



SECOND ITEM ON THE AGENDA

**Proposals for the agenda of the
96th Session (2007) of the International
Labour Conference****Contents**

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Introduction

1. This document is submitted for consideration by the Governing Body at its 291st Session (November 2004) and contains proposals for a first discussion on items which could be placed on the agenda of the 96th Session (2007) of the Conference and beyond.
2. In accordance with its regular practice, the Governing Body holds in November each year a first discussion on items that are proposed to be placed on the agenda of the International Labour Conference which takes place two-and-a-half years later. In the framework of the provisions of article 10, paragraph 1, of the Standing Orders, the purpose of this discussion is to select a shortlist of items for closer scrutiny in March the following year. The proposals contained in the first part of this document are submitted for consideration in this context.

Proposals for the agenda of the 96th Session (2007) of the Conference

3. Items considered, but not placed on the agenda of a specific year of the Conference, are normally resubmitted as a proposal for the agenda the following year. Nevertheless, in view of the guidance provided by the Governing Body at its 289th Session (March 2004), the items entitled: *New measures concerning discrimination in employment and occupation* and *Promoting decent work in reconstruction of conflict-affected countries* are no longer included in the proposals. Similarly, the item *Decent jobs and productivity* has been withdrawn, the reasons for which are given below.¹ Moreover, it is recalled that the issue of *child labour and the protection of children and young persons* had not been proposed with a view to placing it on the agenda of the 95th Session (2006) of the Conference,² given that a Global Report on child labour is scheduled to be submitted to that session of the Conference under the follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work. This subject is once again included in the present document.
4. The proposals submitted to the Governing Body for consideration at the 96th Session (2007) of the Conference include a standard-setting proposal and three proposals for a general discussion based on an integrated approach. All of these proposals have already been submitted to the Governing Body at different stages of development.
 - A standard-setting proposal: **Prevention of sexual harassment in the workplace.** Research into this issue, which appeared last November in the part of the document³ relating to future sessions of the Conference, has been completed and the proposal has currently reached the stage where it could be included as a standard-setting item on the agenda of the Conference in 2007.
 - Three proposals for a general discussion based on an integrated approach: **Child labour and protection of young workers,**⁴ **Gender equality in the world of work,**

¹ See para. 8.

² GB.288/2/2, para. 4.

³ *idem*, paras. 58-71.

⁴ The previous title was “Child labour and the protection of children and young persons”. This was changed slightly so as to avoid any misunderstandings as regards the objective of the ILO, which is

Employment and social protection in ageing societies. The first two items have been slightly amended, whereas the third item has been substantially updated.

5. In the context of the present first discussion on the agenda of the 96th Session (2007) of the Conference, the Governing Body is thus invited to select a shortlist of items from among the items indicated above. As regards the item on gender equality in the world of work, it should however be taken into account that a Global Report on the elimination of discrimination in the workplace submitted under the follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work shall be discussed at the Conference in 2007. Based on this selection, concise statements of law and practice stipulated in article 10, paragraph 2, of the Standing Orders of the Governing Body will be prepared, as appropriate, for its 292nd Session (March 2005) when the Governing Body will determine which items will be selected to complete the agenda of the 96th Session (2007) of the Conference.

The agenda of the 96th Session (2007) of the International Labour Conference – Prospects

6. After two years during which the Conference will have an agenda particularly rich in standard-setting activities, namely discussions with a view to the adoption of a comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector (2005), an instrument establishing a promotional framework for occupational safety and health (2005-06) and a Recommendation on the employment relationship (2006), as well as discussions with a view to the adoption of a consolidated maritime labour Convention at the Maritime Session of the Conference (2005),⁵ it should be noted that there are currently few proposals for the agenda of the Conference in 2007, particularly as regards standard setting.
7. This situation is partly due to an unusual set of circumstances. No second standard-setting discussions are scheduled for 2007, and the preparatory work for major instruments that are in the process of being drawn up are mobilizing substantial resources. Therefore, the departments concerned are still not in a position to work simultaneously on other issues, including decisions made by the Governing Body concerning the revision of standards.⁶ However, it is possible that discussions on the follow-up to the recommendations of the World Commission on the Social Dimension of Globalization will lead to new standard-setting activities. This follow-up will be discussed by the Working Party on the Social

that of eliminating child labour and not that of providing improved protection for children in the workplace.

⁵ Date to be determined.

⁶ This is particularly the case for instruments relating to occupational health and safety and sectoral activities. In particular, as regards the Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153), the Office envisages including research into this issue in its 2006-07 programme of work. Nevertheless, of the 22 Conventions which the Governing Body has officially requested be revised following the work of the Working Party on Policy regarding the Revision of Standards, 13 have already been addressed: ten maritime Conventions as part of the process to consolidate maritime labour standards and three Conventions as part of the preparation of a comprehensive standard (a Convention and a Recommendation) on work in the fishing sector. Moreover, the proposal relating to child labour and the protection of young workers, with a view to a general discussion based on an integrated approach, would make it possible to follow up the revision of three Conventions relating to the night work of young persons; the proposal on port work, with a view to a discussion based on the same approach during a future session of the Conference, should enable a follow-up to the revision of the Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27).

Dimension of Globalization during the present session.⁷ The Office will take into account, where necessary, the conclusions of this debate which could have an impact on the drawing up of proposals for the agenda of the Conference in 2007.

8. It is also within this context that the proposal for a general discussion based on an integrated approach entitled: *Decent jobs and productivity* previously submitted to the Governing Body has not been included in the present document. New issues, concerns and priorities have arisen since this subject, which until now has received little support, was first proposed in 1999. The Office intends to draw up a more relevant proposal, in light of the follow-up activities to the recommendations of the World Commission which will be planned as well as new information and guidance which will be given during the coming months; it also intends to continue consultations with constituents on this issue.

