

**FOR DECISION**

SECOND ITEM ON THE AGENDA

**Date, place and agenda of the
International Labour Conference****Agenda of the 98th Session (2009) of the
International Labour Conference***Contents*

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Date

1. The Governing Body will receive as soon as possible a definite proposal for the exact dates of the 98th Session (2009) of the International Labour Conference.

Place

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

Agenda

3. The agenda of the 98th Session (2009) of the Conference will contain the following standing items:
 - reports of the Chairperson of the Governing Body and the Director-General, including the Global Report on the elimination of all forms of forced or compulsory labour under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work;
 - Programme and Budget proposals for 2010–11 and other questions; and
 - information and reports on the application of Conventions and Recommendations.
4. According to established practice, the Conference in principle deals with three technical items during the same session. At its 297th Session (November 2006), the Governing Body requested that the six items which had been submitted in the framework of proposals for the agenda of the 2009 Conference be submitted to it again for a more in-depth examination.¹
5. The six proposals – which have been updated where necessary in the light of the comments by members of the Governing Body – are the following:
 - (a) protection of children and young workers (standard setting; follow-up to the conclusions of the Working Party on Policy regarding the Revision of Standards): this item was redrafted in November 2006 in order to put greater emphasis on the conclusions of the Working Party. On the basis of these conclusions, it is proposed that various instruments be revised or consolidated. This document provides clarification with regard to the scope of any consolidated instrument (the title of the proposal has been slightly modified to take better account of this scope),² the target population and the standards that might be considered;

¹ Moreover, the need to take into account the Strategic Policy Framework in order to determine a list of possible agenda items for the Conference has been repeatedly raised by many members of the Governing Body. In view of the nature of the present document, it is proposed that this matter be discussed at the LILS Committee, within the broader context of the question of improvements to standards-related activities, and more specifically in relation to international labour standards policy, and pursued at a later session (see GB.298/LILS/4).

² The previous title was *Child labour and protection of young workers*.

- (b) decent work in global supply chains (general discussion): the proposal first presented in preliminary form in November 2006 has been expanded upon;
- (c) employment and social protection in the new demographic context (general discussion based on an integrated approach): the proposal has been edited and updated;
- (d) strengthening national responses to HIV/AIDS in the world of work (various options): the first proposal for standard setting on this subject was put forward in November 2006. At the request of the Governing Body, a number of options have been left open on this subject: a general discussion, a general discussion based on an integrated approach, or standard setting;
- (e) the right to information and consultation in the framework of economic restructuring (general discussion): the proposal first presented in preliminary form in November 2006 has been expanded upon;
- (f) gender equality at the heart of decent work (general discussion): in response to the concern expressed by certain governments, it was made clear that the general discussion would also consider means of promoting the key Conventions in the area of gender equality, as well as other relevant standards in this domain, and would not in any way seek to dilute the international labour standards concerned.

6. *Against this background, the Governing Body is invited to complete the agenda of the 98th Session (2009) of the International Labour Conference by selecting three of the following six proposals:*

- (i) *protection of children and young workers (standard setting: follow-up to the conclusions of the Working Party on Policy regarding the Revision of Standards);*
- (ii) *decent work in global supply chains (general discussion);*
- (iii) *employment and social protection in the new demographic context (general discussion based on an integrated approach);*
- (iv) *strengthening national responses to HIV/AIDS in the world of work (various options, one of which must be specified by the Governing Body);*
- (v) *the right to information and consultation in the framework of economic restructuring (general discussion);*
- (vi) *gender equality at the heart of decent work (general discussion).*

Proposals for the agenda of the 98th Session (2009) of the Conference

Fundamental principles and rights at work

1. *Protection of children and young workers* (Standard-setting – Follow-up to the conclusions of the Working Party on Policy regarding the Revision of Standards)

Summary

This is a proposal to follow up the conclusions of the Working Party on Policy regarding the Revision of Standards in the sphere of child labour and protection of young workers concerning a few groups of instruments recommended for revision or possible consolidation. These instruments specifically deal with the conditions for entry into employment (medical examination) and some aspects of conditions of work (night work, underground work), offering additional protection to young workers above the minimum age – i.e. legally admissible to work, and in that sense complementing the child labour standards in protecting young people. Thus, the revision and consolidation of standards in this area would relate to about 100 million adolescents under 18 who are estimated to be legally at work worldwide. This proposal by no means puts into question or intends to revisit the two up to date fundamental child labour Conventions namely, the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), supplemented by their respective Recommendations, which will continue to be promoted for universal ratification and implementation.

7. After examining the preliminary form of this proposal at its 297th Session (November 2006), the Governing Body asked the Office to submit a more elaborated proposal on this subject. First of all, it should be underlined that this proposal arises from the follow-up to the conclusions of the Working Party on Policy regarding the Revision of Standards (“the Cartier Working Party”) in the sphere of child labour and protection of young workers. Second, as to the elimination of child labour, neither the Office nor the constituents have put into question or intend to revisit the two up to date fundamental child labour Conventions namely, the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), supplemented by their respective Recommendations. These instruments will continue to be promoted for universal ratification and implementation, and also remain the basis for technical cooperation activities through the ILO’s International Programme on the Elimination of Child Labour (IPEC), irrespective of the outcome of the consideration on future Conference agendas.
8. There are distinct types of standards on children and young persons. First, the two fundamental Conventions and their corresponding Recommendations – not proposed for any reviewing – clarify the line between child labour to be eliminated and acceptable forms of employment or work by children and young people. Second, a few specific standards provide the conditions for entry into employment (medical examination) and some aspects of conditions of work (night work, underground work), offering additional protection to young workers above the minimum age – i.e. legally admissible to work. These standards in that sense complement the child labour standards in protecting young people. The current proposal covers this second category of instruments and could also include the two autonomous Recommendations on minimum age in non-industrial employment and family undertakings mentioned below.³

³ The Minimum Age (Fishermen) Convention, 1959 (No. 112) and the Medical Examination (Fishermen) Convention, 1959 (No. 113) are not included in this proposal because they are among

