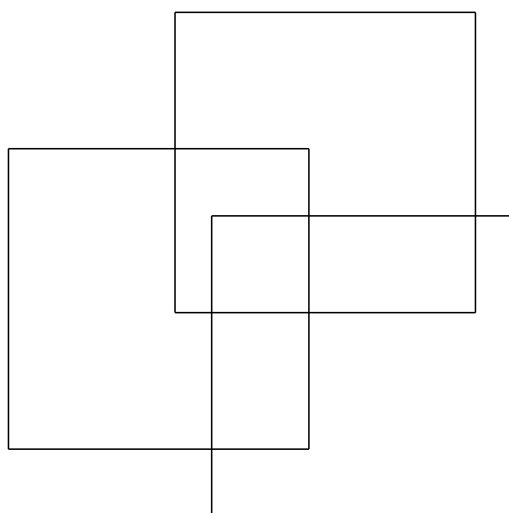




Final report of the discussion

**Global Dialogue Forum on Good Practices and Challenges in Promoting
Decent Work in Construction and Infrastructure Projects**
(19–20 November 2015)



GDFPDWC/2015/9

INTERNATIONAL LABOUR ORGANIZATION

Sectoral Policies Department

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Decent Work in Construction and Infrastructure Projects**
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Geneva, 2016

INTERNATIONAL LABOUR OFFICE, GENEVA

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Introduction

1. The Global Dialogue Forum on Good Practices and Challenges in Promoting Decent Work in Construction and Infrastructure Projects was held at the International Labour Office in Geneva from 19 to 20 November 2015. The Governing Body of the ILO proposed the convening of the Forum at its 317th Session (March 2013)¹ and approved the Forum's composition at its 322nd Session (November 2014)² The Office prepared an issues paper³ and suggested points for discussion, which would serve as a basis for the Forum's deliberations.
2. The purpose of the Forum was for tripartite constituents to discuss good practices in promoting decent work in the construction sector, including in large-scale infrastructure projects, such as mega sporting events, with a view to adopting points of consensus that would encourage future programme development and inform policy-making on this topic.
3. The Chairperson of the Forum was Mr Francisco Figueiredo de Souza (Brazil). The Government group coordinator was Mr Ileni Nghishekwan (Namibia). The Employers' and Workers' group coordinators were respectively Mr Silvio Larios Bones and Ms Justina Jonas. The Secretary-General of the Forum was Ms Alette van Leur, Director of the Sectoral Policies Department (SECTOR), the Deputy Secretary-General was Ms Mariangels Fortuny and the Executive Secretary was Mr Edmundo de Werna. The Coordinator of secretariat services was Mr Martin Hahn.
4. The Forum was attended by 54 participants, including 35 Government representatives and advisers from 23 member States, as well as 13 Worker and three Employer participants, and three observers from intergovernmental organizations (IGOs) and international non-governmental organizations (INGOs).
5. The Chairperson emphasized the importance of construction for employment, and its contribution to reducing poverty and increasing income. The construction industry had great potential to create employment, not only on building sites, but also in the professional services related to construction. Construction workers represented between 5 and 10 per cent of the workforce in developed countries, and a growing proportion in developing countries. He drew attention to the decent work deficits facing the sector particularly in terms of occupational safety and health (OSH), the high levels of informality and unskilled workers, gender imbalances and low levels of collective bargaining. He underscored that the points of consensus that would be agreed would constitute an important conceptual basis for the formulation of international, regional and national policies that promote decent work and productive employment in the sector.
6. The Secretary-General of the Forum welcomed participants recalling that the previous meeting on the construction sector was held in February 2009, and focused on local government procurement for infrastructure provision. The Forum coincided with a high-level dialogue on mega sporting events and human rights, taking place in Montreux, Switzerland. This event would explore insights, good practices and long-term solutions to

¹ GB.317/POL/5.

² GB.322/POL/4.

³ GDFDWC/2015.

human rights challenges in major sporting events, of which construction and infrastructure formed a crucial part. The Forum had a broad agenda that encompassed employment, skills training, OSH and corporate social responsibility (CSR). The event was of utmost importance for the ILO and its tripartite constituents as the industry played an important role in the economies of both developed and developing countries. Construction and construction-related services were facing challenges ranging from safety and health, social protection, rights at work and workplace compliance, to a lack of social dialogue.

