



## **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 95th Session of the International Labour Conference (Geneva, June 2006) of activities 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 is essentially congruent with the most recent orientations concerning the InFocus Programme on Child Labour (IPEC).
2. The note updates *Provisional Record* No. 7 of last year's session of the Conference. Not listed here are the many activities, such as meetings, publications and advisory services projects, handled by the Bureau for Workers' Activities (ACTRAV), the Bureau for Employers' Activities (ACT/EMP) and other headquarters or field units that are concerned with or touch upon freedom of association and collective bargaining, forced or compulsory labour, or discrimination which complement the Action Plans. They tend to be reflected in the Office's programme implementation reports regularly submitted to the Programme, Financial and Administrative Committee of the Governing Body.

### **A. Freedom of association and collective bargaining**

3. Following discussion by the Conference in June 2004 of the second Global Report on this principle and right, entitled *Organizing for social justice*, the Governing Body adopted an Action Plan in March 2005. This complements the initial Action Plan adopted in November 2000.
4. A number of technical cooperation projects undertaken within the framework of these Action Plans have drawn to a close, for example the SLAREA project in East Africa, PROMALCO in the Caribbean, RELACENTRO in Central America, and projects in Bangladesh, Nigeria and Ukraine. Other projects are expected to end this year, such as the projects for the Organization of American States, Jordan, and Viet Nam. The projects in Morocco and Southern Africa are expected to continue into 2007-08. The first PAMODEC programme, which covers seven countries in West Africa (Benin, Burkina Faso, Mali, Mauritania, Niger, Senegal and Togo) will end in June 2006. A second phase of PAMODEC will start in 2006, benefiting 17 francophone countries in Africa. In addition

---

to addressing freedom of association and collective bargaining, this phase of PAMODEC will address discrimination.

5. Operations under this principle/right are carried out in close collaboration with Sector 4. As noted in their evaluations, the first generation of DECLARATION projects have resulted in improving legal frameworks, creating necessary institutions, building capacities of government, employers and workers to improve the implementation/enforcement of national legislations and building a more harmonious industrial relations climate in the countries covered. In addition, products and tools such as guides, manuals, databases, CD-ROMS and training kits, have been developed and disseminated among constituents, which will promote the sustainability of some of the activities initiated by these projects. The PROMALCO project, for example, has developed an interactive benchmarking tool to enable enterprises to compare their performance in nine different areas, including human resource management, industrial relations and occupational safety and health, with the objective of identifying possible areas for improvement. Similarly, within the framework of the Indonesia project, over 50,000 copies of project publications have been disseminated in ten major provinces, to socialize and support the implementation of the labour laws after the December 2004 tsunami. Under the Colombia project, case studies involving labour relations experiences have been widely promoted and have had a substantial impact. All conflict resolution seminars have included a module on the seven case studies in addition to three separate events carried out that were dedicated exclusively to the Colombian experiences. Over 2,500 copies of case studies have been distributed and another 1,000 were published to continue distribution beyond the project end date.
6. New labour laws were enacted in the United Republic of Tanzania, in mainland Tanzania (2004) and Zanzibar (2005), and in Uganda (2006), and are also expected to be adopted in Kenya later in 2006, all as a result of the SLAREA project's activities and interventions. Following on from productivity workshops, the PROMALCO project responded positively to requests for support in investigating the establishment of national productivity centres in Anguilla, Antigua and Barbuda, Bahamas, Belize, Dominica, Grenada, Guyana, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago.
7. The issue of sustainability remains a major challenge. The responsibility for ensuring that momentum is maintained after the projects have come to a close, lies jointly with the ILO and with its constituents, who need to take ownership.

