**Tripartite Meeting on the Future of Work
and Quality in the Information Society: The Media,
Culture, Graphical Sector**

Geneva
18-22 October 2004

Conclusions on the future of work and quality in the information society

submitted by the Working Party on Conclusions

The Tripartite Meeting on the Future of Work and Quality in the Information Society,

Having met in Geneva from 18 to 22 October 2004,

Adopts this twenty-second day of October 2004, the following conclusions[1]:

General considerations

1. The media, culture, graphical sector is marked by innovation, communication and creativity. The sector's constant growth has led to considerable new employment. Constant training should be the norm. ICTs offer the prospect for further growth and new opportunities in the media, culture, graphical industries but their potential is far from being maximized, especially in developing countries and economies in transition. It is important to ensure that the use of ICTs promotes inclusion, tolerance, cultural diversity, freedom of expression and of the press, social justice and core labour standards, as reflected in the ILO Declaration on Fundamental Principles and Rights at Work. In some cases ICTs have brought about a revolution in management practices, with consequences for some workers. Women generally have a more vulnerable position in society and may be further marginalized because of limited access to ICTs. Investment and development in the media,

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[1] These conclusions have not yet been examined by the Governing Body of the ILO in accordance with established procedures and therefore cannot be considered as definitive.

culture, graphical sector should be encouraged, along with flexibility in work practices that respect workers' rights.

Cluster 1: Employment issues in the information society

2. The workforce in the creative industries has grown faster than in other sectors, based on skills and technological innovation. Employment creation, job quality, work flexibility and the respect for workers' rights are important issues. There have been significant changes in the structure of the labour market and in the organization of work both within and outside the framework of the employment relationship.

3. The future of the sector lies in ensuring that issues such as training and development of skills to create opportunities are not left to governments alone. The inclusion of provisions on training in new technologies in collective bargaining agreements should be encouraged for the purpose of more stable employment in a context of technological change. Developing countries and economies in transition face problems in gaining access to new ICTs. Such access should be promoted. ICT-enhanced education projects should be sustainable.

4. ICTs should spur the development of decent work and access to information, but risk promoting a standardized model in the media that might undermine multilingualism, cultural diversity and local languages.

Cluster 2: Quality issues in the information society; safety and health; contractual status

5. Freedom of expression and of the press is guaranteed under the United Nations Universal Declaration of Human Rights (1948).

6. The sector has a social and cultural dimension in addition to its economic and technical sides. Quality of employment is linked to the product because of the strong elements of creativity, skills, professionalism and dedication required of workers in the sector.

7. The quality of content is a result of an intellectual or artistic achievement and often lies at the core of a contractual or other work relationship. Increasing use of independent contractors in media and entertainment affects the balance between individual content providers and enterprises that commercialize their work.

8. The ILO should collect and disseminate examples of good practice in ICT projects, for example those that enhance transparency and the flow of information within elements of the sector.

9. The social partners note the definitions in the conclusions concerning the employment relationship adopted by the International Labour Conference in June 2003 of disguised employment, ambiguous employment relationships and triangular relationships. They acknowledge that these three categories along with genuine self-employment, raise important issues for the social partners in the sector. These issues should be considered in the context of the proposed Convention on the employment relationship at the ILC in 2006.

Cluster 3: WSIS issues in the media, culture, graphical sector; intellectual property issues

10. It is important for the ILO to be active in the run-up to and during the Tunis phase of the World Summit on the Information Society in November 2005 (WSIS). In accordance with the WSIS Plan of Action adopted in Geneva in December 2003, the ILO should examine how it can contribute to the construction of the information society. In the run-up to the Tunis phase of the WSIS, the ILO should undertake supplementary research for information on the state of the sector in developing nations and economies in transition.

11. The emergence of ICTs has fostered an environment where violation of intellectual property may flourish, with a significant labour market impact. Unauthorized use damages the interests of employers, workers and creators, and deprives the State of tax revenues. The ILO should formulate policy recommendations to address unauthorized use in relation to the world of work.

12. Intellectual property efforts need to be coordinated with the World Intellectual Property Organization (WIPO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO). Copyright infringement and unauthorized use constitute a serious concern because of their harmful effect on the sector. This is especially serious in countries without clear legislation.