7. Good practices by governments, employers and workers, would be discussed in the Forum. The promotion of decent work in large sports events, particularly the 2014 football World Cup in Brazil, was on the agenda of this Forum since the initiation of the preparations. Efforts targeting job creation and improvement of working conditions in the preparatory process of the World Cup not only benefited a large number of workers directly, but also left a legacy in regard to decent work.
8. The Executive Secretary presented the issues paper. This featured promoting productive work through quality apprenticeships, greater reliance on local skilled workforces, attracting young people and women to the industry, and developing a training strategy. He noted that the 2008 economic crisis had a significant impact on construction and related industries. Since then, there were fluctuations, but by and large, construction output recovered and was expected to increase in the future. Good prospects existed, however, many challenges were identified, including health and safety problems for workers, low social protection, inadequate training and limited collective bargaining. Female participation remained low in general, with mixed trends worldwide. Newer developments in the areas of off-site, green and nanotechnology construction were exerting increasing influence over the construction sector.
9. He profiled the contributions of governments, workers, employers and other actors to improve safety and health, providing examples of each. For example, the Government of Brazil created a mobile group for the inspection of working conditions in infrastructure during the preparation for the 2014 football World Cup. Master Builders South Africa provided manual and advisory services to its members. The Trade Union of Civil Engineering, Industry and Planning of the former Yugoslav Republic of Macedonia provided OSH initiatives for women. The International Council for Research and Innovation in Building and Construction (CIB) provided research and seminars on the topic.
10. He then provided an overview of the role of CSR in promoting decent work in the industry, including various global initiatives, employers–workers agreements, and corporate initiatives in the form of codes of practices and sustainable development charters. He gave the example of the Global Compact, a United Nations initiative which includes ILO labour standards, and the Global Reporting Initiative (GRI), which developed indicators for enterprise sustainability and in which labour is a component. He also mentioned framework agreements between the Building and Woodworkers International (BWI) and individual companies. At the national level, the Chilean construction chamber developed a code of good practice for ethical conduct.
11. He ended by saying that social dialogue was a tool that could bring together the interests of all parties.
12. The Employers’ group coordinator welcomed the discussion as an opportunity to make positive changes and improvements to working conditions. He underscored the importance of compliance and expressed confidence in the Forum reaching agreement on a series of issues.

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- 13.** The Workers' group coordinator thanked the Office for a helpful overview of global trends in employment and construction. However, it would have been helpful to examine more thoroughly ongoing changes in employment relationships and industrial structure, the increasing use of casual and subcontracted labour, the declining role of the public sector, changes in the structure of the industry and the factors driving those changes. Building crucial infrastructure was very important. The construction industry needed to provide equitable access to decent work, skills development, better health and safety, fair wages and working hours, and the fundamental rights necessary to enjoy productive work and dignity. The meeting could suggest priority areas for actions of interest to the tripartite groups, and note possible levers for change.
 - 14.** The Government group coordinator welcomed the report and considered that it could have focused more on OSH, and highlighted the need for concise and clear minimum requirements for this. In addition, all ILO core labour standards should be implemented in the construction sector.
 - 15.** The representative of the Government of Brazil welcomed the document and noted that for the recent Tripartite Meeting on Sustainable Employment and Green Jobs (October 2014) the term green technology was not used in the final document, in part because it was not included in the UN Sustainable Development Goals for 2030, and no agreed meaning existed for it. Its meaning in the construction industry should relate to achieving sustainable development. Green technology could be costly and therefore out of reach for some countries. There should be suitable ways to transfer sustainable technology, so as not to add to the differentiation between those who could afford it and those who could not. Green technology also could refer to simple technologies. He highlighted the good practice of increasing labour inspection to prevent disease and accidents in large infrastructure projects. Social dialogue could be used to control and limit the major problems of OSH in the workplace.
 - 16.** The representative of the Government of Indonesia found the issues paper informative and expressed interest in having social dialogue and social protection discussed in detail. Construction and infrastructure projects were very important for Indonesia as an emerging economy, and the Government of President Joko Widodo aimed to provide incentives to boost infrastructure investment, with a balance between central and regional development. The sector was critical for also creating new jobs within other sectors. In certain areas, female participation was high compared to male workers. Training was important and attention should be given to OSH. Improving the capacity of medium- and low-skilled workers, particularly in rural areas, was key to partially address the migration of casual workers to urban areas. Construction workers needed better protection in terms of wages, working hours, employment, and health and social security.
 - 17.** The Government representative of Germany noted the relevance of what was covered in the issues paper and also asked that the Forum consider the ILO basic standards on child and forced labour and discrimination in its discussions over the next two days.
 - 18.** The representative of the Government of China presented a brief introduction to construction safety in his country. He drew attention to the recent infrastructure achievements in China, and the fact that the construction industry played a very important role in the national economy. Urbanization would continue to be a major driver of demand and growth in China's construction industry.
 - 19.** The number of accidents in construction declined over recent years. The Government increased efforts to improve safety and health in construction work, primarily through a safety supervision system that included laws, regulations, technical standards and systems for monitoring. For the future, China planned to work towards the following issues:

improving construction methods through innovative technologies; skills development of construction workers, including for safety; and integrating safety into enterprise practices.

20. The representative of the Government of the Philippines emphasized the important role of the construction sector, both in its contribution to the national economy and the migration of Filipinos to work in construction in other countries. The three most important dimensions for the Philippines Government were safety and health, improving workers' skills, and social dialogue within the industry. Noting that sectoral actors played an important role in social dialogue, the Government would be open to complementing public inspection with voluntary measures.

First point for discussion: What opportunities and challenges does the construction sector experience in promoting decent work and productive employment, specifically in areas such as employment relationships, occupational safety and health, and vocational education and training?