9. As a result of the work of the Cartier Working Party, the Governing Body took the following decisions:

- *Night work of young persons*: Three Conventions and two Recommendations should be revised, namely: the Night Work of Young Persons (Industry) Convention, 1919 (No. 6); the Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79); the Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90); the Night Work of Children and Young Persons (Agriculture) Recommendation, 1921 (No. 14); and the Night Work of Young Persons (Non-Industrial Occupations) Recommendation, 1946 (No. 80).
- *Medical examination of young persons (industry, non-industrial occupations, underground work) and conditions of employment of young persons (underground work)*: In the case of three Conventions – the Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77), the Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78), and the Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124) – the Governing Body invited member States: (i) to contemplate ratifying the Conventions; and (ii) to inform the Office of any obstacles or difficulties encountered that might prevent or delay the ratification of these Conventions or which might point to a need for a full or partial revision of these Conventions, including their possible consolidation. For the two accompanying Recommendations – Medical Examination of Young Persons Recommendation, 1946 (No. 79), and the Conditions of Employment of Young Persons (Underground Work) Recommendation, 1965 (No. 125), the Governing Body invited member States to give effect to the Recommendations and to inform the Office of any obstacles or difficulties encountered in their implementation. It also invited the Office to examine the possibility of their consolidation.
- Furthermore, two autonomous Recommendations, the Minimum Age (Non-Industrial Employment) Recommendation, 1932 (No. 41), and the Minimum Age (Family Undertakings) Recommendation, 1937 (No. 52), have an interim status.⁴
- Finally, for a number of earlier Conventions on minimum age which have already been revised by Convention No. 138⁵ but are still applicable to a number of countries, States parties to the older Conventions are invited to ratify Convention No. 138. Nevertheless, because of the flexibility built into Convention No. 138 (detailed conditions for the ipso jure denunciation of earlier Conventions), ratification of Convention No. 138 does not always automatically result in denunciations of all the previous Conventions concerned, ratified by the same country.⁶ Being outdated, these instruments are not proposed for inclusion in a possible revised/consolidated standard. The promotion of Convention No. 138 and technical assistance to enhance its effective implementation would be the solution for streamlining the body of international labour standards, particularly through their denunciation and

the instruments being considered for revision in the context of the agenda item on work in the fishing sector to be addressed at the 96th Session (2007) of the ILC.

⁴ This means that they were considered by the Working Party as no longer fully up to date but still relevant in certain aspects.

⁵ See Article 10 of Convention No. 138.

⁶ For example, a State that ratified the Minimum Age (Industry) Convention (Revised), 1937 (No. 59), and subsequently ratified Convention No. 138 while declaring a general minimum age of 14 years continues to be bound by Convention No. 59 unless under Convention No. 138, it declares the minimum age in industry to be 15 years.

replacement by Convention No. 138. In addition, the 1997 Instrument of Amendment to the ILO Constitution, once in force,⁷ would permit the abrogation of outdated Conventions.

- 10.** The first two groups of instruments might be considered too specific in scope to be pursued as a future standard-setting agenda separately on each topic. With a view to further streamlining the body of international labour standards, it could be possible or desirable for the Governing Body to consider necessary follow-up action to the Working Party's conclusions, in a comprehensive manner – on the subject of children and young persons, in particular concerning their protected introduction to the world of decent work. A possible consolidation could also take into account the two autonomous Recommendations on minimum age.
- 11.** Just like any other category of workers covered by some special instruments, children and young workers are entitled to the same protection at work as all workers, although because of their age and immaturity certain issues are regulated by specific provisions. According to the latest global estimates, some 100 million adolescents under 18 years of age are legally at work. The revision/consolidation of standards on children and young people, on the basis of the conclusions of the Cartier Working Party, would be relevant to this group, and aim at concentrating on the conditions under which they may be employed. It may be recalled that not only does the Preamble to the ILO Constitution explicitly call for the protection of children, but also under the UN Convention on the Rights of the Child (CRC) of 1989, relating to the right of the child (i.e. under 18) to be protected from economic exploitation, the States parties must take measures including provision of the minimum employment age or ages and conditions of employment.
- 12.** The issue of protecting children and young persons once admitted to work is, however, closely related to the topic of child labour. When there is not sufficient protection, that type of work or the circumstances under which it is carried out may fall into the category of child labour to be eliminated, even where the minimum working age is attained. For instance, in terms of the Worst Forms of Child Labour Recommendation, 1999 (No. 190), Paragraph 3, night work and underground work for a person under the age of 18 years should be considered at the national level when determining the identification of hazardous work to be prohibited. Therefore, consideration could be given as to whether some guidance on other aspects of hazardous work referred to in Paragraph 3 of Recommendation No. 190 would also be useful. Given the clear philosophy expressed under both Conventions Nos. 138 and 182 that the exact list of hazardous work should be determined nationally after tripartite consultation, any new provisions in this area would be intended to provide general guidance, rather than setting forth rigid details.
- 13.** Given the need to undertake a comprehensive review on protection of children in employment or work, the Governing Body might consider, if this proposal is to be retained, the possibility of a double discussion so as to ensure a comprehensive examination by the constituents of pertinent issues.

⁷ See GB.297/LILS/2.

Employment

2. *Decent work in global supply chains* (General discussion)

Summary

Increasing globalization and growth of the supply chains that cross borders and often stretch across the globe has implications for the quantity, quality and distribution of employment throughout the world. The proposed discussion item will address issues related to the social and employment consequences of the structural changes taking place in key sectors of the global economy, specifically the identification of policies, programmes and tools to achieve decent work outcomes in global supply chains. To provide focus and grounding for the discussion, the report might select a few representative supply chains to guide the discussion (e.g. one manufacturing based and one service based).

14. Increased market openness and foreign direct investment (FDI) together with changes in technology including transport and communication systems have had a major impact on the organization of production and on business relationships. In many sectors, enterprises have decided to concentrate on core competencies while outsourcing a range of production and service-related activities. This has, in turn, resulted in increasingly long and often complex international supply chains that involve a variety of enterprises in the development and production and distribution of products and services. Increasingly, outsourcing arrangements reflect a change in business relationships brought about by these changes. In important economic sectors there has been an increase in the power of enterprises that market goods or services relative to the power of those firms that produce them, a shift that has had a profound impact on the world of work.
15. Supply chains have a major impact on the structure of product, service and labour markets throughout the world. Participation in international supply chains has resulted in very significant establishment and growth of enterprises and employment in some developing countries and is a principal means by which many developing countries are linked to the global economy. This has resulted in the expansion of service, manufacturing and agricultural markets and production capability in these countries. The fact that to date only some developing countries have been able to take advantage of these opportunities is a clear indication that countries, particularly developing ones, face both opportunities and challenges in terms of how to support the development, diversification and upgrading of their enterprise base to be able to take advantage of the growth in global supply chains.
16. Decisions to outsource are often decisions to offshore. These decisions are typically based on the consideration of a range of factors, including labour costs, production and service capacity, product quality, time to market, reliability, access to infrastructure and other factors. The choice of suppliers can involve the choice of country. Criteria can include political and economic stability, the availability and capacity of human resources and the linguistic abilities of workers, quality of infrastructure (transport, telecommunications), the availability of effective financial services, the strength of the rule of law, including as it relates to the protection and enforcement of property rights and the availability of conflict resolution mechanisms, among others. So the opportunities for countries to integrate into global supply chains and promote productive employment and decent work depends to a large extent on national policy frameworks.
17. The growth of supply chains and outsourcing raises issues surrounding the application of labour standards. Often governments in poorer countries do not adequately monitor labour practices and enforce labour standards for a range of reasons including inadequate resources. Intense competitive pressures on enterprises, particularly at the lower end of the chain have influenced the development and application of law. As a result, there have been

growing concerns that international labour standards, including those recognized as being fundamental rights at work, are not being observed in many areas of international business activity.