13. Employers and creative workers share a strong interest in the role of copyright and neighbouring rights in innovation and creation. Such rights should be strongly protected in the context of new technologies on the basis of international instruments in this field and in agreement with core labour standards as reflected in the Declaration on Fundamental Principles and Rights at Work.

14. The emergence of global corporate structures and the consolidation of media companies impacts on both work in this sector and on cultural issues. The impact of these changes on enterprise structure affects the way workers in the sector do their work. The ILO should play a leading role in sharing its knowledge during the WSIS.

15. The Meeting welcomed that the WSIS, during its first phase in Geneva, upheld the principle of guaranteeing the independence and pluralism of the media which may be affected by excessive concentration in the media market. Multinational media companies should be encouraged to follow the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

16. ILO meetings such as this one provide a forum to consider key labour and social issues. Among these is the need to ensure that workers in the creative industries enjoy the rights contained in the ILO's core labour standards.

17. The WSIS should ensure the protection of existing international rights. The information society should be built on a people-centred, inclusive and development-oriented way, where everyone can create, access, utilize and share information and knowledge, enabling individuals, communities and peoples to achieve their full potential in promoting their

sustainable development and improving their quality of life, in accordance with the purposes and principles of the Charter of the United Nations and respecting fully and upholding the Universal Declaration of Human Rights, and core labour standards as reflected in the ILO Declaration on Fundamental Principles and Rights at Work.

18. The ILO should:

■ transmit the *Note on the proceedings* of this Meeting to the WSIS Preparatory Committee, emphasizing the importance that the social partners give to intellectual property rights, noting that the economic viability of enterprises in the media, culture, graphical sector and the well-being of content creators were at stake, and stressing the importance of fundamental rights and principles at work for workers in the sector, who are all concerned by ICTs;

■ underline the need to ensure, particularly in developing countries and economies in transition, access to ICTs, and more importantly to train workers in their use;

■ [explore means to provide protection to content providers not adequately covered by collective bargaining procedures, reaffirming the importance of social dialogue;]

■ reaffirm respect for privacy, for which guarantees needed to be established or reinforced so as to avoid excessive monitoring and surveillance; and

■ organize, at no cost to the Office, a tripartite discussion in advance of or in parallel to the WSIS in Tunis in 2005, so the views of the social partners about the information society and the world of work can be expressed and taken into account in the Summit's outcome.

Cluster 4: Social dialogue, employability and training issues in the information society; suggestions for ILO action

19. There are existing forums for social dialogue on certain issues raised during this Meeting, such as the June 2005 Meeting of the Intergovernmental Committee on the ILO/UNESCO/WIPO Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, the UNESCO General Conference in October 2005 on the draft Convention on Cultural Diversity, and the 95th Session of the International Labour Conference in 2006 in relation to the discussion of a possible international labour standard on the employment relationship. Each forum should address the issues within its mandate.

20. The promotion of the media, the performing arts and the graphical industries could be a key issue within the framework of social dialogue, addressing ways to increase audiences and employment, examining good practices and rules promoting the sector, and agreeing on a common lobbying strategy.

21. Media companies have much to offer in terms of corporate social responsibility. They occupy a unique position in supporting the democratic process by making information, knowledge and a range of opinions openly available and ensuring that public and private institutions are accountable for their behaviour.

22. Innovative approaches to social dialogue, concentrating on employability, include dialogue over retraining for new jobs and modifying the curriculum of vocational courses to prepare students more broadly for jobs in the media, culture and graphical sector.

23. In developing countries and economies in transition in particular, in the light of technological changes, economic adversity and rapid cultural and work organization changes, governments, employers' and workers' organizations should cooperate to enhance social dialogue in order to promote sound systems of labour relations that create an equitable way of sharing the benefits and costs of change. In many countries this will

entail strengthening the democratic institutions, organizations and structures necessary for social dialogue.

24. There is a trend towards freelance, self-employed or informal economy work. This can mean that such workers can no longer depend on legislative provisions on social security, even in countries where social security has good coverage. The impact of globalization, ICTs, multimedia convergence and increased international labour mobility should encourage greater efforts by the social partners to bring together workers and employers from a wider variety of countries and industries in social dialogue in various forms.

