



## Governing Body

328th Session, Geneva, 27 October–10 November 2016

GB.328/POL/7

Policy Development Section  
*Social Dialogue Segment*

**POL**

Date: 7 October 2016

Original: English

### SEVENTH ITEM ON THE AGENDA

## Follow-up within the Office to the resolution concerning fundamental principles and rights at work adopted by the 101st Session of the International Labour Conference (2012)

#### Purpose of the document

The Governing Body is informed about follow-up to the resolution concerning the recurrent discussion on fundamental principles and rights at work adopted at the 101st Session of the International Labour Conference (2012), the high-level evaluation of ILO's strategies and actions to support fundamental principles and rights at work, and related organizational changes. It is invited to consider the integrated strategy of the Fundamental Principles and Rights at Work Branch (FUNDAMENTALS) and provide guidance to the Office. The following supplements information provided to the Governing Body on the plan of action on repeated occasions. A report of the overall Office follow-up to the resolution concerning the recurrent discussion on fundamental principles and rights at work will be submitted to the International Labour Conference (recurrent discussion) in 2017 (see draft point for decision in paragraph 16).

**Relevant strategic objective:** Outcome 8: Protecting workers from unacceptable forms of work (and others).

**Policy implications:** Guiding ILO action on fundamental principles and rights at work.

**Legal implications:** None.

**Financial implications:** Need for focus in the allocation of regular budget and mobilizing extra-budgetary resources.

**Follow-up action required:** Depending on the Governing Body's decision.

**Author unit:** FUNDAMENTALS.

**Related documents:** GB.316/INS/5/3; GB.322/PFA/7; GB.328/INS/4.



## **ILO Conference resolutions and high-level evaluation of ILO work on fundamental principles and rights at work**

1. In 2012, the International Labour Conference adopted a resolution and framework for action on fundamental principles and rights at work, reaffirming that their universal, immutable, inseparable, interrelated and mutually-reinforcing character required an integrated approach to achieve their realization. Noting the particular importance of freedom of association and the effective recognition of the right to collective bargaining, the Conference reaffirmed that fundamental principles and rights at work had particular significance, both as human rights and enabling conditions for the achievement of all ILO strategic objectives. Conversely, it asserted that full realization of fundamental principles and rights at work would be advanced by an environment of respect for all human rights and democratic freedoms, the rule of law and effective governance; by universally accessible social protection and quality education; and by functioning and effective social dialogue. It stressed the importance of universal access to fundamental principles and rights at work; national level enforcement; of mobilizing all ILO means of action; and of taking advantage of other initiatives to promote fundamental principles and rights at work.
2. As overarching priorities, the ILO was requested to: pursue an awareness-raising campaign on all fundamental principles and rights at work; evaluate progress, collect and provide data on their application; give new impetus, including through development cooperation to the campaign for universal ratification of the fundamental Conventions, taking into account the low ratification rates of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); and to analyse hindrances to ratification and/or implementation of the fundamental Conventions, including through Decent Work Country Programmes (DWCPs), so as to provide technical assistance to ratifying and non-ratifying member States.
3. In its 2016 resolution on Advancing Social Justice through Decent Work, the International Labour Conference reaffirmed that the efforts of the Organization and its Members to implement the ILO's mandate and to place full and productive employment and decent work at the centre of economic and social policies should be based on the four inseparable, interrelated and mutually supportive strategic objectives of employment, social protection, social dialogue and tripartism, and fundamental principles and rights at work, with gender equality and non-discrimination also as cross-cutting issues. The Conference stressed the urgency of promoting the universal and immutable fundamental principles and rights at work and, again, their significance, in particular freedom of association and the effective recognition of the right to collective bargaining, as rights and enabling conditions.
4. This document reports to the Governing Body, in particular, on the work of the Office to consolidate, within the Governance and Tripartism Department, an integrated Fundamental Principles and Rights at Work Branch (FUNDAMENTALS) with an integrated strategy. The Branch, established in 2013, brings together the International Programme on the Elimination of Child Labour (IPEC) and the former Programme for the Promotion of the ILO Declaration on Fundamental Principles and Rights at Work (DECLARATION), which provided technical assistance on freedom of association and collective bargaining and non-discrimination, and incorporated the Special Action Programme to Combat Forced Labour (SAP-FL). In addition to consolidation of the new Branch, the Governing Body has also agreed to establish "IPEC+" (the International Programme on the Elimination of Child and Forced Labour) as an ILO flagship programme. This document supplements information provided to the Governing Body on the plan of action to promote fundamental principles and rights at work on repeated occasions. A report of the overall Office follow-up to the resolution concerning the recurrent discussion on fundamental principles and rights at work

adopted by the 101st Session of the International Labour Conference (2012) will be submitted to the International Labour Conference (recurrent discussion) in 2017.

