



## **Follow-up activities by the Office under the Declaration on Fundamental Principles and Rights at Work: Freedom of association and collective bargaining; forced or compulsory labour; discrimination**

1. This note has the purpose of informing delegates at the 98th Session of the International Labour Conference (Geneva, June 2009) of the activities carried out in pursuit of the action plans approved by the Governing Body on freedom of association and the effective recognition of the right to collective bargaining, on forced or compulsory labour, and on discrimination. The action plan approved by the Governing Body on the abolition of child labour in November 2006 provides a framework for the activities of the International Programme on the Elimination of Child Labour (IPEC). IPEC's activities, which are not covered in this note, will be thoroughly reviewed in the Global Report to be submitted to the ILC in June 2010.
2. This note updates *Provisional Record* No. 8 of last year's session of the Conference. It does not cover the many activities, such as meetings, the preparation of publications, advisory services and projects handled by the Bureau for Workers' Activities (ACTRAV), the Bureau for Employers' Activities (ACT/EMP) and other units at headquarters or in the field, which relate to freedom of association and collective bargaining, forced or compulsory labour, or discrimination, and complement the plans of action. These activities are reflected in the Office's programme implementation reports, which are regularly submitted to the Programme, Financial and Administrative Committee of the Governing Body.

### **A. Freedom of association and the effective recognition of the right to collective bargaining**

3. Work on freedom of association and collective bargaining continued to be guided by the plan of action adopted by the Governing Body in November 2008,<sup>1</sup> which identifies six main areas of concern. These are labour law reform; building capacity of labour administrations; strengthening employers' and workers' organizations; developing tripartism and institution building; dispute prevention and settlement; and advocacy and information dissemination.

<sup>1</sup> GB.303/TC/3.

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4. Despite a decrease in extra-budgetary resources, the Programme for the Promotion of the Declaration (DECLARATION) collaborated with other ILO departments and in particular the Social Dialogue, Labour Law and Labour Administration Department (DIALOGUE), ACT/EMP and ACTRAV to extend technical cooperation activities and advisory services. With regard to labour law reform, in its last year of operation, the project on Improving Labour Systems in Southern Africa (ILSSA), funded by the United States Department of Labor (USDOL), continued its support to constituents in Botswana to revise various statutes regulating employment in different parts of the public service. In addition, draft amendments to the Labour Code were finalized in Lesotho and an Employment Bill was submitted to Parliament in Swaziland. In Jordan, technical cooperation activities that started as early as December 2003 led to the adoption of certain amendments to the Labour Law in early 2008, and it is expected that additional amendments will be tabled before Parliament in 2009. A project was initiated in Egypt in April 2008, the aims of which include bringing the labour law into conformity with international labour standards, while in Georgia agreement was reached on tripartite dialogue on labour legislation.
  5. Under the umbrella of the ILSSA project, computerized labour inspection systems were developed and installed in Botswana, Lesotho, Namibia and Swaziland, and labour officers and inspectors were trained in their use. Labour inspection policies and guidelines were developed in the four countries. Direct training was provided through a USDOL-funded project in Oman for over 100 labour inspectors and a cadre of trainers was developed to ensure the sustainability of the outcomes. A similar training programme was launched in Bahrain in April 2009. A project in Jordan, funded by Spain, provided labour inspectors with a comprehensive 16-week training programme. When this project has been completed, all the labour inspectors in the country will have undergone the training programme. Advisory services were provided to the Government and social partners in Georgia on the development of the labour administration system, and support to Georgia will continue through the sharing of experience with other European countries.
  6. Workers' and employers' organizations have been involved in numerous bipartite and tripartite activities carried out in the context of technical cooperation projects. In addition, DECLARATION, in collaboration with ACTRAV and ACT/EMP specialists, has delivered a number of targeted activities for each of the social partners. For example, the ACTRAV specialist in Beirut played a key role in supporting Omani workers in the establishment of their union and the development of their constitution and internal rules. Separate training and capacity-building workshops were conducted for employers' associations and unions in Bahrain, Botswana, Egypt, Jordan, Lesotho, Namibia and Swaziland.
  7. Significant outcomes in the promotion of tripartism include the establishment by law of a tripartite labour committee in Jordan and an ad hoc tripartite committee in Georgia. Work is continuing to further develop tripartism in Colombia, with support being provided to the Tripartite Committee on Wage and Labour Policies and the Special Committee for the Handling of Conflicts referred to the ILO. In Colombia, a project funded by the United States is also being carried out to address the specific challenges faced by the Government, employers and workers in achieving fundamental principles and rights at work and, particularly, freedom of association and the effective recognition of the right to collective bargaining.
  8. Training on dispute prevention and settlement was extended to the four Southern African countries under the ILSSA project. In Egypt, training is being provided to the tripartite constituents on collective bargaining and dispute prevention.

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9. Advocacy and information dissemination continued to be a key component of activities. Partnerships between constituents and the media were strengthened. Communication strategies were developed in Botswana, Egypt, Jordan, Lesotho, Namibia and Swaziland. Promotional radio programmes were developed in Botswana and Lesotho, and newspaper supplements on labour-related matters are being issued regularly in Lesotho.
  10. Another project funded by USDOL has been launched recently in the United Republic of Tanzania. It focuses on increasing knowledge among employers and workers of rights, obligations and services under national labour laws and on increasing the effectiveness of the labour administration and inspection system. A project funded by Norway is being launched to develop global products for the promotion of freedom of association and the effective recognition of the right to collective bargaining. The Government of Sweden is funding a project that focuses on developing global tools to promote freedom of association and collective bargaining in the agricultural sector and in export processing zones.