21. The Workers' group coordinator pointed out that nearly three-quarters of construction workers were in low- and middle-income countries. While flexible labour practices, which were commonplace in this industry, reduced costs for contractors, these had a detrimental effect on the terms and conditions of employment and undermined collective agreements on working conditions, prevention of accidents, ill health and provision of training.
22. She called on the meeting to examine: (1) the loss of job security; (2) the loss of social security, lack of sickness benefit, pension and medical coverage; (3) fluctuating and low wages; (4) increased risk of accidents from low safety and health regulations and enforcement; (5) low levels of training and skills; and (6) the effects of fragmentation of the industry. Improvements could be made with cooperation among social partners. Governments could level change, particularly through stronger legislation and regulation, which should be extended to procurement processes. Governments should ensure compliance and include health and safety regulations, alongside rights and responsibilities of contractors. In this context, greater transparency was essential to ensure that illegitimate contractors do not avoid their responsibilities.
23. Construction was a dangerous industry, with regular exposures to hazardous substances at work. Weak risk management and poor health and safety outcomes had become the norm despite many accidents being preventable. Safety should be a priority in the design and planning process, and implementation ensured through collective agreements and joint union-management OSH committees. The BWI campaigns on health hazards that involved tripartite group coordination resulted in several national bans on asbestos. By using international standards as the benchmark, social dialogue should be the means of finding solutions. Governments were called upon to create or strengthen tripartite structures to promote social dialogue in the sector.
24. A Worker participant from India confirmed the importance of health and safety in India's construction sector, where building collapses were common due to substandard building materials and processes. Migrant workers suffered worse working conditions. In light of the many incidents, he urged the Government to end corruption, and to take building laws seriously for the safety of construction workers.
25. A Worker participant from Uganda called on governments, employers and workers to each accept their roles and responsibilities. In Uganda, problems in the construction industry

persisted despite its important role in reducing unemployment. Reliance on informal labour, subcontracting and outsourcing; led to non-provision of social protection, lack of contracts, non-provision of health and safety regulations, lack of education and training, and pay below minimum wage levels. Uganda had labour laws and institutions charged with enforcement and compliance; however, enforcement was not happening. Industrial courts did not work because the Government could not fund them and employers violated laws with impunity. In Uganda most multinational construction companies were from China but the good labour practices followed at home were not being extended to Uganda and other African countries.

26. A Worker participant from Fiji considered that by outsourcing public works and privatization of roughly 40–50 per cent of government-owned enterprises, the Government avoided its responsibility to address decent work in the construction sector, particularly regarding employment conditions, OSH, collective bargaining and fair labour practices, which were not guaranteed in these contracts.
27. A Worker participant from Brazil shared good practices from Brazil. A large-scale national agreement reached in 2002 increased cooperation in the sector, after serious disputes and one year of negotiations and strikes. The agreement restricted the means of selecting and contracting workers from private suppliers of labour, and set standards comparable to the public sector for OSH. Trade union committees were set up to negotiate coverage of direct workers and subcontractors on all projects. In Bahia, the state-level committee on health and safety in the construction industry regularly consulted with the trade unions, conducted inspections and made revisions on engineering projects from safety perspectives. Negotiations were also held at parliamentary levels on public procurement tendering and for incorporating collective bargaining in tenders. During the run-up to the 2014 World Cup, workers developed a negotiating agenda which, after multiple strikes, led to a national agreement on health and safety, effective even at the local level.
28. A Worker participant from Germany missed in the report mention of migrant construction workers who were often denied social and health insurances, and other benefits available to non-migrant workers. He called on the group to recognize the importance of equal terms being available for the same work. It was also important to strengthen national systems for pay settlement. The European Commission would soon be taking legal steps towards a “labour mobility package”, and the German, French, Swedish and Belgian Governments, among others, signed up to the principle of the same pay for the same job.
29. A Worker participant from Panama drew attention to information deficits regarding the estimated 140 million construction workers, such as the number of whom were actually covered by a collective agreement or were able to join or set up a union. There were many member States that did not enforce implementation of the fundamental principles and rights at work, and prevented construction workers from collective bargaining, forming trade unions, and negotiating conditions of pay. This was particularly true in Latin America and the Caribbean. The way forward was for workers, governments and employers to work together towards respecting the basic rights of workers, developing good practices, and maintaining functioning relationships for bipartite dialogue. He underlined that different countries bore witness to vastly different working conditions.
30. The Employers’ group coordinator emphasized the importance of a shared understanding of one another’s roles. The Employers’ group was willing to collaborate on all issues with the Governments and the Workers’ group; however, responsibility should be taken by each for its own duties to improve the overall situation. The fundamental rights, such as the freedom to organize, were already in place within the legal frameworks of many countries, but their realization required governmental action, not that of companies. Progress was being made in the areas of safety and health, and conditions of work. He requested that

governments implement the legal frameworks to which they have agreed. In cases of construction malpractice such as those mentioned in India, responsibility fell both on the company and the government concerned, as there could be negligence from both sides.