Proposals for the agenda of future Conferences

9. Since 1997, the Governing Body has extended the scope of the November discussions to include an examination of items that could be considered for inclusion in the agenda of *future* Conferences. These are items which do not appear to be sufficiently developed to be acted upon immediately, but which could be considered for Conferences after 2007. Such proposals are contained in Part II of this document and include:
- (a) a proposal for a general discussion on **working time**;
 - (b) two proposals for the revision of standards in the areas of **guarding machinery** and **chemicals**, respectively, as a follow-up to the resolution on occupational safety and health adopted by the Conference in June 2003;⁸ and
 - (c) a proposal to hold a general discussion based on an integrated approach in the area of **port work**.
10. In relation to these proposals, the Governing Body may wish to give the Office guidance for priorities to be set and for further research to be carried out, in order to advance their level of preparation, taking into account the resources and time necessary for this to be done.
11. *In order to draw up the agenda of the 96th Session (2007) of the International Labour Conference and to develop items for the agenda of future Conferences, the Governing Body is invited to:*
- (a) *examine the proposals for the agenda of the International Labour Conference contained in this document;*
 - (b) *select the proposals to be examined in greater depth at its 292nd Session (March 2005), when it will finalize the agenda of the 96th Session (2007) of the International Labour Conference; and*
 - (c) *indicate the proposals for which research work and consultation might be accelerated.*

⁷ GB.291/WP/SDG/1: Follow-up to the report of the World Commission on the Social Dimension of Globalization – Policy development and partnerships.

⁸ ILC: 91st Session (2003), *Record of Proceedings* No. 22, report of the Committee on Occupational Safety and Health.

Part I. Proposals for the agenda of the 96th Session (2007) of the International Labour Conference

Fundamental principles and rights at work

1. *Child labour and protection of young workers*

(General discussion based on an integrated approach)

Summary

Looking back on the decade since the 1996 Conference Resolution concerning the elimination of child labour, a general discussion on child labour based on an integrated approach would be of interest in two ways: first, in looking into the link between standards and technical cooperation; and second, in pursuing the Organization's effort to streamline a number of existing standards on the subject. First, child labour has been a theme for one of the three operational objectives under the Strategic Objective: "Promote and realize standards and fundamental principles and rights at work". This signifies that the importance of the topic was clearly recognized, not only as one of the four fundamental principles covered by the 1998 Declaration, but also as a flagship of the ILO's operational activities. The main pillars in the area of child labour are fundamental Conventions Nos. 138 and 182 and their supplementing Recommendations Nos. 146 and 190. Based on these instruments, the InFocus Programme on Child Labour (IPEC) combines various activities from promotion of standards to technical cooperation. A general discussion at the Conference would enable it to examine and set further directions for how standards, promotion, research and technical cooperation activities can be combined to advance towards the effective abolition of child labour and to increase the protection of children and young workers. Secondly, in contrast to the other three fundamental principles, child labour is a subject on which a number of ILO standards have been developed since the foundation of the ILO. The discussion could also address the follow-up to be given to the decisions to revise the instruments on night work of children and young persons. It is thus considered timely to propose a general discussion to consider: (1) necessary measures – legal as well as programmatic – to ensure the effective abolition of child labour, with a priority focus on its worst forms; and (2) action related to the protection of children and young persons in general including a discussion on existing instruments regulating night work of young persons and medical examination. These two are closely linked because, where there is not sufficient protection, work or employment may become hazardous and should be eliminated as child labour even where the general minimum age is reached. The Conference could examine how to combine promotion of the up-to-date instruments with more systematic and tailor-made assistance to member States in order to enhance the replacement of the older instruments and to enable these to be abrogated at a later stage, as appropriate. The question of night work of children and young workers could thus be linked to the wider issue of hazardous child labour – a priority subject covered by the two fundamental Conventions, and on which ILO assistance and guidance are strongly sought by the constituents.

The background

12. Child labour is one of the main components of the ILO's Strategic Objective: "Promote and realize standards and fundamental principles and rights at work" and one of the three operational objectives under it. This signifies that the importance of the topic, not only as one of the four fundamental principles covered by the 1998 Declaration on Fundamental Principles and Rights at Work, but also among the ILO's operational activities, was clearly recognized by the constituents. The main pillars of the ILO's efforts to eliminate child labour, especially its worst forms, are the two up-to-date Conventions (Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182)), as accompanied by their supplementing Recommendations (the Minimum Age Recommendation, 1973 (No. 146), and the Worst Forms of Child Labour Recommendation, 1999 (No. 190), respectively). In the context of its follow-up to the Declaration, the International Labour Conference also examined in 2002 a Global Report on child labour for the first time, and will do so again in 2006.

- 13.** As widely recognized, child labour is not a subject that can be dealt with only by achieving legislative conformity with international standards. It demands comprehensive and integrated measures to break the vicious cycle of poverty, social inequality and child labour. That is why the ILO, through its InFocus Programme on Child Labour (IPEC), takes an integrated approach combining standards, promotion, advocacy, knowledge enhancement and technical cooperation activities, taking Conventions Nos. 138 and 182 as key instruments guiding action towards the effective abolition of child labour. In particular, the time-bound programmes, which IPEC is promoting to help countries eliminate the worst forms of child labour within a defined period of time, emphasize the need to complement the prohibition by policies and measures to address the root causes of child labour, e.g. to combat poverty and to promote universal education and social mobilization.

A wider approach

- 14.** Developments since the resolution adopted by the Conference in 1996 concerning the elimination of child labour have been characterized by successful standard-setting activity focused on the worst forms of child labour, accompanied by the remarkable expansion of technical cooperation in this area. Now that ratification of Convention No. 182 has reached a level comparable to the other fundamental Conventions at unprecedented speed, it is timely to propose a general discussion with a wider and more comprehensive approach. The scope of such a discussion could cover two aspects regarding children and young workers: (1) how to ensure the effective abolition of child labour, not limited to its worst forms under Convention No. 182, but including child labour in general to be eliminated according to Convention No. 138; and (2) how to ensure an effective protection of children and young persons in general, including a discussion on existing instruments regulating night work of young workers and medical examination.