25. Trust and mutual understanding are essential for effective social dialogue, even in periods of industrial conflict. Equally important is the need to identify how social dialogue can cover the interests and needs of all workers in the sector. Areas of common interest include freedom of expression and of information, cultural diversity and quality. Other, more controversial areas may still feature in such dialogue where agreement can be reached.

26. [The ILO should promote [continuous and broad] social dialogue among the social partners and capacity building for employers' and workers' organizations in this sector, especially in developing countries and economies in transition.]

27. The ILO should promote better safety and health practices in all parts of the sector, through research, information collection and dissemination, publication, advice and training.

28. Governments, employers and workers should renew their commitment to lifelong learning: governments by investing and creating the conditions to enhance education and training at all levels; enterprises by training their employees; and individuals by making use of the education, training and lifelong learning opportunities. The ILO should undertake research

on best practices in training and employability [1] in the sector in different regions and countries, and promote training and retraining in the use of information technologies by the social partners and learning institutions.

29. Having regard to its very limited resources, the ILO should:

- encourage and support employers' and workers' representatives [2] in this sector to engage in social dialogue especially with regard to the introduction of technological change;

- undertake research in developing countries and economies in transition in relation to:

   – the effectiveness of social dialogue;

   – reasons for social dialogue not being embraced by the social partners;

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[1] Employability is defined broadly. It is a key outcome of education and training of high quality, as well as a range of other policies. It encompasses the skills, knowledge and competencies that enhance a worker's ability to secure and retain a job, progress at work and cope with change, secure another job if he/she so wishes or has been laid off, and enter more easily into the labour market at different periods of the life cycle. Individuals are most employable when they have broad-based education and training, basic and portable high-level skills, including teamwork, problem solving, information and communications technology (ICT) and communication and language skills, learning to learn skills, and competencies to protect themselves and their colleagues against occupational hazards and diseases. This combination of skills enables them to adapt to changes in the world of work. Employability also covers multiple skills that are essential to secure and retain decent work. Entrepreneurship can contribute to creating opportunities for employment and hence to employability. Employability is, however, not a function only of training – it requires a range of other instruments which results in the existence of jobs, the enhancement of quality jobs, and sustainable employment. Workers' employability can only be sustained in an economic environment that promotes job growth and rewards individual and collective investments in human resources training and development.

[2] Throughout this text when the term "workers' representatives" is used, it refers to Article 3 of the Workers' Representatives Convention, 1971 (No. 135), which reads as follows:

   For the purpose of this Convention the term "workers' representatives" means persons who are recognised as such under national law or practice, whether they are –

   (a) trade union representatives, namely, representatives designated or elected by trade unions or by the members of such unions; or

   (b) elected representatives, namely, representatives who are freely elected by the workers of the undertaking in accordance with provisions of national laws or regulations or of collective agreements and whose functions do not include activities which are recognised as the exclusive prerogative of trade unions in the country concerned.

–   the awareness and understanding by the social partners of the process of social dialogue;

–   the capacity of employers' and workers' organizations to engage in social dialogue; and

–   the impact of the nature of employment on social dialogue, including contractual status;

- explore means to provide protection to content providers not adequately covered by collective bargaining procedures, reaffirming the importance of social dialogue;

- cooperate at the international level, within the scope of its mandate, in efforts to promote action to protect copyright and related rights;

- in conjunction with the social partners in the sector, promote corporate social responsibility including, where applicable, in accordance with the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;

- in accordance with the conclusions of the ILC in June 2003 concerning the employment relationship, undertake further research on the sectoral dimensions of these changes, with particular reference to women, and work to develop usable, comparative data and data categories;

- develop an international code of practice establishing adequate safety conditions for the employment of child performers in the entertainment industry;

- identify statistical sources and indicators of relevance to the sector, disaggregated by gender and age, including general patterns, impact, obstacles and work opportunities that the new technologies have demonstrated at the national level;

- facilitate the access of developing countries and economies in transition to the new information technology, particularly through the provision of technical assistance in training and advanced training on content.