## **B. Forced and compulsory labour**

8. The launch of *A global alliance against forced labour*, the second Global Report on this principle, in May 2005, received worldwide media coverage, provided the backdrop for a BBC World Debate on forced labour, and resulted in a call for a global alliance to seek the eradication of forced labour by 2015, as a specific ILO contribution to achieving the Millennium Development Goals.
9. In November 2005, the Governing Body adopted a new four-year Action Plan covering: surveys and data gathering; awareness raising and research needs; the development of policy guidance and training materials; operational projects; and capacity building for employers' and workers' organizations on forced labour and trafficking.
10. An independent evaluation of the Special Action Programme to Combat Forced Labour (SAP-FL) concluded that the programme has added significant value, working "in one of the most difficult areas of human rights and poverty", and recommended that the programme should continue to develop and disseminate its tools and approaches with

---

donors and governments. For this, it recommended an increased allocation of flexible funds to the programme.

- 11.** A Europe-wide project being implemented jointly by SAP-FL and the International Centre for Migration Policy Development (ICMPD) on “Capacity-building to combat the forced labour outcomes of trafficking” addresses the problem by enhancing the regulation of private employment agencies, and the enforcement of legislation through better monitoring mechanisms and training of law enforcement agencies. It is funded jointly by the European Commission (AGIS) and the United Kingdom Department for Work and Pensions. Training and awareness-raising seminars have been held in participating countries including Moldova, Poland, Portugal, Romania, Ukraine and the United Kingdom. Partnerships have been established to strengthen cooperation and exchange good practice on recruitment in source and destination countries, as for example between the Governments of Ukraine and the United Kingdom, or between business associations of private employment agencies (PEAs) and the International Confederation of Private Employment Agencies (CIETT).
- 12.** In Latin America, efforts of governments and social partners in Bolivia, Peru and Paraguay were supported in combating forced labour practices predominantly affecting indigenous peoples. In Bolivia, the “National Commission against Forced Labour” developed a draft action plan to combat debt bondage in the cattle farms of the Chaco region, in the nut collection sector of the Northern Amazon and in the sugar plantations near Santa Cruz. In Paraguay, the Government opened a new labour inspection office to work closely with employers and workers in a region of the Chaco, where debt bondage and discrimination affect indigenous people working on traditional cattle farms. In Peru, the “Intersectoral National Commission for the Eradication of Forced Labour”, created by Presidential Decree in 2005, published a draft action plan that is in the final stages of consultation with the social partners, indigenous organizations and civil society. A new project funded by the Government of Sweden (SIDA) will promote pilot activities addressing both forced labour and discrimination in Latin America and in Africa.
- 13.** With United States financial support, the ILO is implementing a project entitled “Forced labour and trafficking: The role of labour institutions in law enforcement and international cooperation in China”, in cooperation with the Chinese Ministry of Labour and Social Security, the National People’s Congress, the Ministry of Public Security and the All Chinese Women’s Federation. The main objectives are to strengthen the law and policy framework on forced labour and trafficking for labour exploitation; to build capacity for law enforcement at both national and provincial levels; and to foster cooperation between China and selected destination countries, including France, Italy and the United Kingdom, to eliminate trafficking and forced labour. A report on the smuggling and exploitation of Chinese immigrants in France was used in training workshops at both national and provincial levels in China. It has served to promote closer bilateral cooperation between China and France on combating trafficking and illegal migration. Similar research is under way in Italy and the United Kingdom.
- 14.** The China Enterprise Confederation (CEC) has initiated cooperation with the SAP-FL on forced labour and trafficking issues, an important step in engaging employers’ organizations in the global alliance. Seminars have been conducted in Beijing and Hangzhou to raise employers’ awareness of forced labour and trafficking, help them develop codes of conduct to ensure vigilance against forced labour in supply chains, improve their self-regulation and self-monitoring capacity to prevent inadvertent use of forced labour, and help increase competitiveness in the global market through fully respecting labour standards. The seminars addressed senior managers and legal advisers from public/private companies and business/trade associations in sectors including construction, textiles, manufacturing and transportation.