Elimination of child labour

- 15.** The subject of child labour is covered by the two up-to-date fundamental Conventions, receiving overwhelming support from member States as highlighted by the surge of ratifications. Thus, a discussion at the Conference would be essentially focused on how to promote action beyond the ratification of these Conventions and assist the constituents in effectively implementing them. One dimension which Convention No. 182 has added to the fight against child labour is the explicit reference to operational measures required to eliminate its worst forms (e.g. monitoring mechanisms, programmes of action, time-bound measures, education and training, international cooperation) in addition to the definition of what needs to be tackled as the worst forms. Extra light is shed by many possible actions suggested in Recommendation No. 190. A Conference discussion may also deepen consideration for necessary measures to ensure the effective abolition of child labour in general, including child labour which is not in its worst forms but needs to be eliminated in terms of Convention No. 138.
- 16.** In this context, it should be noted that some demands from constituents for IPEC technical cooperation are particularly standards-related, for example, when assistance and guidance are requested to help them make the national determination of hazardous work – an issue covered by both Conventions Nos. 138 and 182. In response, IPEC has been taking a variety of actions from publication of user-friendly documents on the topic, through compilation of information on existing national rules and regulations, to preparation of experts' meetings. A Conference discussion would mainstream this kind of assistance into the ILO's regular activities with a clear connection to the promotion of the relevant standards. More generally, a Conference discussion may also further clarify the practical applications of the notions of child labour, including its worst forms.

17. It should be recalled that a number of earlier sectoral Conventions on minimum age have already been revised by Convention No. 138.⁹ Thus, further ratification should lead to their denunciation and help streamline this group of standards. However, flexibility is built into Article 10 of Convention No. 138, which contains detailed conditions for the ipso jure denunciation of most of those earlier Conventions. As a consequence, ratification of Convention No. 138 does not always automatically result in denunciations of all the revised Conventions ratified by the same country.¹⁰ This situation confuses the level of the national commitment, and slows down the replacement of instruments by the up-to-date ones. The required remedy appears to be more tailor-made assistance to member States. The aim would be to move remaining obligations under older Conventions towards obligations under Convention No. 138 and have the older Conventions denounced and/or abrogated at a later stage as appropriate.

Other instruments relating to children and young workers

18. In its efforts to protect children and young workers, the ILO has adopted standards with a specific focus on night work and on medical examination of children and young workers. As regards the instruments concerning night work, the Governing Body has already decided, as a result of the work of the Working Party on Policy regarding the Revision of Standards, that Conventions Nos. 6, 79 and 90, as well as Recommendations Nos. 14 and 80, should be revised. One of the issues to consider is whether such revision should be done independently or considered in a wider context in direct relation to the objective of the effective abolition of child labour. In the context of the work of the Working Party, requests for information were also adopted by the Governing Body concerning a series of Conventions and Recommendations on the subject of medical examination of young workers.¹¹ A discussion of the directions to take on the subject matter of these instruments could also take place in the framework of an integrated approach.
19. Convention No. 182 forged a global consensus that hazardous work by all girls and boys under 18 years of age must be tackled urgently as one of the worst forms of child labour, reconfirming the minimum age of 18 for hazardous work under Convention No. 138. While both of the Conventions leave the determination of hazardous work¹² to national decisions, Recommendation No. 190 explicitly includes “work during the night” as one of the criteria of hazards to be considered in such determination. Given the strong demand from constituents for the ILO’s help in the national determination of hazardous work, as indicated above, any discussion of standard setting on such issues as night work of children and young workers should be discussed within this general context in relation to these two fundamental Conventions, and be accompanied by more general consideration as to the possibility of international guidance (whether in the form of standard setting or more informal codes of practice or guidelines) on what should be the “hazardous work” to be prohibited and eliminated, supplementing the efforts for the implementation of Conventions Nos. 138 and 182.

⁹ See Article 10 of Convention No. 138.

¹⁰ For example, a State that ratified Convention No. 59 (which sets the minimum age of 15 years in industry) and subsequently ratified Convention No. 138 declaring a general minimum age of 14 years continues to be bound by Convention No. 59 unless it declares the minimum age in industry to be 15 years in Convention No. 138.

¹¹ Namely Conventions Nos. 77, 78 and 124 and Recommendations Nos. 79 and 125.

¹² Defined as “work which, by its nature or the circumstances in which it is carried out, is likely to harm/jeopardize the health, safety or morals of children”.

20. Generally speaking, the conditions in which work is carried out constitute the crucial criteria for the definition of hazardous child labour to be eliminated. Thus, it can be argued that, where the safety and health at work of those under 18 is not adequately protected, employment or work falls into the notion of hazardous child labour to be eliminated even if the person has reached the general minimum age for work. From this standpoint, international labour standards relating to the protection of children and young workers, such as night work and medical examination of young workers, are inseparably linked to the issue of child labour and constitute one group of standards which should be discussed as a whole in the context of an integrated approach. Such a discussion could lead to indicating the areas where further standard setting, as well as other means of action, including promotion and assistance, would be required. Furthermore, because of the overlapping concepts of “child” (under 18), and “youth”, which usually covers those whose age ranges from about 15 to 24 years old, the worst forms of child labour in the case of adolescents above the general minimum age could be regarded from the viewpoint of the deficit of decent work for youth.
21. Against this background, the Governing Body might wish to consider an item for a general discussion on child labour and the protection of young workers based on an integrated approach at the 96th Session (2007) of the International Labour Conference. On the one hand, such a discussion would seek to identify the directions to take to ensure the effective abolition of child labour in general, as provided not only in Convention No. 182 but also in Convention No. 138; on the other, possible action related to employment and work of children and young workers. This would allow the Conference to examine the protection of children and young workers in a wider perspective in the context of a comprehensive approach to eliminate child labour. It would also cover several important questions including night work of children and young workers and medical examination of young workers, linking them to the issue of hazardous work, which should be tackled as a priority in the combat against child labour, and on which existing standards may be streamlined and any need for further international guidance identified.

Employment/social protection

2. *Employment and social protection in ageing societies*

Summary

In many countries longer life expectancy has not been accompanied by longer working lives and 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 older persons keen to work longer are discriminated against by employers and forced to leave the labour market prematurely. While there is much debate about the impact of ageing on social security financing, this discussion obscures a key issue: a large number of women and men who are unemployed, inactive or work in the informal economy, instead of being employed formally and contributing to pension systems. The promotion of decent work is the best way to ensure social protection for all and to allow older age groups the possibility to remain active longer. This is crucial for developing countries where old-age poverty is an increasing concern and few older people can afford retirement. In these countries, we need to look for ways to extend social security.

