup>32</sup> Six ratifications.

Work Convention, 1994 (No. 175),<sup>33</sup> the Home Work Convention, 1996 (No. 177),<sup>34</sup> and the Maternity Protection Convention, 2000 (No. 183).<sup>35</sup> A General Survey on the night work of women in industry was submitted to the International Labour Conference in 2001.<sup>36</sup> Another important instrument adopted previously is the Workers with Family Responsibilities Convention, 1981 (No. 156).<sup>37</sup>

- 78.** A challenge is how to promote the ratification and implementation of some of these Conventions. The adoption of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up has provided impetus, with inclusion of the principle of the elimination of discrimination. Within this context, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Equal Remuneration Convention, 1951 (No. 100), have received a number of new ratifications and the 2003 Global Report on Discrimination: *Time for equality at work* has been well received.
- 79.** A number of tripartite meetings have been held over the years on specific gender equality issues. Technical cooperation projects have addressed gender equality in various fields. Practical tools have been very useful for awareness raising and training. The programme on gender, poverty and employment (GPE) builds the capacity of the constituents to fully integrate employment and gender in the formulation and implementation of poverty reduction strategies.
- 80.** Through these actions the ILO has focused on promoting equality between men and women with increasing attention being given to mainstreaming gender concerns in ILO programmes, and building the capacity of the Office and the constituents to ensure that gender is integrated into activities.
- 81.** The strategic programme and budget 2000-01 and the strategic policy framework established gender as a cross-cutting concern in all the activities. In March 2000, the Office's Action Plan on Gender Equality and Mainstreaming was submitted to the Governing Body. The Office conducted its first Office-wide gender audit of programmes to assess the extent to which institutional mechanisms have been established and are operational. A report was submitted to the Governing Body in March 2003. The Programme and Budget for 2004-05 now includes a specific operational objective on gender equality.

#### ILO future policy development

- 82.** In light of the above, a discussion at the Conference could provide the opportunity to examine the extent to which relevant ILO standards are translated into the range of ILO means of action, identifying gaps and obstacles, as well as highlighting good practices. An assessment of the ILO knowledge base would identify ways to improve data collection. Good workplace practices demonstrating positive linkages between gender equality measures and productivity and efficiency could be identified. It could also provide insights

<sup>33</sup> Eight ratifications.

<sup>34</sup> Two ratifications.

<sup>35</sup> Three ratifications.

<sup>36</sup> ILO: *Night work of women in industry*, Report III (Part 1B), ILC, 89th Session, Geneva, 2001.

<sup>37</sup> Thirty-four ratifications.

on advocacy and awareness-raising work of the ILO and the implementation of technical cooperation in gender equality.

- 83.** An item on the Conference agenda in 2006 would provide an important opportunity to analyse and take stock of consequences of labour market and global economic trends for gender equality in the world of work. The identification of priority gender issues and discussion of new areas of work such as the care economy, HIV/AIDS, the life-cycle approach, work and family issues, and the changing role of men in the labour market could contribute to the further development of ILO gender policy.

## Technical cooperation

### 7. *The role of the ILO in technical cooperation*

#### Summary

Following a decision in 1987 to hold regular reviews of the ILO's technical cooperation programmes every five years, the Conference examined this issue in 1993 and again in 1999. In March 2002, in the context of the Governing Body discussion on the agenda of future sessions of the International Labour Conference, the Employers' group, with the support of the Workers' group, proposed this item for renewed consideration. The conclusions concerning the role of the ILO in technical cooperation, adopted by the Conference at its 87th Session in 1999, set out a broad framework for the ILO's work in technical cooperation, including the future orientation of ILO technical cooperation policy. Since then, significant changes have taken place and are in progress within the ILO in the approach and modalities for development and implementation of ILO programmes and activities including renewed efforts to increase the synergy between technical cooperation and international labour standards. External developments in the world of development cooperation, such as the United Nations Development Group, Millennium Development Goals and sustainable development and globalization, have had their influence in bringing about some of these changes and calls for continued dynamism. It would be opportune to have a general discussion on the subject at the Conference in 2006, in order to review the programme, assess how it has responded to the changing environment to make it more relevant in today's world of development cooperation, and seek guidance from the Conference on the way forward.

#### Background

- 84.** A resolution adopted at the 73rd Session (1987) of the International Labour Conference concluded that it would be desirable for the Conference to review the technical cooperation programme regularly, at least every five years. The Conference reiterated its stance in 1993 when it undertook a comprehensive review of the programme. The last discussion at the Conference took place in 1999.
- 85.** It will be recalled that in the course of the March 2002 Governing Body discussion on the date, place and agenda of future sessions of the Conference,<sup>38</sup> the Employers' group, with the support of the Workers' group, proposed for consideration by the Conference in 2005, a general discussion of ILO technical cooperation activities.