5. At its 322nd Session, the Governing Body considered a high-level evaluation of ILO work on fundamental principles and rights at work, which evaluated efforts in the Office and in 79 DWCPs. The evaluation recommended that the Office, with FUNDAMENTALS taking lead responsibility, should:
- establish an integrated fundamental principles and rights at work strategy to promote the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, including action that supports fundamental principles and rights at work outcomes in non-fundamental principles and rights at work activities;
  - develop and implement a capacity-building strategy to increase technical, programming and operational staff's knowledge of the importance of fundamental principles and rights at work for achieving DWCP outcomes, and programme and budget outcomes;
  - develop and implement entry strategies with criteria that measure performance, and systematically monitor annual reviews requested for technical assistance and/or technical cooperation to support the realization of fundamental principles and rights at work;
  - develop additional approaches to promoting the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up that are distinct from the regular supervision of international labour standards, involving the social partners and regional peer reviews;
  - include specific indicators on the realization of fundamental principles and rights at work in policy outcomes of the programme and budget;
  - enhance competitiveness and responsiveness of the Office to attract extra-budgetary funding;
  - avoid fragmented and short-term project-oriented Office support that could undermine long-term efforts required for systemic change; and
  - develop and use national and local expertise to enhance the relevance, sustainability and effectiveness of the ILO's support.
6. The high-level evaluation took into account the plan of action (2012–16) adopted by the 316th Session (November 2012) of the Governing Body as a follow-up to the recurrent discussion on fundamental principles and rights at work. The overarching objectives and targets have been largely achieved. With specific regard to targets: 35 new ratifications of fundamental Conventions were registered; seven countries established their first national action programmes to improve application of freedom of association and the effective recognition of the right to collective bargaining principles; 16 new countries adopted or revised policies on the elimination of forced labour and trafficking; 36 new countries adopted or revised policies or laws or established programmes on child labour; and 11 countries established their first national action programmes to promote non-discrimination at work. Furthermore, the supervisory bodies noted an average 33 per cent increase in the progress in the implementation of fundamental Conventions in 2015 compared to 2011. General trends will be reviewed in greater detail in the next recurrent discussion on fundamental principles and rights at work in 2017.

## The Office's response: An integrated Fundamental Principles and Rights at Work Branch with an integrated strategy

7. In response to the call for better integration of the various dimensions of fundamental principles and rights at work, the Office established a Branch, FUNDAMENTALS, which has developed an integrated, rights-based strategy. This seeks to support constituents in fulfilling their obligations to respect, promote and realize fundamental principles and rights at work by facilitating the strengthening of relevant legislation and institutions, in particular government authorities, and employers' and workers' organizations. It also provides the framework for the work of the IPEC+ flagship programme. FUNDAMENTALS collaborates with other branches and departments, notably ACTRAV and ACT/EMP, NORMES, SECTOR and WORKQUALITY. The definition of unacceptable forms of work includes violations of fundamental principles and rights at work; the strategy therefore contributes in particular to outcome 8 of the ILO Programme and Budget for the biennium 2016–17. It also integrates work on other outcomes, such as nos. 2, 4, 5, 6, 7 and 10.
8. The resolution concerning the recurrent discussion on fundamental principles and rights at work adopted by the 101st Session of the International Labour Conference (2012) emphasized the interdependent and mutually reinforcing nature of the four categories of fundamental principles and rights at work and reflected the “mutually aggravating” nature of their violation. The percentage overlap between child labour and forced labour – with an estimated 5.5 million children trapped in forced labour – though egregious, is relatively small. However, the overlap between discrimination and denial of the right to organize and to bargain collectively is significant, and while instances of discrimination and denial of freedom of association and the effective recognition of the right to collective bargaining are not always connected to child labour and forced labour, child labour and forced labour are overwhelmingly linked to discrimination and the absence of freedom of association and the effective recognition of the right to collective bargaining. Freedom of association, the right to collective bargaining and non-discrimination are therefore cross-cutting priorities in this integrated strategy. And, while violations of fundamental principles and rights at work are not limited to any specific economic sector, the majority affect adults and children in the informal economy. In addition, certain population groups, such as migrant workers, rural and agricultural workers, or domestic workers are disproportionately exposed to fundamental principles and rights at work violations. Situations of conflict and fragility further exacerbate vulnerability. Violations of fundamental principles and rights at work in global supply chains and export processing zones are gaining more international attention, and the Office has been requested to strengthen its engagement in this area, following adoption of the resolution concerning decent work in global supply chains by the 105th Session of the International Labour Conference (2016).
9. In light of these challenges and requests received from constituents, FUNDAMENTALS' strategy identifies three thematic priorities for an integrated approach:
  - Promoting fundamental principles and rights at work in the rural and informal economies.
  - Promoting compliance with fundamental principles and rights at work in enterprises and in global supply chains.
  - Promoting fundamental principles and rights at work in countries of crisis and in fragile situations.
10. These thematic priorities are woven into four interrelated categories of change – although some expected results are overarching and go beyond a single thematic priority:

- **Public policies and governance:** Building sound national legal and policy frameworks and robust, accountable public institutions, including labour administration and inspection, to enforce and implement them, and strengthening local government capacity to deliver those and other public services on which communities' well-being depends, is a critical starting point for the promotion and realization of fundamental principles and rights at work. Strong, independent employers' and workers' organizations and effective recognition of the right to collective bargaining are also keystones of democracy, good governance and well-functioning economies and labour markets. Attention will be paid, in particular, to: promoting ratification and implementation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); achieving universal ratification of the Forced Labour Convention, 1930 (No. 29), and the Worst Forms of Child Labour Convention, 1999 (No. 182), which is within reach; and, supported by the "50 for Freedom" campaign, that seeks to promote ratification of the Protocol of 2014 to the Forced Labour Convention, 1930 and achieve at least 50 ratifications by 2018.
  
- **Empowerment and protection:** Workers and small producers must be empowered to assert their rights and entitlements, particularly through organizing to achieve collective strength and voice. They need protection and access to remedies when their fundamental principles and rights at work are violated, and children require special attention. Focusing on the rural and informal economies and countries and sectors where fundamental principles and rights at work are most at risk, and starting with support for raising awareness and understanding of freedom of association among excluded and marginalized workers and targeted capacity building, FUNDAMENTALS, in cooperation with ACTRAV and other relevant departments and units as appropriate, will support workers' organizations to develop gender-sensitive strategies to organize, represent and protect workers more effectively. Intervention models to support respect for freedom of association and collective bargaining rights will be further developed and tested in the informal rural economy and the formal plantation sector. Workers' and employers' organizations may also support small producers, including in establishing cooperatives. FUNDAMENTALS will also support office-wide efforts to strengthen access to justice and remedies. Enhanced collaboration with the ILO's Social Protection Department will promote social protection floors and their extension so they reach groups most at risk of fundamental rights' violations.
  
- **Partnerships and advocacy:** The Sustainable Development Goals (SDGs) provide a new framework for guiding future action on fundamental principles and rights at work. Strong engagement of all relevant partners will ensure their respective constituencies bring their weight to bear. This effort starts with and gives primacy to governments, employers' and workers' organizations and enterprises of all types – and must also reach out to other allies which support the ILO's objectives and respect the mandates of its constituents. FUNDAMENTALS is engaging in consultations, including with existing partnerships that support the elimination of child labour and forced labour, to establish a multi-stakeholder "Alliance 8.7",<sup>1</sup> raise global awareness, coordinate action at all levels, foster the exchange of promising and innovative practices, monitor progress and mobilize resources. Alliance 8.7 will link to Goal 8's others targets, and to SDG target 16.10 on promoting fundamental freedoms and others concerning poverty, education and gender equality. The IPEC+ flagship programme will assist the Organization in ensuring that the principles of tripartism and social dialogue also support coordinated action under Alliance 8.7. FUNDAMENTALS will support wider ILO efforts to promote partnerships and advocate for implementation of relevant SDG targets, including to promote SDG target 8.5 on equal pay for work of equal value. The

<sup>1</sup> <http://www.alliance87.org/>.