The ILO can play a key role in developing innovative strategies to meet these challenges and to take advantage of longevity in stimulating extension of working lives in productive and decent employment. 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 an active, decent and secure old age. While specifically addressing the objectives of employment and social protection, the proposal would contribute to achieving the four strategic objectives.

Contemporary trends

22. The world's population is growing older. 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.¹³
23. Low-income countries are ageing faster than higher income ones.¹⁴ Over the next 50 years, the older population in these countries is expected to multiply by four¹⁵ and old-age dependency is expected to triple, with dramatic consequences. The weakness or lack of social protection pushes older people into informal sector employment, and old-age poverty is of increasing concern. The effects of HIV/AIDS force older persons, notably older women, to care for grandchildren. In these countries, it is crucial to promote productive and decent employment. Policies on social protection financing could then be developed with more resources.
24. In the industrialized world, longevity has not been accompanied by longer working lives. Older workers are exposed to discrimination and often forced to withdraw early from the labour market or to move to low-quality jobs underutilizing their capacity. Countries are facing concerns about the financial viability of social protection systems. While there are reasons to increase activity rates, there are barriers that do not allow an easy reversal. Employment promotion remains the overriding concern.

The ILO's response

25. The ILO's response has mainly included research, advocacy and collaboration in international efforts and standard setting. Technical cooperation addressing older workers is practically non-existent.

Research and international collaboration

26. Since the early 1990s, the ILO has been working on the employment situation of older workers. Training for older workers was discussed in the *World Labour Report* of 1995 and the *World Employment Reports* of 1998 and 2001, as well as in a paper on labour markets and ageing to a special G8 conference on this theme (Tokyo, September 1999). The ILO, together with the Governments of Germany and Japan, organized a High-level Conference on Social Dialogue and Ageing in the EU Accession Countries (Budapest, November 2002).¹⁶ The ILO also participated in the G8 High-level Meeting on Employment (Paris, May 2003).

¹³ United Nations Population Division, "World Population Prospects: The 2002 Revision", <http://esa.un.org>.

¹⁴ 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, 2002.

¹⁵ www.un.org/ageing/coverage/pr/socm3.htm; see also table 2 "Velocity of ageing", idem.

¹⁶ The ILO presented a paper based on a survey directed to labour market institutions at national and local levels and several enterprises in the EU accession countries, the Russian Federation and Ukraine: *Employment promotion policies for older workers in the EU accession countries, the Russian Federation and Ukraine*, by M. Fortuny, A. Nesporova and N. Popova, Employment Paper No. 50, ILO, Geneva, 2003.

- 27.** The ILO was actively involved in the preparations of the Second World Assembly on Ageing (IIWAA) (Madrid, April 2002) as well as in the Assembly itself.¹⁷ The Assembly adopted the Madrid International Plan of Action on Ageing (MIPA) and the Political Declaration. The ILO also participated in the Ministerial Conference on Ageing (Berlin, September 2002)¹⁸ and continues to be actively involved in the follow-up of these conferences.¹⁹
- 28.** Ageing will also be on the agenda of the forthcoming ILO 7th European Regional Meeting (Budapest, February 2005). The report that is being prepared will focus on the different transitions women and men in Europe will face in the coming years including the transition from working life to retirement. Issues related to employment and pension reform will be analysed.

Labour standards and older workers

- 29.** 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.²⁰ The only instrument specifically relating to older workers is the Older Workers Recommendation, 1980 (No. 162). This instrument was examined by the Governing Body²¹ and it was decided to maintain the status quo.
- 30.** 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 invited the Office to offer technical assistance with respect to these instruments including dissemination of information.²²
- 31.** The Human Resources Development Convention, 1975 (No. 142), is up to date, while its accompanying Recommendation (No. 150) has been revised and replaced by the Human Resources Development Recommendation, 2004 (No. 195) adopted at the 92nd Session of the International Labour Conference (June 2004).
- 32.** Regarding equality of opportunity, age is not listed among the grounds on which discrimination is prohibited in the Discrimination (Employment and Occupation)

¹⁷ The ILO submitted the report "An inclusive society for an ageing population: Employment and social protection issues", GB.283/ESP/5 (Mar. 2002).

¹⁸ The Conference adopted the Regional Implementation Strategy for the MIPA and the Berlin Ministerial Declaration: www.unece.org/ead/pau/age/conf2002frame.htm.

¹⁹ Expert Group Meeting on modalities for review and appraisal of the MIPA, Malta, Nov. 2003; Expert Group Meeting on indicators on ageing, Madrid, Apr. 2004.

²⁰ 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.

²¹ 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.

²² See GB.282/LILS/WP/PRS/3 and GB.283/LILS/5(Rev).

Convention, 1958 (No. 111). Some 35 countries have, however, included age among the prohibited grounds for discrimination.

Proposed directions

- 33.** In terms of overarching policy, promoting employment is the best way to ensure that people have a secure pension income. Extending working lives is an important way of increasing employment rates. This, however, demands complementary measures such as those related to skill development. Implementing policies to train older workers within a lifelong learning framework is crucial. For example, in Bulgaria,²³ a lifelong learning policy is being designed and implemented together with government agencies, trade unions, employers and associations representing older people.
- 34.** Measures to combat age discrimination and stereotypes with special attention to older women are key to promote their employment and initiatives from employers are particularly important. A good example is the Employers Forum on Age²⁴ launched by the United Kingdom, which provides employers with information and services aimed at overcoming stereotypes and discrimination.
- 35.** Further attention should be given to identifying labour market policies for older workers including a gradual and flexible transition to retirement and vocational guidance and counselling, which are highly effective. In Estonia, a national programme for the elderly was approved for the years 2002-05. The programme is aimed at older workers and facilitating their transition from work to retirement. It promotes employment among people of pre-retirement age, creates conditions for smooth transition from working life to retirement, and fosters working with a decreased workload at retirement age.
- 36.** 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, stimulating 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 premature withdrawal from the labour market. Third, how can social security coverage be extended to the most vulnerable groups in ageing societies, especially to those in the informal economy? These challenges are common to all countries yet they have different priorities and find different strategies to address them. While the main focus for many high-income countries rests upon ensuring the sustainability of social protection systems and the promotion of longer working lives, the main challenge for low-income countries is to secure incomes of a growing number of vulnerable older persons.²⁵
- 37.** Examples from some countries show that basic income security for the older population is affordable also to low-income countries, and that improved livelihoods of older people also benefit younger generations. Since the mid-1970s, Mauritius²⁶ has had a dual universal and social insurance pension system. The universal pension is payable to all residents from age 60, subject to a previous residence condition. Despite a relatively low benefit level, the universal pension contributes to reducing poverty among the population.