- 31.** An Employer participant from Nigeria reiterated the need for collaboration and cooperation. In Nigeria, many companies spent money on personal protective equipment (PPE) for their workers which was not used as intended. Workers needed to recognize the importance of appropriate use of equipment for both the workers and the employers. The construction industry in Nigeria suffered a recession due to the global economic crisis. There was a high risk of layoffs for construction workers. Short-term, interim measures were implemented which affected existing collective agreements. Workers voiced discontent with the duration of these measures and the limited prospects for returning to normal employment conditions. He requested the Workers' understanding, and emphasized the need to work together.
- 32.** An Employer representative from the Bolivarian Republic of Venezuela reiterated the importance of the relationship between the tripartite actors. Aside from being regulators, governments had to promote labour standards and good practices as far as possible. With regard to risks and safety at work, companies invested in these priority measures, despite their cost. In Europe, some governments provided funding or other forms of support for them to be carried out. In Latin America companies bore the costs. He called on governments to support good practices with financial and tax-related incentive measures. Governments should also encourage and foster training activities. He pointed to the importance of worker productivity as a means to achieve and sustain decent work. He reiterated the importance of work that was both decent and productive.
- 33.** The Employers' group coordinator noted the plethora of ideas voiced and yet to be implemented. Guiding principles in commerce and human rights came into being in 2011, and had yet to be implemented in some countries. He considered productivity, also within the context of different types of contracts, as important, as well as training and skills development.
- 34.** The Government group coordinator pointed out that the outcome document should focus on specific labour requirements and standards, such as minimum terms of employment, minimum skills requirements, education on safety, on-the-job training, requirements for labour inspectors, and minimum PPE. It should also provide a clear definition of unlawful labour practices, such as discrimination and child labour.
- 35.** The representative of the Government of the Philippines said that the increase in the number of accidents in the sector called for strengthened safety and health programmes in companies. In her country, delays in approval processes as a result of having to coordinate with multiple companies and government agencies were a major challenge. To address the issue, an agreement was reached between the Department of Labor and Employment and the Department of Public Works and Highways to reduce application processing time, share their database on approved applications, and strengthen the system for joint inspection, especially in cases of imminent danger. Accordingly, licences were granted on the basis of company compliance with labour standards. There was a constant demand for new skills in the sector due to changing technologies and methods of work. The Government had, in the last year, formed some 200,000 construction graduates with the support of the private sector. Scholarships were offered to encourage young people to acquire the skills needed by the industry. Of the resultant graduates, six out of ten found jobs within six months. However, it continued to be important to identify and update the skills needed by the industry as employers routinely found that applicants' qualifications were not suitable. Accordingly, the private and public sectors needed to provide direct information to guide government interventions.

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- 36.** The representative of the Government of Finland said cooperation should be ensured between education and employment, and social welfare and health care to enable young people to receive adequate training and access the job market. It was important to raise awareness of the importance of OSH and find ways to integrate it into national vocational education and training (VET) programmes. Balanced economic growth was based on jobs that provided good working conditions and promoted productivity. Another challenge was the creation of adequate working environments, presupposing that workers and managers possessed adequate knowledge and competences. National OSH authorities were responsible for monitoring compliance by employers, and ILO member States should be encouraged and supported in developing practical guidelines on OSH and decent work. Steps to that end included legislation, enforcement, tripartite cooperation, management and leadership, collaboration, and communication, including training and assistance from experts. The Government's role was to provide labour inspectors with adequate training and, to that end, opportunities should be sought to strengthen cooperation between ILO member States and to exchange best practices.
- 37.** The representative of the Government of Brazil underscored that the modernization of methods in the construction sector would improve productivity and change its role within the economy. Such methods should guarantee the health and safety of workers. The process of change should not only focus on old working methods, but should be seeking innovation and wider goals. In the case of PPE, the real focus should be on the safety environment. In other words, safety rules and standards should be understood at various stages, of which PPE was only the last. Progress called for a change of perspective, as in the case of training for qualified workers, which was hampered by the high workforce turnover. The sector needed to reduce turnover before further investment in training and education could be made.
- 38.** The representative of the Government of Benin said that there could be no real improvement in the sector until the problem of informality was addressed. Informality weakened trade unions in many African countries, including Benin, preventing them from fulfilling their role to ensure safe working conditions.
- 39.** The Workers' group coordinator agreed that governments were responsible for ensuring freedom of association through legislation, enforcement and promotion. However, it was up to employers to uphold workers' rights, engage with workers' representatives and enter into collective bargaining in good faith. Trade unions and OSH representatives, including itinerant representatives for small sites and companies, had an important role to play. Many construction projects were owned by governments and the social partners should therefore work with them, establishing mandatory contract clauses that ensured trade union rights, the right to a living wage and health and safety, and prohibiting child labour and discrimination.
- 40.** A Worker participant from Brazil said that he would provide the Office with the text of a national tripartite agreement that was reached in the Brazilian construction sector.
- 41.** The Employers' group coordinator noted that good practices on health and safety were good for business. His group welcomed the emphasis that the Governments placed on addressing the problem of informality. Informality affected many countries and 60–65 per cent of the work in the sector was carried out through the informal economy and by illegal workers, creating situations where best practices could not be applied. However, the problem did not only affect construction work: upstream design and studies were also affected. If safety was guaranteed throughout work processes, contractors were in a better position to fulfil their responsibility to ensure safety. While he welcomed the awareness displayed by governments as to what had to be done, the authorities of many countries continued to show little political will, especially with regards to the informal sector.