Child Labour Platform,<sup>2</sup> which is convened by the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC) in partnership with the UN Global Compact, will be consolidated; and initial work is under way to create a business network on forced labour. The ILO's Fair Recruitment Initiative, launched in 2014 in collaboration with the IOE and ITUC, will be expanded and deployed at the national level, engaging with businesses to strengthen due diligence of labour supply in value chains.

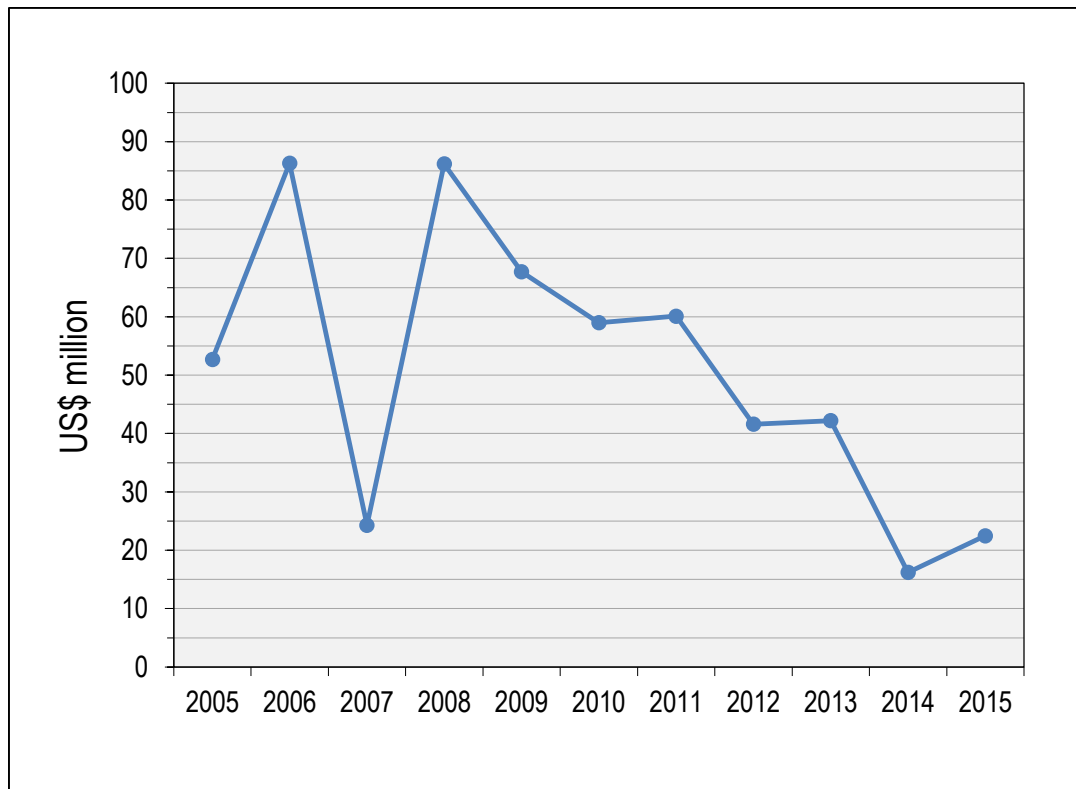
- **Knowledge and data:** The research and knowledge-building work of FUNDAMENTALS will seek to support governments, employers' and workers' organizations, and other representative bodies to introduce measures to ensure steady improvements towards realization of fundamental principles and rights at work and implementation of the fundamental Conventions. The strategy will focus on: improving measurement and statistics; building policy-relevant knowledge; understanding of policy impact; and national capacity in using information for policy design. This will help the ILO in policy debates about how best to ensure the realization of fundamental principles and rights at work. The strategy will also be linked with and support broader institutional-level ILO priorities; research efforts will focus on the cross-cutting importance of fundamental principles and rights at work in global supply chains, in the rural and informal economies and in fragile States, and will underscore the two-way relationship between fundamental principles and rights at work and broader ILO strategic concerns, including employment-intensive growth, reduced inequality and pro-jobs trade and taxation policies. Statistical outputs will continue to include surveys, global reports and estimates on child labour and forced labour; indicators and methodology to measure discrimination in employment will also be developed.