²³ National report on the problems of older people in Bulgaria, Ministry of Labour and Social Policy, Sofia, 2002.

²⁴ www.efa-agediversity.org.uk .

²⁵ *World Labour Report*, 2000, ILO Geneva, Chapters 2 and 6.

²⁶ *World Labour Report*, 2000, ILO, Geneva.

38. Finally, providing an adequate working environment for older workers requires particular attention, including the elimination of working conditions that reduce working capacity.
39. In order to enable constituents to develop a strategy in relation to all ILO means of action it is proposed to hold a general discussion based on an integrated approach.
- In order to collect comprehensive and up-to-date information on the labour market situation of older workers and policies impeding or promoting their better employment, the ILO plans in the preparatory work for the discussion to launch a survey covering all world regions.
 - A potential outcome of the Conference could be a plan of action encompassing advisory services and technical cooperation; research and analytical work with emphasis on advocating and disseminating good examples; promotion of relevant ILO labour standards as well as other means of action that would contribute to promoting policies to ensure a decent and secure old age. The Conference may wish to focus on how the Global Employment Agenda is addressing the employment issues.

Conclusion

40. The proposal reflects the fact that productive and decent employment is the most powerful lever to maintain and extend social protection. Prolonging working lives demands complementary measures such as 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. These measures are 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.
41. It would be timely for the Conference to address the aforementioned issues. Such a discussion could serve as a platform for future ILO activities.
- Since five years will have elapsed since the IIWAA, it will provide an opportunity to discuss progress and future policy directions.
 - This would also be in line with the resolution adopted by the UN General Assembly regarding the follow-up to the IIWAA²⁷ which requests “the organizations and bodies of the UN system to: (i) incorporate ageing, as appropriate, into actions to achieve the internationally agreed development goals, including those contained in the UN Millennium Declaration, in particular the goal on the eradication of poverty; and (ii) to integrate ageing, including from a gender perspective, into their programmes of work”.
42. 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.

²⁷ Resolution adopted by the General Assembly [on the report of the Third Committee (A/58/498)] 58/134. Follow-up to the Second World Assembly on Ageing, 26 Jan. 2004.

Social protection

3. **Prevention of sexual harassment in the workplace**

(Standard setting)

Summary

Sexual harassment is increasingly recognized as a significant workplace problem that impacts on worker well-being, undermines productivity and jeopardizes gender equality. In recent years, countries in all regions have enacted legislation specifically prohibiting workplace sexual harassment; employers have introduced policies and programmes; and a range of initiatives has been taken by governments, employers' and workers' organizations and non-occupational NGOs. In the ILO, the Committee of Experts on the Application of Conventions and Recommendations has identified sexual harassment as a form of discrimination based on sex, prohibited by the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Office has carried out research and organized a number of meetings at which it has been addressed. Given these advances at international and national levels, and in line with the proposed operational outcomes of improving the implementation of fundamental principles and rights at work and of improving labour protection within the formal and informal sectors, it is now an appropriate time to develop international standards on this subject.

The problem

- 43.** It is increasingly clear that sexual harassment at work is a serious problem, especially for women workers, and a barrier to the achievement of equality. Along with other forms of workplace violence and harassment, it has attracted increasing international attention, due to the recognition that these kinds of conduct are widespread and cross boundaries of nation, industry, occupation and sex. With this recognition has come a concern at the cost, in human terms, to the workers affected and their families, and in terms of business competitiveness and social cohesion. One of the reasons for the growing recognition of the problem of sexual harassment in particular is that women now comprise an increasing share of the labour force in all countries. Recent national studies have found that up to 90 per cent of the women questioned have experienced sexual harassment at work, and men are now reporting experiences of sexual harassment in some regions.²⁸
- 44.** A range of measures has been designed to prevent workplace sexual harassment. For example, a growing number of countries in all regions of the world have enacted national-level legislative provisions that explicitly prohibit this form of workplace mistreatment.²⁹ In conjunction with this trend, in a number of countries where sexual harassment is not specifically addressed in legislation, provisions on equality, discrimination and labour law have been interpreted to cover it.³⁰ In many cases, the legislation is recent. More than half

²⁸ Di Martino, Hoel and Cooper: *Preventing violence and harassment in the workplace* (Luxembourg: Office for Official Publications of the European Communities, 2003).

²⁹ An incomplete list includes: Argentina, Australia, Austria, Bahamas, Bangladesh, Belgium, Belize, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Fiji, Finland, France, Germany, Guyana, Honduras, Iceland, Ireland, Israel, Japan, Republic of Korea, Latvia, Lesotho, Lithuania, Luxembourg, Malta, Mauritius, Namibia, Netherlands, New Zealand, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, United Republic of Tanzania, Uruguay, Venezuela. Further research is likely to yield a number of additional countries in which such action has been taken.