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42. The representative of the Government of Germany stated that the G7 had a number of initiatives to promote responsible supply chains. One of those initiatives was to support the “Vision Zero Fund”, which supported companies that committed themselves to drawing up and implementing OSH action plans. Transparency was important, in particular by making consumers more aware of how global supply chains worked. Her Government introduced a mobile application that allowed consumers to check what different labels and markings said about a product. Governments were responsible for developing guidelines and providing guidance on how they were to be applied. For example, her Government developed a handbook on people trafficking providing guidance for companies on how to address such situations. The G7 furthermore underscored the need for multi-stakeholder social dialogue. It provided an opportunity to share initiatives such as: new legislation in France making companies throughout whole supply chain accountable; pay regulations in Spain for subcontractors; and a European Union (EU) directive, which would come into force in 2016, requiring companies with more than 500 workers to submit non-financial reporting.

Second point for discussion: How can corporate social responsibility (CSR) initiatives and innovative social dialogue mechanisms contribute to decent work and sustainable productive employment?

43. The Employers’ group coordinator noted that CSR initiatives differed across countries and companies in terms of level of action and capacity. CSR initiatives created jobs, and promoted the health of workers and the development of communities. Employers agreed on the importance of CSR, provided that such initiatives were understood as voluntary rather than obligatory commitments.
44. An Employer participant from Nigeria underscored that companies increasingly recognized community challenges and addressed them through CSR. In his country, companies adopted initiatives to provide communities with electricity, build maternity centres and make housing available, among other things.
45. An Employer participant from the Bolivarian Republic of Venezuela said that, to varying extents, all companies invested in social activities in order to obtain community approval for their work. The role of the State was also very important in that respect. States should regulate but also promote CSR initiatives, thereby also promoting sustainable businesses and environments.
46. The Workers’ group coordinator emphasized the important role of social dialogue to establish wages, working hours, OSH and work arrangements. The principal form of social dialogue was collective bargaining, preferably at national and sectoral levels, and the ILO and its member States needed to foster collective bargaining mechanisms, such as tripartite OSH committees, industrial training boards and industrial development boards. In terms of innovative social dialogue mechanisms, the BWI succeeded in engaging with international development banks and financial institutions to adopt policies and practices that promoted and protected workers’ rights in the sector. Such initiatives were not part of CSR but had been negotiated at the sectoral level and focused on decent work. They were led by trade unions and supported by the Confederation of International Contractors’ Associations, the European International Contractors and the International Federation of Consulting Engineers. The BWI signed 20 voluntary agreements with multinational companies in the construction sector, which were based on the core ILO Conventions and contained monitoring mechanisms. The agreements were complementary to collective bargaining processes and did not substitute them. CSR needed to involve collective bargaining processes, whereby workers were able to benefit directly from the right to representation

and OSH. Unfortunately, though, such rights were not generally covered by CSR initiatives.

- 47.** A Worker participant from Italy stated that collective agreements were the most important instrument for achieving decent work. Attacks on collective agreements by employers and governments increased but the solution to economic crises was not removing those instruments; on the contrary, there was a need for more collective agreements. Decent work implied equal pay for work of equal value for all workers; but in addition to decent pay, decent work required equality in terms of safety and health and working conditions. The solution, in particular for migrant workers, who made up a large proportion of construction workers, depended on the formalization of informal work through national and international agreements.
- 48.** A Worker participant from India said that welfare boards were set up for construction workers in his country, providing a means of ensuring social benefits, including pensions for temporary workers. The boards were tripartite mechanisms that workers could register with for their pensions, including family pensions. They were made sustainable through a 1–2 per cent levy on contractors or employers in order to get permission to carry out work. An academy for construction workers was established to improve training in the sector. His trade union was also training workers on the basis of BWI guidance, as in the case of 30 women who were trained as painters and whose salary had more than doubled as a result.
- 49.** A Worker participant from Uganda stated that CSR could not work properly in the construction sector due to high levels of informality, making it difficult to monitor compliance. Employers were using CSR initiatives as a means of obtaining contracts with no real concern for enhancing good practices in the sector. As a result of discussions in the Global Union federations, good CSR practices were developed in multinational development banks, which established mandatory requirements for all infrastructure projects in line with core ILO labour standards. Practices that could enhance decent work in the construction sector should provide for freedom of association and collective bargaining.
- 50.** A Worker participant from Panama explained that CSR initiatives were applied in the Panama Canal expansion project, setting a good example for other multinational enterprises (MNEs). Negotiations between the construction union and a large majority of employers led to an agreement to review collective agreements every four years. Wide involvement in negotiations led to the implementation of the agreement in 98 per cent of projects, helping workers improve their wage and working conditions. Governments should be ensuring the full implementation of ILO standards, and union membership continued to provide the best guarantee for workers.
- 51.** The Government group coordinator said that there was consensus that corporate managers should broaden their goals beyond financial targets. Enterprises should establish social, environmental and safety goals, and do so in balanced ways for future and long-term sustainability. Effects could be sustainable if ILO standards influenced the CSR culture internationally, resulting in effective labour inspection, sustainability, productivity, decent work and safety and health improvements. Both voluntary and regulatory approaches were needed to make such sustainability effective. Capacity building was needed to make corporate sustainability an integral part of business practices. Capacity should also be built multilaterally, through collaboration between the UN, the ILO, the World Health Organization (WHO), global networks and other stakeholders. Measures should be taken to provide employers and workers with training, in particular on health and safety.