## **Organizational changes within the Office, human and financial resources**

11. The demand for policy advice and technical assistance continues to increase at all levels: from rural and urban communities; enterprises large and small; sectoral trade unions; local and national government; national employers' and workers' organizations; and regional intergovernmental, employer and trade union bodies. While FUNDAMENTALS continues to implement much of its work through projects, the number of FUNDAMENTALS projects has declined since 2008, especially in 2011 when IPEC's former largest donor changed its funding arrangements. As of 2016, some 89 per cent of projects are decentralized to country and regional offices, with the rest being global projects based in Geneva. An overview of the changes in extra-budgetary technical cooperation (XBTC) resources is provided in the graph below.

<sup>2</sup> <http://www.ilo.org/ipecc/Action/CSR/clp/lang--en/index.htm>.

Figure. FUNDAMENTALS – Changes in XBTC since 2005



- 12.** To further support implementation of an integrated fundamental principles and rights at work strategy and to adjust to resource constraints, FUNDAMENTALS reorganized its staff with the support of HRD, PROGRAM and FINANCE. The reorganization enabled the Office to enhance synergies and efficiency, to strengthen internal and external communication and partnerships, and to reduce over-reliance on XBTC funding to implement core ILO work. This will be accompanied by a human resources strategy which will promote functional and geographical mobility of headquarters and field staff, talent and leadership development, and a sustainable balance between management, technical and administrative positions as well as between regular budget and XBTC resources to cover staff contracts.
- 13.** Staff increasingly work across all categories of fundamental principles and rights at work, but the Branch maintains specific expertise in each. Using regular budget resources, it has appointed senior specialists on non-discrimination, child labour and forced labour; appointment of a freedom of association and collective bargaining specialist is imminent. Units are organized by function, notably: (a) research and evaluation; (b) advocacy and partnerships; and (c) solutions and innovations. There are currently 42 FUNDAMENTALS staff working at headquarters and on the “Understanding Children’s Work”<sup>3</sup> inter-agency research cooperation project based at ILO–Rome. Of those, 12 are in regular budget posts.
- 14.** There are an additional 131 project staff (professional and administrative support staff) stationed in some 40 countries, compared with more than 250 staff in almost 100 countries in 2008. Four regional fundamental principles and rights at work specialists are based respectively in Abidjan, Bangkok, Brasilia and Kathmandu, funded by regular budget resources. FUNDAMENTALS is working closely with the Turin Centre – the International Training Centre of the ILO, to enhance technical capacity of staff in all four categories of fundamental principles and rights at work. Significant progress has been made to integrate

<sup>3</sup> <http://www.ucw-project.org/default.aspx>.



fundamental principles and rights at work modules in standard Turin Centre and specialized courses designed for constituents, such as in the labour inspection and rural development academies. FUNDAMENTALS is exploring with the Turin Centre the possible development of new learning tools, including e-tools, on fundamental principles and rights at work to offer staff throughout the organization – and, potentially, constituents – an opportunity to increase their understanding of the interrelated nature of all fundamental principles and rights at work.

15. The significant shift in FUNDAMENTALS' strategy, especially on child labour, means it needs significantly fewer resources to deliver direct services to families, a project modality dominant in the mid-2000s. The strategy now focuses on strengthening constituents' capacity to fulfil their obligations and to combat systemic root causes of fundamental principles and rights at work deficits by supporting: sustainable policy, enforcement and delivery capacity of public authorities and services; the business policies and practices of enterprises; and the organizational and representative capacity of workers' and employers' organizations. Nonetheless, reduced project activity entails reduced country presence and reduced opportunities to meet constituents' demands for tailored advice and technical support. It is to be expected, however, that the new IPEC+ flagship programme, which is firmly embedded within the integrated strategy presented in this paper, will attract further resources in the future.

### **Draft decision**

16. *The Governing Body requests the Director-General to take account of its discussions and guidance in continuing to develop and pursue an integrated strategy to promote fundamental principles and rights at work, including in external partnerships and to consider, among other funding options, renewed resource mobilization efforts to support the implementation of this strategy.*