18. For a number of reasons, including growing concerns raised regarding labour and social practices in their respective supply chains and the desire to upgrade management practices and productivity, many sourcing companies have begun to assume a measure of responsibility for the labour practices of their suppliers. Often these efforts involve the adoption of codes of conduct that are intended to be applicable to suppliers and are accompanied by various implementation and monitoring schemes. Because they involve one enterprise assuming some responsibility for the labour practices of another enterprise that it does not own or control, these initiatives raise many questions and have been a source of controversy. In particular there is a lack of clarity regarding the division of responsibilities between enterprises and governments. For instance, how the sourcing company can effectively monitor the labour practices of its suppliers and how it should deal with non-compliance. And if and how enterprises can effectively implement codes, which often reference international labour standards, in situations where the government does not assume or respect its obligations regarding these standards.
19. Workers' organizations, in particular, express concern that arm's length supply chain relationships can be a way for sourcing companies to avoid their responsibilities as employers in terms of respect for fundamental rights at work. They argue that the relative power of sourcing companies can negatively affect the potential of collective bargaining to protect workers by denying workers down the supply chain access to the real decision-makers who effectively determine their working conditions. Employers' organizations express concerns that the proliferation of codes and monitoring regimes result in added cost and uncertainty for enterprises, without necessarily resulting in improved labour conditions. There is also concern that enterprises are being expected to shoulder responsibilities which should be met by the concerned governments. Some governments, particularly in developing countries, express concerns that such arrangements may be used in ways which constitute a non-tariff barrier to exports.
20. Supply chains can also have a significant effect on national policy-making in the field of, for example, national taxation policy, competition or investment policies and even in the realm of social policies covering, for example, social security and welfare provision.

Some issues for discussion

21. The discussion would focus on how employment and decent work can be promoted in the global supply chains. Issues to be covered may include:
 - What are some of the key structural changes taking place in global supply chains?
 - What are the key drivers of these changes?
 - What is the impact of these changes on the quantity, quality and distribution of employment?
 - What could be the role of international policies to address the structural changes in the global supply chains?
 - What could be the national, local and sectoral policies and strategies for upgrading competitiveness, productivity and decent work in global supply chains?
 - Which public regulations and other systems of monitoring could address the issues related to the global supply chains and decent work?

- What is and could be the role of private voluntary initiatives and other efforts to manage social issues in supply chains?
- What are the effects of supply chains on collective bargaining and on social dialogue?
- What are the implications of the structural changes in the global supply chains and their impact on productive employment and decent work for the governments, employers' and workers' organizations?
- What advisory services, tools and technical assistance might be developed by the ILO to support job creation and enterprise upgrading in global supply chains?
- How could ILO work in this area most effectively draw upon Office-wide expertise ?

Intended outcomes

22. The intended outcome of the International Labour Conference general discussion would be:

- a stocktaking of the international debate on the impact of structural changes in the global supply chains on the quantity, quality and distribution of employment, in the context of the ILO's Decent Work Agenda; and
- recommendations for ILO work to enhance coherent policies, strategies and tools for technical support to constituents that promote productive employment and decent work in global supply chains.

Employment/social protection

3. ***Employment and social protection in the new demographic context*** (General discussion based on an integrated approach)

Summary

The demographic context of the twenty-first century is largely shaped by the ageing of the population and declining fertility rates. In many countries longer life expectancy has not been accompanied by longer working lives. Average effective 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 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 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 of remaining 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, it is essential to find ways of extending social security.

The ILO can play a key role in developing innovative strategies to meet these challenges and to facilitate the extension of working lives in productive and decent employment. It is proposed to hold a general discussion to develop an effective plan of action based on an integrated approach encompassing ILO instruments, research activities, technical cooperation and other means of action that together would contribute to promoting policies and strategies 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

- 23.** The world's population is growing older. Fertility rates are declining and people live longer, not only in developed, but also in most developing countries. Furthermore, many of the generation born before fertility declined are now reaching old age. Between 2005 and 2050, the number of people aged 60 and over is expected to triple from 672 million to nearly 1.9 billion.⁸
- 24.** Low-income countries are ageing faster than higher income ones.⁹ Over the next 50 years, the older population in these countries is expected to multiply by four¹⁰ and old-age dependency is expected to triple. The insufficiency or absence of social protection pushes older people into employment in the informal economy and old-age poverty is a growing concern.
- 25.** In the industrialized world, longevity has not been accompanied by longer working lives. Older workers are exposed to discrimination and are often forced to withdraw early from the labour market or to move to low-quality jobs underutilizing their capacity. At the same time, countries are facing concerns about the financial viability of social protection systems. Employment promotion remains the overriding concern.
- 26.** Declining fertility rates mean reduction of the number of young entrants into the labour market. This has important implications regarding migration flows. In some countries, due to HIV/AIDS older persons are increasingly caring for orphaned children.

The ILO's response

- 27.** 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

- 28.** Since the early 1990s, the ILO has been working on the employment situation of older workers. The ILO is currently undertaking research on ageing and employment, conditions of work and social protection.
- 29.** The ILO was actively involved in the Second World Assembly on Ageing (Madrid, April 2002).¹¹ The Assembly adopted the Madrid International Plan of Action on Ageing (MIPAA) and the Political Declaration. The ILO also participated in the Ministerial Conference on Ageing (Berlin, September 2002)¹² and continues to be involved in the

⁸ United Nations Population Division: *World Population Prospects, the 2004 Revision*, <http://esa.un.org>.

⁹ 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.

¹⁰ www.un.org/ageing/coverage/pr/socm3.htm; see also table 2, "Velocity of ageing", *idem*.

¹¹ The ILO submitted the report "An inclusive society for an ageing population: Employment and social protection issues", GB.283/ESP/5 (Mar. 2002).