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- 52.** The representative of the Government of Sweden explained that the construction sector in her country relied heavily on migrant or temporary workers. In that context, the principle of equal pay for work of equal value in the same location was fundamental, and constituted a main priority for her Government.
- 53.** The representative of the Government of Norway referred to a number of challenges in using tripartite measures to solve issues specific to atypical workers, and underscored the need to address these challenges. While the Norwegian social model was based on workers in permanent positions, the labour market received large numbers of migrants. While this was a positive development, the influx meant that a quarter of the workforce in the sector were migrants and short-term workers. Construction workers were exposed to a higher risk of fatal accidents, and accidents resulting in periods of sick leave, but neither atypical workers nor their employers were covered by the traditional social model. Measures were taken to extend protection to these workers and to develop the safety representatives scheme to introduce regional representatives. The scheme did not replace labour inspectors but supplemented their work.
- 54.** The representative of the Government of the Philippines said social protection, OSH and skills training were the most important issues on the agenda of the construction industry. The construction sector built up robust social dialogue mechanisms through its social dialogue councils at the national, state and local levels. They adopted voluntary codes of good practice to govern partnerships in accordance with labour standards. They served as consultative bodies in the event of crises and provided a platform for reviewing and developing regulations.
- 55.** An Employer participant from the Bolivarian Republic of Venezuela highlighted the close relationship that existed between social responsibility and sustainability. Financial institutions, as parties to agreements, should encourage companies to adopt CSR initiatives. It was imperative to find ways of achieving broad participation in further developing such initiatives.
- 56.** An Employer participant from Nigeria said that CSR initiatives were of great significance for Nigerian employers, who faced threats to their security. Proper implementation of CSR would create goodwill towards companies and improve employers' security conditions.
- 57.** The Workers' group coordinator underscored the importance that CSR focused on workers' well-being. Governments and employers had a common interest in engaging in social dialogue at appropriate levels. Employers and workers should be free to exercise their rights to organize and bargain collectively, and those rights should be respected throughout the employment chain, also providing protection for casual and temporary workers. Governments could help promote social dialogue by supporting bipartite and tripartite structures, such as industry OSH protection boards where partners could meet on a regular basis. CSR initiatives should have a training component, which was vital to the future of companies. Costs could be met through levies and taxpayer subsidies, among other things. Multinational companies should also be encouraged to provide their own training for local workers, on the condition that the skills remained in the country. The use of regional health and safety representatives could be an innovative way of assisting contract and small and medium-sized enterprise (SME) workers who had the same rights to representation as permanent workers and workers in large enterprises. However, workforce mobility made it difficult for unions to train safety representatives effectively.
- 58.** A Worker participant from Germany thanked the representatives of the Governments of Sweden and Norway for recognizing the principle of equal pay for work of equal value and sought recognition from other governments and employers. The sector employed many migrants worldwide and it was important to prevent discrimination and a race-to-the-

bottom approach. Trade unions in Germany opened information offices to provide migrants with advice on their rights, and he called on the ILO to consider providing funding for such initiatives. He highlighted the importance of abiding by collectively bargained agreements in the area of public procurement.

59. A Worker participant from Italy requested the ILO to hold a special global dialogue on migrants and migrant workers. Although there was a lot of information on the subject, a new vision and strategy should be developed on the basis of tripartite dialogue. Many of the refugees that reached Italy from Africa would eventually become migrant workers and solutions were needed on integration and ensuring decent working conditions for them.
60. The representative of the Government of Germany said that companies should be mindful of sustainability and should not expect governments to bear responsibility for risks in all circumstances. Following Germany's move away from atomic energy, one of its biggest energy suppliers decided to offshore its production, expecting the Government to shoulder the risks. A new law was then introduced providing that enterprises would bear the risks of such actions, at which point the company went back on its original decision.