- 
15. In South Asia, the PEBLISA project (funded by the Government of the Netherlands) drew its second phase of operations to a close in mid-2006. The project pursued an integrated approach to combating bonded labour in India, Nepal and Pakistan. It was a collaborative effort between the Subregional Office in New Delhi, SAP-FL and the Social Finance Programme. Important achievements include enhanced capacity of government functionaries, the judiciary, the police, labour officers and others charged with law enforcement in Pakistan; the allocation of resources from the Government of Pakistan's Bonded Labour Fund for the construction of houses for released bonded labourers and the establishment of legal aid services in two provinces; the development in all three countries of integrated models of community-based interventions for the prevention and/or rehabilitation of bonded labour, with microfinance as a leading component; strengthened civil society networks working to combat bonded labour; engagement with informal sector employers in an effort to find practical alternatives to the unregulated payment of wage advances, and with trade unions to enhance their capacity to reach out to workers in or vulnerable to bonded labour; strengthened vigilance committees at local level, better able to perform their functions in terms of identifying and rehabilitating bonded labourers; and bonded labourers being helped to access compensation, social welfare and poverty reduction programmes of the Government and other development agencies. While consultations with governments and donors continue on how best to take forward this work, the development of a web site on bonded labour, hosted by an independent organization, is providing a vehicle for making the considerable research, tools and other outputs of PEBLISA available to a wide audience of academics and practitioners in the subregion and elsewhere.
16. In Nepal, the joint DECLARATION and IPEC United States-funded project on the sustainable elimination of bonded labour also came to a close in late 2005. Achievements include the allocation of land by the Government to 97 per cent of former *kamaiya* households; 55 per cent of former *kamaiyas* being enrolled as union members; 83 per cent of agricultural labourers being paid at least the minimum wage; and 11,000 children being mainstreamed into formal schools, more than half of whom are girls. Over 600 *kamalhari* girl domestic workers have been reunited with their families and given educational skills training and other support.
17. The SAP-FL continued the implementation of two trafficking-related projects, funded by the United Kingdom Department of International Development (DFID), in West Africa and South-East Asia. Ghana adopted the Human Trafficking Act, 2005, with innovative provisions such as the duty of third persons to inform the police of cases of trafficking and the creation of a fund for the rehabilitation of trafficked persons. In Nigeria, the ILO facilitated the drafting of a National Plan of Action against Trafficking in consultation with a wide range of stakeholders. The capacity of governments to take action against trafficking has been enhanced by support to a national database on trafficking in Nigeria and the creation of a Migration Information Bureau in Ghana. In both countries, plans for introducing a system of licensing of private employment agencies were discussed with the social partners and representatives of employment agencies, to encourage ethical recruitment practices and to sanction fraudulent ones. At local level, community-based action to raise awareness of the risks of migration, to monitor recruitment and to provide skills training and opportunities for self-employment to vulnerable groups and returned victims of trafficking were initiated. In Ghana, the Department of Social Welfare has implemented these local-level action programmes, and in Nigeria, the labour officers, the transport and hotel workers' unions and women's and youth organizations have played a key role in this.
18. In South-East Asia, the project addresses the vulnerability of domestic workers to forced labour and trafficking through advocating for legislation on domestic work and consolidating organizations of domestic workers. This has fed into advocacy for the

---

Kasambahay (domestic workers) Bill in the Philippines and into the drafting of a similar law in Indonesia. Local government units in both countries have issued ordinances and created help desks to offer services to domestic workers and to address complaints of contract violations by employers and domestic workers. With a view to recognizing domestic work as a regular occupation and in order to increase the bargaining power of domestic workers, the Philippines have introduced certified vocational training in domestic work. Organizations and unions of domestic workers such as Tunas Mulia in Indonesia and SUMAPI in the Philippines are being trained by national unions in organization techniques and management, thus helping them to reach out to increasing numbers of domestic workers and offer legal aid and other services to their members in cases of abuse or dispute. UNI Indonesia, ASPEK Indonesia, the Malaysia Trade Union Congress and UNI Malaysia are addressing the needs of domestic workers through special help desks created with the support of the ILO.