¹² The Conference adopted the Regional Implementation Strategy for the MIPAA and the Berlin Ministerial Declaration: www.unece.org/ead/pau/age/conf2002frame.htm.

follow-up of these conferences.¹³ Ageing was on the agenda of the Seventh European Regional Meeting (Budapest, February 2005). The report to this Meeting includes a chapter devoted to ageing.¹⁴

30. The second Global Report on the elimination of discrimination in employment and occupation, issued under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, which will be discussed at the International Labour Conference in June 2007, addresses issues of age discrimination at the workplace.

Labour standards and older workers

31. The relevant Conventions on fundamental rights at work apply to all workers irrespective of age. Older workers as a group with specific needs are identified in several Recommendations.¹⁵ The only instrument specifically relating to older workers is the Older Workers Recommendation, 1980 (No. 162). This instrument was examined by the Governing Body¹⁶ in November 2000 and it was decided to maintain the status quo in relation to it.
32. Regarding social security, the key instruments include Part V of the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128), and Recommendation (No. 131). These instruments were examined by the Governing Body in the light of consultations and the general discussion on social security held during the 89th Session (2001) of the International Labour Conference and were considered to be up to date.
33. 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). About 35 countries have, however, included age among the prohibited grounds for discrimination in their legislation, making use of the stipulation of Article 5 of that Convention.

Proposed directions

34. Promoting productive and decent employment is the best way to ensure that people have a secure pension. Attention should be given to identifying labour market policies for older workers. Complementary measures such as those related to skills development within a lifelong learning framework are important. Measures to combat age discrimination and stereotypes with particular attention to older women are also crucial, and initiatives from employers are important.

¹³ Expert Group Meeting on Modalities for Review and Appraisal of the MIPAA, Malta, November 2003; Expert Group Meeting on Indicators on Ageing, Madrid, April 2004.

¹⁴ See report and conclusions of the Seventh European Regional Meeting (Budapest, 14–18 February 2005), GB.292/5, 292nd Session, Geneva, March 2005.

¹⁵ The Workers' Housing Recommendation, 1961 (No. 115); the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169); the Safety and Health in Agriculture Recommendation, 2001 (No. 192), Paragraph 4.3; the Human Resources Development Recommendation, 2004 (No. 195), Paragraph 5(h); and the Employment Relationship Recommendation, 2006 (No. 198), Paragraph 5.

¹⁶ In the context of the Working Party on Policy regarding the Revision of Standards, see GB.279/LILS/WP/PRS/4, p. 21, and GB.279/LILS/3.

35. Regarding social security, high-income countries face the challenge of ensuring the sustainability of social protection systems. The main challenge for low-income countries is to extend social security coverage to the most vulnerable groups.¹⁷ Particular attention should be placed on women's access to social security. The challenges of demographic change are common to all countries, yet each will find different strategies to address them, in view of strengthening the role of social security as a productive factor in promoting employment, stimulating structural change and fostering economic growth.¹⁸
36. The situation of migrant workers falling outside the realm of social protection, thereby not having access to pension schemes and adequate health services, is of great concern. The scope and limitations of replacement migration to address impacts of new demographic trends should be examined.
37. Examples from some countries have shown that basic income security for the older population is affordable also for low-income countries, and that the improved livelihoods of older people will equally benefit younger generations, especially in countries affected by HIV/AIDS.
38. Finally, providing an adequate working environment for older workers requires particular attention, including the elimination of conditions which are unsafe or unhealthy, or otherwise threaten their working capacity.
39. In order to assist constituents to prepare appropriate and effective strategies, it is proposed to hold a general discussion which will focus on developing a comprehensive and integrated approach encompassing the actions and considerations outlined above.
40. 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 good examples, promotion of relevant international 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 address how Decent Work Country Programmes and the Global Employment Agenda are addressing employment issues of older persons.

Conclusion

41. Productive and decent employment is the most powerful lever to maintain and extend social protection. This requires complementary measures such as promoting the labour rights of older workers 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 related to the ILO's 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, equity and security.
42. It would thus be timely for the Conference to address the aforementioned issues. Such a discussion could serve as a platform for future ILO activities. This would also be in line with the resolution adopted by the General Assembly regarding follow-up to the Second World Assembly on Ageing¹⁹ which requests "the organizations and bodies of the UN

¹⁷ *World Labour Report 2000*, ILO, Geneva, Chapters 2 and 6.

¹⁸ See GB.294/ESP/4.

¹⁹ 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 January 2004.

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) integrate ageing, including from a gender perspective, into their programmes of work”.

43. A discussion focused on an integrated approach would offer constituents a global view of the ILO’s expertise and means of intervention whilst at the same time facilitating the development of a coherent strategy.

Social protection

4. **Strengthening national responses to HIV/AIDS in the world of work** (Different options)

Summary

At its 297th Session (November 2006), the Governing Body examined a proposal on HIV/AIDS and the world of work (standard setting) submitted for decision as a possible item for the agenda of the 98th Session (2009) of the International Labour Conference. In conclusion, the Governing Body requested the Office to prepare a considered proposal for in-depth examination at its forthcoming 298th Session (March 2007), indicating the possible options before the Governing Body. The options are outlined and include general discussion (which may be based on an integrated approach) or standard setting (which could imply the adoption of a Convention, a Convention supplemented by a Recommendation, or a Recommendation alone).

Introduction

44. At its 297th Session (November 2006), the Governing Body examined a proposal on HIV/AIDS and the world of work (standard setting) submitted for decision as a possible item for the agenda of the 98th Session (2009) of the International Labour Conference. A clear majority of governments expressed their willingness to examine the proposal further, and five of them, as well as the Workers’ group, supported standard setting on the item. The Employers’ group expressed interest in a general discussion but opposed standard setting. The Governing Body thus requested the Office to prepare a more detailed proposal for its forthcoming 298th Session (March 2007) taking into account the questions raised with respect to different approaches and indicating the possible options before the Governing Body.²⁰
45. The severest impact of the HIV epidemic is in low- and middle-income countries, where more than 90 per cent of persons with HIV live; on persons of working age, who represent 94 per cent of the 40 million persons living with HIV; and increasingly on women who already make up 47 per cent of working-age persons living with HIV. HIV/AIDS demarcates itself from other serious diseases because of the persistent discrimination and stigma that discourage disclosure and reduce the uptake of treatment. Many workers who are ill do not seek treatment even where it is affordable, or free of charge. The ILO established a dedicated programme (ILO/AIDS) in 2000. In 2001, the Organization produced the ILO code of practice *HIV/AIDS and the world of work* and became a cosponsor of the Joint United Nations Programme on HIV/AIDS (UNAIDS) as the lead agency for the world of work. The ILO contributes to the UN strategy of universal access to prevention, treatment, care and support, as well as the Millennium Development Goals

²⁰ The following papers contain further details: GB.280/ESP/5, GB.288/ESP/3, GB.292/ESP/5, GB.295/16/4 and GB.297/2.

