

## **RECOMMENDATION ON HIV/AIDS AND THE WORLD OF WORK**

### **Towards the adoption of a new international labour standard on HIV/AIDS**

In March 2007, the Governing Body of the ILO decided to place on the agenda of the International Labour Conference in 2009 and 2010 an item intended for "the development of an autonomous Recommendation on HIV and AIDS in the world of work on the basis of a double discussion." International labour standards are adopted in the form of Conventions and Recommendations, often together but sometimes in the form of a Recommendation alone.

The ILO has begun work towards the adoption of a Recommendation in 2010. Under the Constitution and Standing Orders, five reports are to be prepared within a very specific time-limit and each report shall contain specific information. The **first report**, called a "law and practice report", provides an overview of both national and international measures taken with respect to HIV/AIDS. This report was published and sent to Governments in January 2008. It also contains a questionnaire to which the Governments, in consultation with employers' and workers' organizations, are to provide replies to the ILO by 31 August 2008. Since the ILO is a tripartite organization, governments' replies to this questionnaire should reflect employers' and workers' organizations' points of view. Employers' and workers' organizations may also provide their comments directly to the Office. Due to the broad scope of the subject, the report itself advises the Ministries of Labour to consult other national Ministries and institutions dealing with HIV/AIDS, such as Ministries of Health, Social Affairs, Education, Justice, Gender, Youth, Finance and Planning, and the National AIDS Commissions, for the preparation of the replies. It also states that it might be desirable to consult other relevant organizations, including organizations of persons living with HIV (PLHIV) and others working with them, and to reflect their advice in the responses.

The **second report** will contain summaries of the replies received and draft conclusions and will be sent to Governments in February 2009. These two reports will be the basis for the first discussions by a special tripartite committee at the International Labour Conference (ILC) in June 2009, which UNAIDS and its cosponsors, as well as accredited NGOs, can attend.

Based on the discussions at the ILC in June 2009, a **third report** will be prepared consisting of the first draft text of the Recommendation, which will be sent to Governments in August 2009. Governments, after tripartite consultations, may give their comments on this report which shall reach the Office by November 2009.

The **last two reports**, one consisting of a summary of comments received and the other consisting of a bilingual text of the draft Recommendation, will be sent to Governments in February 2010. The second tripartite committee discussions will take place in the ILC in June 2010, where the Recommendation is expected to be adopted.

Once the Recommendation on HIV/AIDS and the world of work is adopted, Governments have 12 months (18 months for federal States) to submit the new instrument to their "competent national authorities", which are usually the Parliaments. Governments are to make recommendations on how to give effect to the new instrument - by adopting or modifying legislation and policy, by taking account of the new instrument in reviewing current policy, or even by taking no measures, as appropriate to national circumstances. The International Labour Conference may also decide that a follow-up mechanism is to apply to the Recommendation. The Governing Body may, under Article 19(6)(d) of the Constitution, ask Governments to report on the law and practice in their States and how effect has been given, or is proposed to be given, to the Recommendation.

### Time table

(In accordance with the ILO Constitution and Standing Orders)

<b>March 2007</b>	Decision of the ILO Governing Body  <b>LAW AND PRACTICE REPORT – <i>HIV/AIDS and the world of work</i></b> Overview of national and international adopted laws and policies, and a questionnaire
<b>January 2008</b>	Report and questionnaire sent out
<b>August 2008</b>	Replies to questionnaire due  <b>SECOND REPORT - <i>HIV/AIDS and the world of work: the constituents' views</i></b> Summary of replies and conclusions
<b>February 2009</b>	Report sent out
<b>June 2009</b>	International Labour Conference: first tripartite committee discussion  <b>THIRD REPORT – <i>HIV/AIDS and the world of work</i></b> Draft text of the Recommendation, based on the Second Report and the first ILC discussion
<b>August 2009</b>	Report sent out
<b>November 2009</b>	Replies due with comments  <b>FOURTH REPORT – <i>HIV/AIDS and the world of work</i></b> Summary of comments on Third Report  <b>FIFTH REPORT– <i>HIV/AIDS and the world of work</i></b> Bilingual text of the Recommendation
<b>February 2010</b>	Last reports sent out
<b>June 2010</b>	International Labour Conference: second tripartite committee discussion Conference adopts the Recommendation (2/3 majority required)