## **B. Discrimination**

11. In accordance with the action plan adopted by the Governing Body in November 2007,<sup>2</sup> the priority areas of action over the past year have been equal remuneration between the sexes, the elimination of racial discrimination and the better enforcement of legislation. Most of the work in this area has been carried out using limited extra-budgetary resources, specifically through two technical cooperation projects funded by France and Norway, as well as regular budget technical cooperation (RBTC) funds. All activities have been implemented in close collaboration with other units at headquarters and in the field.
12. To reduce the earnings gap between men and women, a step-by-step guide on equal remuneration was published in English, French and Spanish.<sup>3</sup> It was distributed among ILO constituents and national equality commissions during the first quarter of 2009. An advance copy of this tool was used in November 2008 to provide training on the implementation of pay equity programmes to the members of the tripartite equality commissions of Argentina, Brazil, Chile, Paraguay and Uruguay. A Chinese version of this tool has been produced as a primary training material for a workshop to be held in Beijing. Further requests for translation and training in Arabic, German, Portuguese and Russian are currently under consideration.
13. Technical assistance was provided throughout 2008 to the Government and social partners in Chile in relation to the proposed new law on equal remuneration. An in-depth analysis of the benefits and challenges was undertaken and several training workshops were organized, focusing on themes ranging from collective bargaining to capacity building. Information-sharing workshops were also organized within the framework of an awareness-raising campaign, which also included the printing and distribution of posters and brochures.
14. Raising public awareness in relation to discrimination is essential to give effect in practice to changes in the law. In this connection, the ILO signed a cooperation agreement with the Ministry of Labour of France in November 2007, with a view to raising awareness of the

<sup>2</sup> GB.300/TC/4.

<sup>3</sup> *Promoting equity: Gender-neutral job evaluation for equal pay: A step-by-step guide*, ILO, Geneva, 2009.

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realities, causes and consequences of discrimination in the country. An extensive poster and billboard campaign was mounted in the Paris Metro and in the public transport systems in Bordeaux, Lille, Lyon and Strasbourg. Press conferences were also held to mark the launch of the campaigns. In 2009, further advocacy work was undertaken, particularly in ferries travelling between France and the United Kingdom.

15. In February 2008, a further cooperation agreement was signed with the Haute Autorité de Lutte contre les Discriminations et pour l'Egalité (HALDE) in France. The objective of the partnership between the ILO and the HALDE is to undertake research and studies to assess non-discrimination and equality practices in French enterprises. Within this framework, the ILO carried out two studies covering the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The first study covered over 560 large enterprises in 18 European countries in 34 different sectors. The study will shortly be published as a working paper. The second study focused on over 1,000 employees in French enterprises. The results of these studies were discussed at a national workshop in Paris, which attracted over 240 participants. Within the framework of a new agreement, another Europe-wide enterprise-based study is currently under way.
16. To promote equal opportunities at the workplace, with emphasis on the elimination of racial/ethnic discrimination, detailed and ambitious action programmes were developed with four national trade union organizations in collaboration with the International Trade Union Confederation (ITUC). Between June and December 2008, the support provided for activities aimed at combating racial discrimination and xenophobia at the workplace, included the publication of awareness-raising materials for migrant labourers in Nepal, national research on the Roma population in Romania and awareness-raising workshops in Brazil and South Africa.
17. As part of a pilot project, research initiatives were carried out in French-speaking Africa, notably in Madagascar and Senegal, between September 2008 and April 2009. National studies were undertaken focusing on the challenges faced in promoting and applying the principles of Conventions Nos 100 and 111. The results of these studies were validated through national tripartite workshops. Action plans were elaborated that outlined a clear strategy and concrete action in the medium term. The first of these studies was published as a Working Paper.<sup>4</sup> The second will be published in the coming months. Similar studies and their subsequent workshops and action plans are planned for at least six other Western and Central African countries over the coming year.
18. The limited extra-budgetary resources available to cover work in the field of discrimination makes it necessary to develop innovative synergies with other technical cooperation projects. One such partnership has been developed with a Swedish-funded project on the prevention and reduction of HIV/AIDS in sub-Saharan Africa, implemented by DIALOGUE. In this context, training was provided in October 2008 for labour court judges and workers' and employers' organizations on issues related to discrimination against workers living with HIV/AIDS. A similar activity is currently being planned for labour inspectors, lawyers and workplace medical practitioners in October 2009.

<sup>4</sup> *Etude nationale sur la discrimination en matière de l'emploi et de la profession à Madagascar et proposition pour l'élaboration d'un programme national pour son élimination*, DECLARATION Working Paper No. 62, ILO, Geneva, 2009.

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19. The successful implementation of future activities in line with the action plan regarding the elimination of discrimination in employment and occupation requires considerable extra-budgetary support to complement existing regular budget resources. Further technical cooperation proposals will be developed for submission to donors with the objective of trying to ensure sustained progress in the elimination of discrimination in the workplace.

### **C. Forced or compulsory labour**

20. The Office's work in this regard was guided by the action plan adopted by the Governing Body in November 2005.<sup>5</sup> The Global Report, *The cost of coercion*, to be discussed at this year's session of the International Labour Conference, provides information on the technical cooperation projects and activities implemented since the adoption of the action plan. Chapter 5 of the Global Report, in particular, updates the information on technical cooperation provided at last year's session of the Conference. Chapter 6 contains information on a possible global action plan against forced labour for the coming years.

<sup>5</sup> GB.294/TC/2.

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