³⁰ For example, Greece, India, United Kingdom, United States.

the countries that have enacted legislation dealing specifically with sexual harassment have done so for the first time in the period since 1995.³¹

45. The number of employers who have introduced policies on sexual harassment has also increased over the last decade; more information is available on industrialized countries, but there are examples in developing countries. It has become widely accepted that the primary preventive role belongs to workplace measures. In addition, a range of other tools has been used by governments, employers' and workers' organizations and NGOs both to reinforce national legal prohibitions and in countries where none exist. These include codes of practice, guidelines, training initiatives and awareness campaigns.
46. At the international level, in spite of the growing consensus over the need to address the issue, no international organization has yet adopted standards specifically on sexual harassment.³² However, this lack of explicit attention in international treaties does not mean that sexual harassment is not addressed at the international level. In the ILO, the Committee of Experts on the Application of Conventions and Recommendations has identified sexual harassment as a form of discrimination based on sex under Convention No. 111. Over the last decade, in addition to a small number of ILO meetings that have been entirely devoted to this subject, a large number of events have included it among the subjects discussed. The most prominent meeting in the ILO was the ILO/Japan Regional Tripartite Meeting on Action against Sexual Harassment at Work in Asia and the Pacific, Penang (Malaysia), 2-4 October 2001.

Progress in research and preparatory work

47. The ILO has conducted research for some years on the dynamics of sexual harassment at work and methods of addressing it. The 1992 edition of the *Conditions of Work Digest* reviewed legal measures and enterprise policies on sexual harassment across 23 industrialized countries, action taken by international organizations and measures recommended by governments, employers' and workers' organizations and NGOs. In 1999, an annotated bibliography was published which extensively reviewed the literature in this area. A report has been published analysing developments in legislation and practice on sexual harassment in the Asian region.³³ A number of other ILO publications have specifically examined sexual harassment or included it as part of more wide-ranging discussions.³⁴ In preparation for the Regional Tripartite Seminar on Action against Sexual

³¹ Including – 1995: Costa Rica, Finland, Paraguay, Philippines, Sri Lanka, Switzerland; 1996: Belize; 1997: Guyana, Japan, Uruguay; 1998: Ireland, Israel, Lithuania, Mauritius, Portugal, South Africa, United Republic of Tanzania, Thailand; 1999: Fiji, Japan, Venezuela; 2000: Iceland, Luxembourg; 2001: Denmark; 2002: Norway, Romania; 2003: Croatia, Malta, Poland, Slovakia; 2004: Cyprus, Czech Republic, Latvia.

³² The one exception is the only international Convention that specifically prohibits sexual harassment – the ILO's Indigenous and Tribal Peoples Convention, 1989 (No. 169). Article 20 prohibits sexual harassment of indigenous and tribal women and men.

³³ ILO: Technical report for discussion, "Action against sexual harassment at work in Asia and the Pacific" (Geneva/Bangkok, 2001).

³⁴ See, for example, D. Chappell and V. Di Martino: *Violence at work* (2nd ed.) (Geneva, ILO, 2000); D. McCann: *Sexual harassment at work: A review of preventive measures* (Geneva, ILO, forthcoming); K.A. Rogers and D. Chappell: *Preventing and responding to violence at work* (Geneva, ILO, 2003); A. Reinhart: *Sexual harassment: Addressing sexual harassment in the workplace – A management information booklet* (Geneva, ILO, 1999); N. Kapur: "Sexual harassment at the workplace – A guide to sexual harassment law in India", in A. Kapur (ed.): *Women workers' rights in India: Issues and strategies – A defence guide* (New Delhi, ILO, 1999),

Harassment at Work in Asia and the Pacific, the ILO commissioned a number of studies from the region that reviewed national developments in this field.³⁵

Proposed solution

48. The Regional Tripartite Seminar brought out the diversity of views in the Asia and Pacific region on the desirability of standard setting. A proposal by the Office for a Meeting of Experts on sexual harassment and violence at work was considered but not finally selected by the Governing Body at its 289th (March 2004) Session.³⁶ While it is evident that important differences remain between Employers' and Workers' representatives, and among member States, on the desirability and nature of any standards that might be adopted in this area, the enormous advances that have been made in the last decade by countries from all regions in addressing this pressing problem as measured both by the adoption of laws, regulations and policies, and by the action taken at workplace, can only underline the value of providing an international normative framework. An international standard on this subject would play a part in revitalizing the ILO's technical standards on conditions of work and employment and thereby advance the proposed operational outcome of improving labour protection – related to the strategic objective of social protection – in the formal and informal sectors. It would also, of course, further the objective of improving the implementation of fundamental principles and rights at work. Such a standard would help to provide both guidance and an indication of best practice, as well as allowing international supervisory action and more focused assistance from the Office. If such a standard is to be adopted by any international organization, it is important that the ILO take a leadership role in order to ensure that any international standards adopted will be based on tripartite discussion.

Gender

4. *Gender equality in the world of work*

Summary

An item on the agenda of the Conference in 2007 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, the Millennium Development Goals, the report of the World Commission on the Social Dimension of Globalization and the 2004 ILC resolution concerning the promotion of gender equality, pay equity and maternity protection.

Against this background, the constituents could provide guidance on:

- advancing gender equality in practice;
- 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.

p. 119; and L. Wirth: "Sexual harassment at work", in E. Date-bah (ed.): "Promoting gender equality at work – Turning vision into reality", Zed Books Ltd., London and New York, 1997.

³⁵ ILO East-Asia Multidisciplinary Advisory Team and Bangkok Area Office: "Technical report for discussion at the ILO/Japan Regional Tripartite Seminar on Action against Sexual Harassment at Work in Asia and the Pacific" (Bangkok, ILO, 2001).

³⁶ GB.289/PFA/8.

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

Introduction

49. 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.
50. 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,³⁷ the feminization of international migration, trafficking for prostitution and forced labour,³⁸ and the emerging gender digital divide as new information and communication technologies shape the world of work.³⁹
51. 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.
52. 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.

Background: Progress, challenges and gaps

53. 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.⁴⁰
54. 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. Adequate maternity protection schemes are essential for preventing discrimination against women and actively

³⁷ Of the world's 550 million working poor – or persons unable to lift themselves and their families above the US\$1 per day threshold – 330 million, or 60 per cent, are women. ILO: *Global employment trends for women*, 2004.

³⁸ Estimates of the number of women and children trafficked each year into the sex trade (often through coercion or abduction) and labour enslavement vary widely and range between 700,000 and 2 million. IOM, 2004. Adding domestic trafficking would bring the total much higher, to perhaps 4 million persons per year. UNFPA, 2004.

³⁹ ILO: *World Employment Report 2001*, p. 319.