(MDG) to halt and reverse the HIV epidemic by 2015, through enabling comprehensive workplace programmes.

46. The comparative advantages and added value of the ILO are its unique tripartism, its access to the workplace, and its rights-based approach embodied in the ILO code of practice *HIV/AIDS and the world of work*. The code is the only international instrument providing fundamental guidance on formulating policies and implementing action to address HIV prevention, care and treatment in the workplace. In five years, the code has acquired international recognition, guided enterprise-level responses, and inspired policy and legislative change at national level. It has been translated into 40 languages. The standing of the code will ensure that it remains an important part of the workplace landscape. Its status and authority as a promotional and voluntary instrument would not be affected by any decision to place the question of HIV/AIDS in the world of work on the agenda of the Conference.
47. The responsibilities outlined in the code for governments include to “provide the relevant regulatory framework and, where necessary, revise labour laws and other legislation”. Forty of the 60 countries most heavily affected by the epidemic have either adopted or drafted legislation on HIV/AIDS and the world of work, of which 22 have adopted legislation and 18 have drafted legislation. An additional ten countries have adopted or drafted a national policy.²¹
48. Most national instruments, adopted or drafted, include the fundamental principle of non-discrimination. Beyond this, however, the number and nature of the principles included varies. The guidance in the code is not followed in all cases. The code is a voluntary instrument; uptake is optional, and there is no provision to monitor the quality or extent of its use, as in the case of a standard. For example, provisions such as mandatory testing or an obligation of disclosure of HIV status, which each contradict a principle of the code, appear in adopted or drafted national legislation that is in line with other principles of the code.
49. Moreover, the code’s guidance presumes that ministries responsible for labour and employment will be full partners in national responses to HIV/AIDS. In reality, it is often the case that national AIDS strategies falter because key actors – such as labour administrations and inspectorates, and the social partners – are not part of the response. As many national AIDS bodies fail to involve representatives of the world of work, there is no critical mass of good practices nor a clear vision of how to encourage compliance. An international standard would help establish the basis for an institutional tripartite presence within the single national AIDS authority and the joint UN response.²²
50. The code’s guidance includes developing and establishing a workplace policy. This has been supplemented by the Office with substantial assistance to guide implementation including advisory services, materials and training. There is evidence that it has favourably influenced the way employers and their organizations have faced the issue since 2001. A number of voluntary codes and guidelines developed by employers’ organizations to assist

²¹ The proportions for all 179 member States (Dec. 2006) are: 35 have adopted legislation (20 per cent); 28 have drafted legislation (16 per cent); and an additional 17 have adopted or drafted a national policy (9 per cent).

²² Concerted efforts are being made by the multilateral and donor community to encourage and support a single national AIDS body, programme and monitoring system (the “Three Ones”) as well as to ensure scaled up and harmonized UN action at country level (as recommended by the Global Task Team on HIV/AIDS, and endorsed by the ILO Governing Body in March 2006).

enterprises have been inspired by the code, but it would be desirable to incorporate the principles of the code more consistently.

- 51.** The roles outlined by the code for workers and their organizations include social dialogue – including consultations with employers and collective bargaining – to achieve workplace agreements. Research shows that workers’ organizations engage in a range of responses to the epidemic. A particular concern is with the protection of the rights of workers and their families in the face of AIDS, and the need for legal and policy support. An important commitment of workers’ organizations is to sustain effort and long-term engagement, in recognition of the long-term challenge of the struggle against HIV/AIDS. They acknowledge the importance of active participation in international policy development as a means for action.
- 52.** The International Confederation of Free Trade Unions (ICFTU) and the International Organisation of Employers (IOE), in 2003, jointly recognized the direct impact of HIV/AIDS on the world of work, and stated their common interest to cooperate on the issue at national, international and workplace levels, including the development of joint action programmes. Recent regional initiatives include the ICFTU–AFRO/IOE joint capacity-building meeting on HIV/AIDS for employers’ and workers’ organizations (Kampala, December 2006) which was hosted by the National Organization of Trade Unions of Uganda (NOTU) and the Federation of Uganda Employers (FUE), with support from the ILO. Employers’ and workers’ organizations are guided by the code to forge international partnerships. Regional and national efforts may fail, however, in the absence of a policy point of reference for the social partners regarding HIV/AIDS.
- 53.** The code has made it possible to develop action on HIV/AIDS in the workplace to a notable extent. Strengthened and expanded national frameworks would carry it still further. The ILO has a unique opportunity at this juncture to take action to a new level, and make significant inroads against the epidemic in the world of work. National frameworks, underpinned by an appropriate international instrumentation, can provide the enabling environment to respond to the needs in the world of work to reduce HIV transmission and mitigate the impact of AIDS.

Options for a Conference discussion

- 54.** The Governing Body has the option of placing this item on the agenda of the International Labour Conference either for general discussion (which may be based on an integrated approach and could lead to the adoption of a set of conclusions, a plan of action, or a resolution of the Conference); or for possible standard setting (which could imply adoption of a Convention, a Convention supplemented by a Recommendation, or a Recommendation alone).
- 55.** A Conference discussion in 2009 could serve to assess the first decade of ILO action on AIDS as well as provide a renewed and refocused debate on broad central issues. A general discussion based on an integrated approach could be designed to increase the coherence, relevance and impact of the ILO’s standards-related and other activities, resting on a firm tripartite consensus. In-depth preparatory work could examine the existing instrumentation – the code of practice on the one hand and relevant Conventions and Recommendations concerning occupational safety and health, discrimination, child labour, etc. on the other – and analyse information available as to their implementation. It could look at the context of practical programmes and technical cooperation projects pursued by the ILO and in cooperation with other agencies, and information, advocacy, training and

other modes of action employed.²³ It should be borne in mind that, in 2009, the code will be approaching its tenth anniversary, and the target date for universal access to prevention, care and treatment for HIV and AIDS of 2010 will also be near. A general discussion could aim to identify further options for ILO constituents to address the issues, including, as the case may be, those that might be better addressed through standard setting.