Third point for discussion: Recommendations for future action by the International Labour Organization and its Members regarding the promotion of decent work and productive employment in the construction sector

61. The Workers' group coordinator prefaced her comments by reminding the employers to avoid offence through inappropriate generalizations about workers. Despite incidents of murders of trade unionists, forced labour, and child labour, among others, the Workers' group refrained from offensive generalizations about employers.
62. With regard to discussion point number three, the ILO should prioritize the promotion and defence of trade union rights worldwide. The ILO should demonstrate the positive union effects on achievement of decent work, health and safety procedures, the implementation of labour laws, collective bargaining and agreements. She noted that trade unionists were running campaigns on workers' rights, including those of migrant workers. Moreover, the lack of proper management of asbestos and construction site falls comprised the two principal causes of death in the construction industry. The ILO and national governments should work together to improve trade union strength, and support their efforts to organize and represent informal and formal workers. The ILO should provide a platform for constructive industry dialogues on collective bargaining and stable work. Assistance should be provided for those countries that need to establish social dialogue within their construction industry. A living wage for men and women, correct working hours, and a good standard for health and safety to minimize risk to workers and maximize their employability, were crucial. Moreover, the ILO should aid trade unions in their policy-making and strengthen the capacity of their institutions through the promotion of tripartite structures and training boards. It should further improve labour inspection and implementation of labour standards. The ILO and national governments should not be passive observers, but active promoters and defenders of workers' rights. The ILO should also build worker organization's capacities to influence policies and strengthen labour institutions, such as labour inspection.
63. The Workers' group called on the ILO to conduct a study in the construction sector worldwide to assess the conditions of employment, the extent to which workers were covered by the collective bargaining agreements, and ratifications of the Labour Clauses

(Public Contracts) Convention, 1949 (No. 94). Additional points to research would be coverage of social security for construction workers, equal rights, and equal pay for equal work. She encouraged governments to ratify the Safety and Health in Construction Convention, 1988 (No. 167), which was to be surveyed in February 2016, and discussed during the 2017 session of the International Labour Conference (ILC).

- 64.** The Workers' group looked for better training models, and skill certification. Public procurement for construction was an important issue, and she encouraged governments to use their public procurement procedures to ensure that contractors complied with national legislation and only legitimate contractors and subcontractors were engaged. The ILO should work with other UN organizations and the World Bank to promote training, adequate conditions of employment and rights at work. Finally, she called on the Chinese Government to open dialogue with Chinese construction MNEs to comply with national labour laws and to support these companies to join in international framework agreements with the BWI in order to protect the rights of construction workers. The difference between the reality proposed in the presentation made on the previous day, and that on the ground in many countries where Chinese MNEs operate, was quite large.
- 65.** A Worker participant from Germany reiterated the issue of social dumping and the exploitation of migrant workers in the European construction industry. He called for a commitment from social partners and governments to discuss and agree on several key principles in the workplace. He recommended that the social partners in the construction industry and the Government commit to effectively combat social dumping and discrimination against migrants and all mobile workers. He underscored the importance of effectively implementing and promoting, together with the ILO, the principle of equal pay and equal treatment for work of equal value. Furthermore, social partners in the construction industry should call on governments to make collectively agreed wages and working conditions mandatory criteria in public procurement procedures.
- 66.** A Worker participant from Panama stated the importance of said research on practices of the construction industry worldwide. It was important to know how many workers were covered by collective agreements and which ILO member States ratified ILO Conventions relevant to construction. The discussion was about standards, and research was needed to look at various parameters. Most workers in the construction industry were part-time workers, even in Europe, and only a small number of workers were permanent. In much of Latin America, many bad practices existed and had to be removed. In Panama, the ILO has commissioned an inquiry on Convention No. 167 and workers should be involved in this process.
- 67.** A Worker participant from Brazil considered it important that governments included the requirements of the Decent Work Agenda, freedom of association and the recognition of right to collective bargaining and abolition of child labour in public tendering processes. Brazil reformed its legislation to cover worker rights and conditions in public tendering. The Office should promote ratification of Convention No. 94. There were some concerns that public works contracts being outsourced may prohibit workers' rights to bargain collectively, and this was being looked into.
- 68.** A Worker participant from Fiji said that it was important to talk about areas of good and bad practices. He gave a brief background on public contracts in the south Pacific. Fiji came out of a "coup culture" and its construction industry was growing. The Government outsourced 60–70 per cent of the public works department to private construction companies. Wages of government employees improved through negotiation by the unions. The ILO should initiate standards that specify public works contracts include clauses requiring tenders to comply with established labour standards. A worker participant from Uganda said that enforcement of labour laws was a major challenge but governments

should be made accountable for these laws being implemented. The ILO should play an active role in this process. MNEs were not following the national laws of the country and governments of the home countries should ensure that they follow local laws. He referred specifically to Chinese companies in Africa, which held a major part of infrastructure contracts but were not being obliged to follow the labour laws in the country.