⁴⁰ United Nations: resolution adopted by the General Assembly, "Further actions and initiatives to implement the Beijing Declaration and Platform for Action", 23rd Special Session, 2000, A/RES/S-23/3, para. 20.

promoting gender equality. Overcoming occupational segregation and gender income gaps are key to achieving pay equity. Assisting men and boys to play a positive role in changing gender relations is a new and crucial avenue for advancing gender equality.

55. 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.⁴¹ Data indicates that the urban informal economy is a larger source of employment for women than for men.⁴² 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.⁴³ Women spend less time in paid work and considerably more time in unpaid work.

ILO action to date

56. 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),⁴⁴ the Part-Time Work Convention, 1994 (No. 175),⁴⁵ the Home Work Convention, 1996 (No. 177),⁴⁶ and the Maternity Protection Convention, 2000 (No. 183).⁴⁷ A General Survey on the night work of women in industry was submitted to the International Labour Conference in 2001.⁴⁸ Another important instrument adopted previously is the Workers with Family Responsibilities Convention, 1981 (No. 156).⁴⁹

⁴¹ 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. ILO: *Women and men in the informal economy: A statistical picture*, 2002.

⁴² 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. ILO: *Women and men in the informal economy: A statistical picture*, 2002.

⁴³ Women generally have higher unemployment rates than men. There are variations by region with women having significantly higher rates in all regions except in East Asia and sub-Saharan Africa where men's unemployment was higher than women's in 2003. ILO: *Global employment trends for women*, 2004.

⁴⁴ Nine ratifications.

⁴⁵ Ten ratifications.

⁴⁶ Four ratifications.

⁴⁷ Ten ratifications.

⁴⁸ ILO: *Night work of women in industry*, Report III (Part 1B), ILC, 89th Session, Geneva, 2001.

⁴⁹ Thirty-six ratifications.

57. 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. In particular, current efforts are being made so as to promote the four key Conventions (Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Equal Remuneration Convention, 1951 (No. 100), the Workers with Family Responsibilities Convention, 1981 (No. 156) and the Maternity Protection Convention, 2000 (No. 183), as an integrated set of critical areas for the achievement of gender equality in practice at the national level. Within this context, the four Conventions continue to receive new ratifications and the 2003 Global Report on Discrimination, *Time for equality at work*, has been well received. In its report, the World Commission on the Social Dimension of Globalization noted that the social cost of globalization has fallen disproportionately on women.
58. 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 Decent Work Country Programmes and national Poverty Reduction Strategies. The programme on Women's Entrepreneurship Development and Gender Equality (WEDGE) is making an important contribution to advancing gender equality in practice through national policy development and technical cooperation programmes for women entrepreneurs and their families.
59. 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.
60. The strategic Programme and Budget for 2000-01 and the strategic policy framework established gender as a cross-cutting concern in all 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 includes a specific operational objective on gender equality, and gender audits are being piloted with ILO constituents. In March 2005, the Governing Body will be examining an evaluation report on gender equality and technical cooperation in the ILO.
61. In June 2004, the 92nd Session of the International Labour Conference adopted a resolution concerning the promotion of gender equality, pay equity and maternity protection. The resolution recalls that non-discrimination and equal opportunity and treatment in employment and occupation are basic principles of social justice. These are means to an inclusive society, empowerment of women and economic growth for all.

ILO future policy development

62. 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

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

63. An item on the Conference agenda in 2007 would provide an important opportunity to analyse and take stock of the 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. It could thus give recognition to the pivotal role of gender equality for achieving the Decent Work Agenda and highlight key strategies which would speed up the advancement of gender equality in practice.

Part II. Proposals for the agenda of future Conferences

Social protection

5. Working time

International Labour Conference discussion on working time

64. In light of the significant developments in the area of working time since the adoption of the international standards on this subject, and particularly since the Hours of Work (Industry) Convention, 1919 (No. 1), and the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), the Office believes that it is time for the International Labour Conference to consider the subject of working time. Therefore, it will develop a proposal for a discussion of working time developments at the International Labour Conference which could take place as early as its 97th Session (June 2008).
65. The direction, focus and form such a discussion would take is, however, dependent upon the orientations that will be given by the Committee on the Application of Standards of the ILC in the context of its discussion on the General Survey on Conventions Nos. 1 and 30,⁵⁰ at the 93rd Session (June 2005) of the Conference.

Research and other activities

66. In response to the Governing Body's request that further research should be undertaken on the subject of working time, with a view to developing proposals for future sessions of the ILC, the Office has been proceeding with an extensive programme of research and information collection on developments in the area of working time, as well as technical cooperation activities such as research-based seminars and workshops in response to requests from ILO constituents. This programme includes the following major components: a report on working time in the industrialized countries, that reviews developments in the area of working time across the industrialized world focusing on the relationship between employers' and workers' needs and preferences and how these can be combined in working-time policies;⁵¹ an online legal database on working time containing legislative provisions on working time in ILO member States; and a series of country

⁵⁰ GB.286/13/2, Appendix 2.

⁵¹ J. Messenger (ed.): *Finding the balance: Working time and workers' needs and preferences in industrialized countries* (London, Routledge, forthcoming 2004).

studies on recent statistical and policy trends in working time and work organization in developing and transition countries, which will provide the foundation for a report providing a comparative analysis of working time around the world.

67. These research projects share a number of primary themes which emerge from the goal of ensuring decent working conditions in the area of working time. For example, the research explores the ways in which working hours and working-time arrangements are being designed so as to preserve worker safety and advance worker health and well-being.⁵² It is also attentive to gender differences in the arrangement of working time, analysing the implications of these differences for the goal of gender equality and considering which forms of working time can advance the labour market and societal status of women. Related research focuses on the impact of existing working-time arrangements on the ways in which workers are able to balance paid labour with their family lives and other non-work responsibilities and interests, examining how work/family life balance can be promoted in ways which do not jeopardize gender equality. Finally, the Office's research programme also seeks to identify working-time arrangements which not only advance decent working conditions and advance productivity, including flexible forms of work organization, as well as the business benefits of adopting policies that promote work-life balance.
68. These research products, complemented by technical cooperation activities in response to requests from constituents, will provide essential inputs into both the determination of the status of Conventions Nos. 1 and 30 and the direction and substance of the proposed future discussion of working-time developments at the International Labour Conference.