- 56.** The ILC could in this context consider reinforced action and renewed efforts to halt and reverse the HIV epidemic through the world of work. Existing ILO standards address various issues relevant to the HIV epidemic, including (with the related Recommendations) the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Occupational Safety and Health Convention, 1981 (No. 155), the Worst Forms of Child Labour Convention, 1999 (No. 182), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).²⁴ Also, most Office programmes have worked on the topic, given the reach of the epidemic and the cross-cutting strategy adopted by the ILO. Yet these offer only scattered answers to the need to advance the response to HIV/AIDS in the world of work on a broad and consistent front: a stronger rallying point than the voluntary code would serve to give added impetus.
- 57.** The option of standard setting could lead to a Convention, a Convention supplemented by a Recommendation, or a Recommendation. Depending on the form chosen, the standard setting could take place through a double discussion or in a single discussion at the Conference.
- 58.** A framework Convention and an accompanying, more detailed Recommendation could raise the level of attention to HIV/AIDS in member States and thereby provide the enabling environment in which all ILO constituents can address the urgent next steps towards halting the epidemic. In particular, it could assist ministries responsible for labour to act at national level to open fully the workplace gateway to universal access. It has also been clearly expressed in the wider multilateral community that decisive action by the ILO would be welcomed.²⁵
- 59.** A framework Convention could be dedicated to guiding national response by focusing on the basic and essential aspects that need global attention or reinforcement. It could be shaped to meet the common and shared requirements for national action by providing a point of reference with respect to a range of actions at national level adapted to country experiences with HIV/AIDS and the different types of HIV epidemic. It could call on ratifying States to adopt, in consultation with employers' and workers' organizations and other key stakeholders, a national policy addressing the fundamental principles and rights central to the ILO's response in the world of work. It could stress the role of international cooperation, as well as the ILO's assistance to member States in their efforts to work

²³ See GB.279/4 and GB.282/2/1.

²⁴ See relevant box in GB.297/2. These instruments are relevant to, but do not explicitly refer to, HIV/AIDS.

²⁵ In accordance with the Standing Orders of the International Labour Conference (article 39bis, concerning consultation of the United Nations and other specialized agencies), preliminary consultations with counterpart co-sponsoring organizations of UNAIDS have made it clear that the standard-setting role of the ILO in this instance would be of unique and great benefit to the global effort to halt HIV/AIDS. Among other objectives, standard setting by the ILO would meet the criterion for UN system reform with respect to system-wide coherence, notably in respect to "strengthening linkages between the normative work of the United Nations system and its operational activities". See GB.298/4 concerning the report "Delivering as one".

together to give effect to its provisions, including support for social and economic development, poverty reduction and equal access for women and men to decent work.

- 60.** A standard could offer clear delineation of state responsibilities and of the roles of the social partners, particularly in matters of treatment, care and support. This could leave to governments the choice of measures to implement the policy, whether through laws, regulations, collective agreements between organizations representing employers and workers, court decisions, or other methods appropriate to national conditions and practice to meet the needs of their national situation. A framework Convention could thus provide the flexibility suited to the worldwide diversity of conditions, which ensures that the standard can be universal. In this way, no double standard on HIV/AIDS would be permitted, and equity in the opportunity for access to comprehensive services can be achievable.
- 61.** A Convention would in addition offer member States the option of making a formal commitment to take such measures, subject to regular reporting and supervision in accordance with article 22 of the Constitution. A Recommendation could, like a Convention, also be the subject of a request for reports under article 19 of the Constitution and consequent General Survey of the subject by the Committee of Experts on the Application of Conventions and Recommendations.²⁶
- 62.** A framework Convention could be supplemented by a Recommendation that would give detailed guidance and good practice options. The guidance would not affect the validity of the code of practice, nor seek to make its principles mandatory, nor transform the code. The guidance would rather be designed to uphold the code's integrity, and provide a range of measures to delineate a national policy framework to facilitate its broader use. The Recommendation could incorporate elements of the code and renew them if appropriate in the light of experience and the evolving policy context. The consultation in preparation for this standard could enhance international cooperation, and promote exchange and transfer of critical information on good practices, lessons learned and outcomes.
- 63.** A framework Convention could benefit:

 - (a) States and ministries responsible for labour by providing clarity with respect to responsibilities and obligations in responding to the epidemic; enabling them to define national-level action in consultation with social partners; and providing a means to track improvements, with the opportunity to build innovative, proactive reporting into the technical cooperation process;
 - (b) tripartism, by enabling the Organization to realize its leadership with respect to broad-based standard setting on a topic that requires civil society engagement and social consensus; enhancing social dialogue around the multi-sectoral response to HIV/AIDS at national and international level; and institutionalizing tripartism in new settings at country level;
 - (c) employers, by clarifying the responsibilities of governments as well as providing a basis for public-private partnerships; improving predictability with respect to the labour market by making conditions more uniform; and providing workers with conditions that encourage commitment to their jobs; and

²⁶ All Conventions and Recommendations adopted by the ILC have in the first place, under article 19 of the ILO Constitution, to be submitted to the national competent authorities for consideration.

(d) global equity with respect to HIV and AIDS, by diminishing the risk that men and women workers living with HIV face a different destiny according to whether or not legislation or policy is in place where they live, entailing not merely a difference in standards of care but the difference between life and death on a large scale.

64. A discussion on HIV/AIDS in the world of work at the ILC would be an occasion to bring together all ILO constituents and leading global specialists to consider in detail the valuable experience gained in a decade in the ILO. Depending on the form of discussion decided on, different opportunities could be presented for the Conference's choice as to the orientation of future action, possibly involving broader application of the various modes of action and tools available to the ILO. By placing this item on the ILC agenda, the Governing Body would give the Conference the opportunity to exercise its further informed judgement.

Social dialogue

5. *The right to information and consultation in the context of economic restructuring* (General discussion)

Summary

Including the right to information and consultation in the context of economic restructuring on the agenda of the 2009 International Labour Conference would provide a timely opportunity for constituents to reflect on the importance of having appropriate forms of social dialogue embedded in enterprise practices so as to provide effective management and worker responses to challenges arising from external sources. The discussion item could enable a clearer understanding of the issues needing to be addressed during enterprise restructuring; how good labour-management relations can facilitate outcomes from restructuring which balance flexibility and security concerns; recent changes in national and transnational legislative and other frameworks providing for information and consultation around such issues; and an assessment of the implications for the ILO's work in various areas.

Background

65. The pressures on enterprises to restructure in response to continuing developments at both national and international levels is increasing. Such developments are occurring as a result, for example, of changes in the situation of sectors, including the public sector, in national economies, the increase in new forms of productive organization following the decline of "mass production" and the impact of globalization. In the latter case, many enterprises are facing much fiercer competition. This leads to pressures to adapt workplaces to match the efficiency, output and quality of market leaders – or, in many cases, close down.²⁷ Enterprise restructuring whatever its source may, however, result in social costs of various types, including job losses, higher unemployment, inequality of treatment among workers, greater insecurity in the workplace and industrial and social conflicts.
66. There are many examples where the social partners have collaborated successfully in responding to structural and other changes and mobilizing the full potential of their enterprises. Mention should be made of those efforts to improve the adaptability of enterprises relying on a consultative approach and directed towards achieving a balance between "flexibility" and "security." Such an approach is relied on by employers, to increase the competitiveness of their enterprises, and by workers, in order to continue to benefit from decent wages and other working conditions, while acknowledging the need

²⁷ *Changing patterns in the world of work*, Report of the Director-General to the ILC, 2006.

for changes in certain areas.²⁸ In this context too, changes are emerging in the traditional labour–management relationship. The patterns of negotiations are changing, as well as their content and the behaviour of the actors involved. In this respect, many trade-offs are being negotiated by the social partners at all levels, often leading to agreements on packages of “offsetting” issues such as job security, working time, wages, lifelong learning possibilities and/or new methods of work organization.