#### A new setting for technical cooperation

- 86.** Since 1999, significant changes have taken place and are in progress in the approach and modalities for development and implementation of ILO programmes and activities; a fresh examination of the future role of technical cooperation is warranted.

<sup>38</sup> GB.283/2/1.

## Within the Organization

- 87.** Significant organizational and structural changes have been put in place since 1999. The adoption of a strategic programme and budget, later reinforced by a strategic policy framework, internal reorganization of headquarters' units with the establishment of InFocus programmes led to consolidation. This consolidation was enhanced by two developments that have progressed during this time period: first, the integration of the regular programme and budget with planning and designing of programmes financed by extra-budgetary resources; and, second, the strengthening of the partnership arrangements with some members of the donor community, which is based on a programme (or thematic) approach as opposed to an ad hoc project-by-project approach.
- 88.** The overall guidance for technical cooperation has been prompted by the development of the Decent Work Agenda, the strategic programme and budget as well as the discussions and conclusions of the four Regional Meetings that have been held since June 1999. New areas of development action have also come to the fore in the ILO in recent years: HIV/AIDS, crisis response and reconstruction, and the follow-up to the Declaration on Fundamental Principles and Rights at Work. In addition, the "integrated approach" to ILO standards-related activities, i.e. developing plans of action to guide all ILO means of action including technical cooperation in a particular area of ILO activities in the context of general discussions at the Conference – adopted by the Governing Body in November 2000 – is a further element to take into account in developing thematic, structured approaches to technical cooperation. Such approaches appear as key in the efforts to increase the synergy between technical cooperation and other means of ILO action, including international labour standards.
- 89.** Coordination and collaboration between headquarters and the field in the area of technical cooperation were strengthened, and regular and systematic joint programming exercises between headquarters technical units and field offices have become routine. In the regions, steps have been taken to streamline management structures and reporting lines and to delineate more clearly the roles and responsibilities of the different components of the field structure.

## External developments

- 90.** The recent past has witnessed the emergence of new frameworks on the global scene: the Millennium Summit; the follow-up conferences held in 2000 to the World Social Summit and the Beijing Conference; the establishment of the Global Compact; the World Conference on the Least Developed Countries held in Brussels; the New Partnership for Africa's Development; the Third Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; the launching of the African Union; as well as the continued reforms within the United Nations system, including the increased use of the United Nations Development Assistance Framework (UNDAF), and the recent development of the Poverty Reduction Strategy Papers (PRSPs). There has been setting of Millennium Development Goals and targets. As an active partner in the world of development cooperation, the ILO has had to reorient its work to cater to such new developments and frameworks, with significant implications for planning and programming of its activities.
- 91.** It should be stressed that many of these developments, both internal and external to the ILO, are quite recent. Their impact on the design of technical cooperation programmes and modalities for implementation has yet to be fully felt. The period that remains until the next International Labour Conference discussion on technical cooperation will undoubtedly witness considerable further adjustments in the ILO's programme, including technical cooperation.

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## Issues for discussion: The report to the Conference

- 92.** The conclusions concerning the role of the ILO in technical cooperation,<sup>39</sup> adopted by the International Labour Conference at its 87th Session in 1999, set out a broad framework for the ILO's work in technical cooperation, including the future orientation of ILO technical cooperation policy and a programme of action with specific directives. The report to the Conference that will serve as the basis for discussions will deal primarily with developments and activities undertaken during the period since the last discussion.
- 93.** The focus will be on:
- enhancing the relevance and effectiveness of the ILO's technical cooperation;
  - improving the quality, visibility, effectiveness and impact of ILO technical cooperation; and
  - strengthening partnerships.
- 94.** The analyses will be in the context of key internal changes, directly linked to the conclusions adopted by the International Labour Conference in 1999 that have affected the technical cooperation programme. It will also consider technical cooperation in the context of external changes and developments that would have taken place in the realm of development cooperation, such as the United Nations Development Group, Millennium Development Goals, poverty, governance, sustainable development and globalization.

## Summing up

- 95.** In view of the developments touched upon above, all of which have profound effects on the ILO's technical cooperation programme, 2006 would be an opportune time to have a Conference general discussion on the subject, review the programme, assess how it has responded to the changing environment to make it relevant in today's world of development cooperation, and seek guidance from the Conference on the way forward.

Geneva, 28 January 2004.

*Points for decision:* Paragraph 1;  
Paragraph 2;  
Paragraph 7.

<sup>39</sup> *Provisional Record* No. 22, ILC, 87th Session, Geneva, 1999.