6. ***Follow-up to the 2003 Conference resolution on occupational safety and health***

69. As a result of the general discussion based on an integrated approach held in June 2003, the Conference drew up a global strategy for action in this area that included the setting of priorities in terms of revisions of existing instruments and the development of new instruments.⁵³ The development of a new instrument establishing a promotional framework in the area of OSH that was the first priority, has been placed on the agenda of the 93rd Session (2005) of the ILC by the Governing Body.⁵⁴
70. Other standard-setting priorities set by the Conference include the revision of the Guarding of Machinery Convention, 1963 (No. 119), and its Recommendation, (No. 118), the Night Work (Women) Convention, 1919 (No. 4), the White Phosphorus Recommendation, 1919 (No. 6), the White Lead (Painting) Convention, 1921 (No. 13), and the Benzene Recommendation, 1971 (No. 144). On this basis and as research progresses, the Office will develop and submit standard-setting proposals for consideration by the Governing Body in the context of the agenda of future Conferences.

⁵² A. Spurgeon: *Working time: Its impact on safety and health* (ILO and OSHRI, 2003).

⁵³ See ILO: *Provisional Record No. 22*, International Labour Conference, 91st Session, Geneva, 2003, report of the Occupational Safety and Health Committee.

⁵⁴ GB.288/2/1.

Social dialogue (specific categories of workers)

7. *An integrated approach to work in ports*

71. It will be recalled that at its 288th Session (November 2003), the Governing Body included this proposal among those selected for further consideration in the context of the agenda of future Conferences.

Further research since November 2003

72. Progress on further research pertinent to a general discussion on an integrated approach to work in ports has been limited due to the major activities already launched in the port sector. These included the Tripartite Meeting of Experts on Security, Safety and Health in Ports that was held in Geneva from 8 to 17 December 2003, which adopted two codes of practice: one on Safety and Health in Ports and the other on Security in Ports. At its 289th (March 2004) Session, the Governing Body took note of the report of the Tripartite Meeting of Experts and the codes that had been adopted and authorized the Director-General to publish them. It also decided to request the Director-General to bear in mind, when drawing up proposals for future work of the Office, the wishes expressed by the Tripartite Meeting of Experts contained in the resolution,⁵⁵ which called for the promotion and implementation of these two codes. In this respect, the Office has given priority to the timely publication, promotion and preparation of appropriate follow-up activities including the development of training modules for the effective implementation of these codes.
73. At the same time, preliminary research on the topical issues and main areas of concern in the port sector has identified the following subjects not covered in the previous Office paper,⁵⁶ which the Office believes should form part of a general discussion on an integrated approach to work in ports:
- (a) **Liberalization of port work and cargo-handling techniques.** Today, developments impacting on the port industry in many countries continue to be driven by liberalization and privatization processes. These are having or are anticipated to have tremendous impact on the workforce as new cargo-handling techniques are being implemented and as new means concerning cargo-handling operations are being introduced or proposed. This raises issues for the ILO Decent Work Agenda and in particular acceptable minimum working and employment conditions and social dialogue. Complementary research is being undertaken by the Office in this area, including the development of a manual on social dialogue in ports.
 - (b) **Training.** Provision of training to port personnel varies considerably in quality, coverage and extent from country to country and even from port to port. At the same time, many port training centres have been closed down in the wake of port privatization programmes. In some cases, however, private port operators are pursuing new initiatives in the provision of training. It is widely acknowledged that training in the port sector lacks the necessary level of uniformity and in many cases is inadequate or even non-existent. The ILO Portworker Development Programme (PDP), which has recently been upgraded (development of an improved 2004 version of the chief instructors' manual), will be further updated. It has been extremely successful in filling the training gap. However, this has been the case for only those ports or other organizations that have voluntarily obtained the PDP licence (presently

⁵⁵ GB. 289/14, paras. 33-37.

⁵⁶ GB.288/2/2.

64 licensees in 40 countries). For this reason, a review of the situation might identify whether there is scope for a new international instrument providing guidance on minimum training standards for portworkers.

- (c) **Survey for an updated estimate of the global port workforce.** A prerequisite for a meaningful general discussion on an integrated approach to work in ports at the level of the ILC is the availability of an updated estimate of the global port workforce. The currently used figure of approximately 5 million port workers of whom some 2.5 million are involved in cargo-handling operations is not based on or supported by any specific study or survey. Moreover, the major technological advances and structural adjustments that have taken and continue to take place in the port industry have had and will continue to have an impact on both the composition and size of the port workforce. In addition, statistics/information on gender balance and migrant workers as well as on any important trends in relation to the port workforce would substantially enhance the proposed general discussion on an integrated approach to work in ports. For this reason, the Office is of the opinion that a professionally designed and conducted survey to establish a reliable and updated estimate of the current composition and size of the port workforce, which if practicable could include the collection of other useful information, should be undertaken. The findings of this exercise would be an essential input for the preparation of the background report for the general discussion.

Updated proposal

- 74.** The current commitments of the Office and the planned ILO port-related activities would require the full capacity of all resources that could be made available by the Office. All ongoing and planned activities are directly or indirectly linked with the promotion and implementation of the two abovementioned codes of practice, which represent the most recent port-related products of the ILO. These two codes have been widely acknowledged as being essential and extremely useful for the port industry and have been very well received by the ILO constituents. Taking into account the positive spirit and enthusiasm that presently prevails among the ILO constituents regarding these two codes, it may be more appropriate to focus the limited ILO resources in the port sector (shared with civil aviation, road and rail transport) on activities pertinent to the promotion and implementation of the two codes that would have more practical, tangible and useful results. It is also the Office's opinion that a strong promotion of the two codes immediately after their publication would be the most effective approach. In the meantime, the Office would also continue to undertake the research work identified above necessary to facilitate a general discussion on an integrated approach to work in ports.
- 75.** In the light of the above, the Office is of the view that the selection of this item be postponed for later consideration.

Geneva, 6 October 2004.

Point for decision: Paragraph 11.