- 67.** Existing procedures for informing and consulting employees and their representatives are essentially twofold in nature: firstly, in the form of informal rules agreed between the social partners themselves at various levels; and, secondly, legal frameworks, which typically request information and consultations where major “events” concerning workers take place, such as threatened or actual redundancies, transfers of undertakings, delocalization and other forms of restructuring affecting an enterprise. In many countries, legal provisions are often based on a posterior approach (i.e. dealing with the economic and social consequences of developments, many of which were not anticipated); do not provide sufficient recognition of the need for ongoing social dialogue at enterprise level; and neglect sufficient consideration of the economic and employment impact of decisions taken.
- 68.** Increasing globalization of capital, product and labour markets means that decisions affecting enterprises and their workers are often being taken by transnational bodies. Information and consultations at this level are still not well developed. This is in spite of the attempts of some multinational enterprises and regional integration groupings, especially in Europe, where adoption of the Works Council Directive²⁹ in 1994 has led to the development of a wide variety of consultation and information exchange practices in European-wide enterprises. Even in this situation the main objective of providing workers with a real voice in corporate decision-making processes has only been achieved in a minority of cases. In addition, many of the relevant European Works Councils’ procedures have remained predominantly directed to provision of information and the minimum information requirement is often oriented towards the past rather than the future situation of an enterprise.³⁰
- 69.** Finally, in recent years, global markets have grown rapidly, without the parallel development of economic and social institutions necessary for their smooth and equitable functioning,³¹ a situation which exists both at the level of nations and individual enterprises. The lack or weakness of such institutions and procedures of dialogue between governments and/or between employers and workers and their representative organizations makes it difficult to achieve consensus on important issues which affect enterprises operating within and across borders and can threaten social peace.

²⁸ Communication from the Commission – Partnership for change in an enlarged Europe – Enhancing the contribution of European social dialogue, 2004, European Commission.

²⁹ Directive 2002/14/EC of the European Parliament and of the Council of 11 Mar. 2002 establishing a general framework for informing and consulting employees in the European Community.

³⁰ European Works Councils in practice, European Foundation for the Improvement of Living and Working Conditions, 2004.

³¹ *A fair globalization: Creating opportunities for all*, Report of the World Commission on the Social Dimension of Globalization, ILO, Geneva, 2004.

The ILO's response

ILO normative action

- 70.** The ILO's concern that workers in the enterprise be informed and consulted on issues which affect them, and more generally in fostering ongoing cooperation between management and labour around enterprise development, were clearly articulated in the Declaration of Philadelphia in 1944. The Declaration called on the Organization to develop programmes with a view to promoting "effective recognition of the right to collective bargaining and cooperation between management and labour in the continuous improvement of productive efficiency ..." (paragraph 3(e)).
- 71.** This constitutional obligation is reflected in various later instruments, such as the Recommendation on Cooperation at the Level of the Undertaking, 1952 (No. 94), the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113) and the Recommendation on Communications within the Undertaking, 1967 (No. 129). Recommendation No. 129 provides detailed guidance on how to build mutual understanding and confidence within enterprises, stating that information should be provided to workers and their representatives and consultations should take place with them before decisions on matters of major interest are taken by management (Paragraph 2). The Recommendation provides that management should give workers information on a whole range of subjects, including, inter alia, with respect to "the general situation of the (enterprise) and prospects or plans for its future development" and to explain decisions which are likely to affect workers, directly or indirectly (Paragraph 14(2)). These Recommendations emphasize that information and consultation processes should coexist with and complement the institution of collective bargaining. Similar provisions, some addressing more specific situations, are developed in a number of other ILO instruments.³²

ILO technical cooperation

- 72.** The ILO provides technical advice and assistance on issues with respect to the provision of information to and consultation with workers and their representatives within the framework of activities and projects in the field of social dialogue and related areas, such as labour legislation, employment, working conditions and the like.

International Labour Conference discussion and outcomes

- 73.** A Conference discussion on this item could address, inter alia, such areas as:
- recent economic and social developments having major impacts on the competitiveness, job security, employment conditions, skill requirements, work organization and location of enterprises;³³
 - recent developments in labour-management relations at enterprise level, including new forms of consensus building through information and consultation, together with similar developments at national and transnational levels;

³² For example, the Termination of Employment Convention, 1982 (No. 158) and the Collective Bargaining Recommendation, 1981 (No. 163). See also the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (e.g. article 57).

³³ For example, changes resulting from the impact of takeovers, mergers and acquisitions, joint ventures, subcontracting and transnationalization of undertakings.

- changes in national and transnational legislative frameworks and other institutional provisions and arrangements for information and consultation; and
 - consequences for ILO work, with a special focus on technical advice and cooperation.
74. Consideration could also be given in the context of a general discussion to the possible need to revise the existing ILO standards dealing with information, consultation and cooperation at enterprise level.

Gender equality

6. *Gender equality at the heart of decent work* (General discussion)

Summary

Placing gender equality in the world of work on the agenda of the 2009 International Labour Conference would represent a significant opportunity to conduct a comprehensive review of the ILO's progress to date towards achieving gender equality in the world of work, as a basis on which to consult constituents about continued action in pursuance of this central ILO objective, in the light of changing labour markets and patterns in the world of work.

The discussion item would focus particularly on ways of implementing the International Labour Conference resolution concerning the promotion of gender, pay equity and maternity protection (2004) ¹ and the Governing Body's decision of March 2005 to work with all stakeholders towards systematic gender mainstreaming throughout all future ILO technical cooperation programmes and projects. ² It would also give constituents the opportunity to make recommendations to the Office on ways to enhance its efforts towards gender equality in the world of work, especially in the context of the Decent Work Agenda. The general discussion would include a focus on ways to promote the ratification and implementation of the key equality Conventions of the ILO and other labour standards relevant to gender equality and would not consider any dilution of standards.