## C. Discrimination

19. The Racial Equality Project financed by the Government of the Netherlands has continued to provide technical assistance to the Ministry for Racial Equality of Brazil (SEPPPIR) in relation to the development of a National Plan for Affirmative Action in Employment. In particular, it has produced technical documents and policy briefs to inform the decision-making process of the multi-stakeholder working group set up by SEPPPIR to develop such a plan. Another related area of action has been the identification of suitable public policy mixes to boost entrepreneurship among the country's black population and enhance the employability of black women who are overrepresented among domestic workers. One major achievement has been the adoption of the Domestic Work Plan that seeks to broaden the range of occupational options available to domestic workers by enhancing their education and skills, while providing them with information about their rights as workers, including the right to join trade unions of their choice. The project also contributed to the discussions within the Ministry of Labour leading to the replacement of the *Núcleos de promoção da igualdade de oportunidades e de combate à discriminação* with the *Núcleos de Apoio a Programas Especiais* (NAPES) within the Regional Labour Departments (*Delegacias Regionais do Trabalho*). The NAPES will combine the responsibility for the prevention and elimination of discrimination in employment with the fight against child labour and the promotion of youth employment. The project has brought together representatives of the former *Núcleos* from all over Brazil to discuss the rationale, scope and implications of the creation of the NAPES, as well as possible work methodologies.
20. The findings and recommendations of the ethnic "audit" of Poverty Reduction Strategy Papers (PRSPs) conducted by DECLARATION and INTEGRATION in 14 countries around the world in late 2004/early 2005 have been shared with the international community, including the World Bank, United Nations agencies, bilateral donors and the European Union. The latter has decided to bear in mind some of the recommendations of the audit in the ongoing process of reformulation of their country strategic frameworks. Follow-up activities at the country level have recently been launched in Peru and Bolivia with the financial support of the Government of Sweden within a new technical cooperation project addressing forced labour and employment discrimination facing indigenous workers.
21. The project Promoting Equal Opportunities for Women and Men in the Country Employment Reviews (CREPs) of Stability Pact Countries, financed by the Government of Belgium and launched in March 2005, pursued three interrelated strategies: (i) engendering the CREPs and the CREP formulation process (Albania, Republic of Moldova, The former Yugoslav Republic of Macedonia, and Serbia and Montenegro); (ii) introducing gender-related policy sessions in national and subregional meetings (both those of the Permanent

---

High-Level Committee (PHLC), comprising the general directors of employment of stability pact (SP) countries, and the national tripartite seminars to discuss the findings and recommendations of CREPs); (iii) creating subregional and national networks of specialists or people involved in gender and employment/labour market issues; and (iv) organizing training sessions for tripartite constituents, trade unions, employers' organizations or concerned government authorities in preparation for the abovementioned national tripartite meetings (Albania, Serbia and Montenegro, and the Republic of Moldova).

- 22.** Since October 2005, DECLARATION has been helping the major General Confederation of Portuguese Workers (CGTP), the Federation of Portuguese Food, Beverage, Hotel and Tourism Trade Unions (FESATH) and the Tourism Workers' Organizations (ARESP), to develop a job evaluation method free from gender bias for use in the tourism sector. This technical assistance, that ranges from capacity-building on gender discrimination in employment, with emphasis on discrimination remuneration, to enterprise-level surveys and sharing of international experiences in the development and use of job evaluation methods, is provided within the framework of a European Union-sponsored project. Another related area of work has been continued networking with and strengthening of the capacity of trade unions (global unions) to detect discrimination in remuneration and address this issue within their own structures and through collective bargaining (2006 ILO/PSI/GUF Discussion Forum on Pay Equity; national training for national affiliates of PSI and EI in selected countries).

---

## CONTENTS

	<i>Page</i>
<i>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</i>	
A. Freedom of association and collective bargaining .....	1
B. Forced and compulsory labour.....	2
C. Discrimination .....	5