A timely review in 2009 would enable the ILO to revisit its action plan on gender equality and mainstreaming in the ILO in the light of its new policy directions and new international mandates on gender equality and to chart a strategic course for future work.

¹ GB.291/3. ² GB.292/14, para. 22.

Background

75. It is now two decades since the International Labour Conference examined equality of opportunity and treatment for men and women in employment in a general discussion in 1985. Yet gender-based discrimination continues to violate fundamental principles and rights at work and human rights in general, and to weaken economic growth and reduce the efficiency of enterprises and labour markets, while women everywhere continue to be more vulnerable to poverty and decent work deficits than men. This has been repeatedly recognized by the international community, most recently in the Millennium Development Goals, especially MDG 3, ³⁴ and the Beijing+10 Declaration of 2005. The ILO has a clear responsibility to contribute to the attainment of these internationally agreed commitments, and an incontestable specific contribution to make in this respect.

³⁴ According to the *UN Millennium Development Goals Report 2005*, "Gender equality is a human right at the heart of achieving the goals [... and] means equality in all areas of work". The recognition of the fundamental link between decent work and the achievement of all of the other Goals was advanced due to the ILO's substantial contribution to the preparation of the master data set on Indicator 11: Share of women in non-agricultural wage employment; and Indicator 45: Unemployment rate of 15–24 year-olds, by sex and in total.

76. A new International Labour Conference general discussion in 2009 would be timely to allow the ILO to take stock both of these global developments and of the Organization's progress in promoting and achieving gender equality goals, in order to determine priority areas for its future work. This would be in line with recent ILO policy developments such as the 2004 International Labour Conference resolution concerning the promotion of gender equality, pay equity and maternity protection and the Governing Body's decision of 2005 to work with all stakeholders towards systematic gender mainstreaming in all ILO technical cooperation activities.
77. The ILO's primary goal is to promote opportunities for women and men to obtain and perform decent work in conditions of freedom, equity, security and human dignity. The elimination of discrimination in employment and occupation is therefore at the heart of the Decent Work Agenda, and is a long-standing objective of the ILO. Strengthening the capacity of constituent organizations to play a catalyst role in promoting gender equality in the world of work is integral to achieving this agenda.
78. The ILO's Decent Work Country Programmes offer a unique opportunity to embed gender equality in all ILO programmes and actions at the country level, where mutually reinforcing progress on rights at work, employment, social protection and social dialogue is most visible and effective.
79. Poverty reduction has become an overriding development goal, and international development strategies focus on designing comprehensive national poverty reduction strategies. This trend provides new and ever-increasing opportunities for the Office and its constituents to work with national policy-makers in the design and implementation of poverty reduction strategies that promote decent work and therefore gender equality, its main cross-cutting element. The ILO has already seized these opportunities in many ways and further development of this work area is highly desirable.
80. The systematic inclusion of gender equality considerations into the design of all ILO programmes is thus critical. Research and advocacy need to highlight the ways in which gender equality serves economic and business interests at the same time as enhancing social justice goals. In short, advancing gender equality in practice is urgent if equitable growth, poverty reduction and decent work are to be achieved.

The ILO's response

81. The promotion of gender equality in the world of work is enshrined in the ILO Constitution, which affirms that "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity". Over many decades the Organization's response to gender inequality has taken many forms, becoming more sophisticated, more responsive to changing conditions, including international developments, and more closely woven into its institutional fabric. The following are some recent actions:
- *International Labour Conference resolution concerning the promotion of gender equality, pay equity and maternity protection, 2004*: Calls on governments, employers' and workers' organizations to take concrete steps to eliminate all forms of gender discrimination in the labour market and to promote gender equality. It also calls on the Office to continue, strengthen and accelerate efforts to achieve equality between women and men and equal opportunities in working life.
 - *Governing Body decision on gender issues in technical cooperation, March 2005*: Requests the Office to take certain steps to mainstream gender equality into technical

cooperation projects and programmes, work with donors to ensure that agreements make provisions to guarantee and support gender mainstreaming, and increase constituents' capacity to implement gender equality in the world of work.

- *Programme and Budget for 2006–07*: Makes the promotion of gender equality a mainstreamed strategy for which all units of the Office have shared responsibility. It builds on the definition of gender equality as a shared policy objective in the Programme and Budget for 2004–05.
- *International Labour Conference Global Report under the follow-up to the ILO Declaration: Time for equality at work, 2003*: Analyses the diverse forms of discrimination at work and examines current policy and practical responses, with the aim of mobilizing greater support for the elimination of such discrimination.
- *Key labour standards related to gender equality and non-discrimination*: The ILO has adopted four Conventions which today constitute an integrated set of standards essential for the elimination of discrimination and the achievement of gender equality, namely the 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).

Key elements of a Conference discussion

- 82.** A general discussion on gender equality would provide an important opportunity to analyse the consequences of new labour market and global economic trends for gender equality in the world of work. It would examine ILO action to address these trends and the impact it has made to date, particularly in the light of the abovementioned resolution and decision on gender equality.
- 83.** Constituents would be invited to give guidance on gender issues they consider priorities for the ILO in the light of changing labour markets and work patterns.
- 84.** By thus giving recognition to the pivotal role of gender equality in achieving decent work, the discussion could support the further development of ILO gender policy and action plans and highlight integrated approaches and strategies to speed up the advancement of gender equality in practice, such as the Decent Work Country Programmes.
- 85.** The discussion would focus on:
 - action taken so far by the ILO to follow up the 2004 International Labour Conference resolution on gender equality, pay equity and maternity protection and its follow up;
 - ways in which the resolution has been instrumental in strengthening the gender strategy in accordance with the 2006–08 Office action plan on gender equality and gender mainstreaming;
 - integrating the ILO's means of action to promote gender equality into Decent Work Country Programmes;
 - enhancing the capacity of the Office and constituents to mainstream gender equality systematically into programmes and organizational structures;
 - the use of good practices as a tool to promote equal opportunity in employment; and

- effective ways to promote the ratification and implementation of the key equality Conventions and other labour standards relevant to equality.

Intended outcomes

86. The intended outcomes of the International Labour Conference discussion on this topic would be:

- a review of progress on gender equality in the world of work and ILO action in light of changing labour markets and changing patterns in the world of work;
- recommendations for the ILO on ways to ensure the continued accountability of the Office and constituents in relation to the 2004 International Labour Conference resolution on gender equality, pay equity and maternity protection;
- general recommendations, centred on the Decent Work Agenda, and the implementation of Decent Work Country Programmes for ILO action to enhance the coherence of its policies, strategies and actions to achieve gender equality in the world of work.

Geneva, 20 February 2007.

Points for decision: Paragraph 2;
Paragraph 6.