- 69.** The Government group coordinator outlined a number of recommendations for future action. These included: updating labour legislation and its effective implementation, and strong enforcement by labour inspectors and social partners; identification of potential challenges and risks regarding areas such as subcontracting, the sharing economy, supply chains and challenges related to undeclared workers; effective prevention of social dumping; continuous training of workers; combating undeclared work; effective implementation and enforcement of international labour standards; and awareness raising, guidelines, best practices, and sector-specific tools.
- 70.** With regard to CSR, recommendations for future action involved elements of compliance-driven CSR, profit-driven CSR and caring CSR. CSR should prioritize the search for decent work solutions.
- 71.** Regarding the GRI, current requirements covered reporting of the construction sector on environmental, social and economic performance aspects. The GRI should be expanded to document CSR actions and sustainability aspects.
- 72.** The representative from the Government of Norway congratulated workers for supporting Convention No. 94. Norway had ratified and implemented this Convention. Under new laws, public entities were required to take steps to ensure that all workers down in the contract chain realized adequate safety and health and other rights. Public authorities had an important role to play particularly with large infrastructure development. The goal was to make it difficult for companies with illegal practices to function in Norway. Norway encouraged increased rates of ratification of this Convention.
- 73.** The Employers' group coordinator responded to the Workers' group's concerns by assuring her that the discussions were taking place in an atmosphere of respect. The Employers' group agreed with all the opinions stated regarding fulfilment of the core Conventions. Most important was that each complied with their responsibilities and duties, and that governments in particular adequately enforced the rules by effectively addressing violations and non-respect of existing legislation. It was the duty of the State to ensure compliance with laws, and governments should sanction those not in compliance. Improvements in working conditions had to continue through implementing good practices.
- 74.** The Workers' group coordinator thanked the social partners, especially the employers. They agreed that this dialogue was for mutual respect. With regard to roles and responsibilities, they called on governments to criminalize negligent behaviour that leads to death, injury and disease, and to fine and remove negligent companies, particularly from any public contracts.
- 75.** A Worker participant requested the floor to restate their position on CSR. CSR was especially important where there was not good legislation that also was not properly enforced. CSR was not to be a substitute for proper robust legislation that was properly enforced. CSR should be avoided where it was image driven. CSR initiatives were useful if there were clear commitments to international labour standards, and collective bargaining. However, there was little evidence for this. Most needed were robust laws and good mechanisms for collective bargaining.

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76. The Employers' group secretary clarified that CSR should be voluntary and should react to the concerns of the enterprise, and to codify responsibility.

Discussion of the draft points of consensus

77. At the closing plenary session, the Forum considered document GDFPDWC/2015/5, which included the suggested points of consensus drafted by the Office on the basis of the plenary discussions, and discussed amendments point by point.
78. The Workers' group secretary proposed deleting the words "and indirect" from the second sentence of the first paragraph, considering that there were already many forms of indirect employment and the document should emphasize the sector's potential for direct employment.
79. The Employers' group coordinator suggested referring simply to "employment".
80. The Workers' group secretary said that she did not have any recollection of a discussion of technological progress and suggested deleting the words "technological progress", and then rephrasing the rest of the sentence to read: "the declining role of the public sector, migration trends and environmental challenges".
81. The representative of the Government of Germany said that the amendment placed the emphasis on the responsibility of the State, whereas employers held the main responsibility.
82. The Worker's group secretary specified that the intention of the amendment was to refer to the public sector in its capacity as an employer.
83. The Forum adopted the first paragraph as amended and the second paragraph without amendments.
84. The Workers' group secretary suggested inserting "casual and" before "temporary work" in the first sentence of the third paragraph and replacing "assisted with" with "contributed to" in the second sentence. She also proposed the additional sentence: "Adequate protection is achieved by having an appropriate regulatory framework, compliance with and strong enforcement of the law, and effective social dialogue".
85. The Employers' group secretary said that high levels of informality and non-standard forms of employment were particularly found in developing countries and suggested inserting "Especially in developing countries, the sector is characterized by" at the beginning of the paragraph. In view of the amendment made by the Workers, he proposed simply removing any attempt to define "non-standard forms of employment". The Employers' group took a different approach to the next sentence and he proposed the wording: "While non-standard forms of employment assist with the industry's adaptability and growth, all efforts should be made to ensure effective protection of workers in non-standard forms of employment". The last sentence introduced by the Workers might be made somewhat lighter by deleting "having an" and avoiding the repetition of the words "non-standard forms of employment".
86. The Workers' group secretary said that both proposals were satisfactory and the Forum adopted the paragraph.

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87. The Employers' group secretary suggested amending the fourth paragraph to read: "inadequate or absent social protection coverage of construction workers is often associated with high levels of economic insecurity and poverty. Where it is not the case, social protection should be extended to the sector".
 88. The Workers' group secretary said that her group preferred the Office's original proposal as it considered that inadequate or absent social protection coverage was always associated with economic insecurity. Coverage was extremely poor and it was essential to change the situation.
 89. The representative of the Government of Sweden agreed with the Employers' pragmatic approach.
 90. The representative of the Government of Brazil and the Workers' group secretary supported the insertion of the word "often" but preferred to keep the Office's wording in the rest of the paragraph.
 91. The Employers' group secretary said that the group could agree to the original sentence from the Office. However, it should be indicated that there were cases where social protection coverage already existed. He therefore suggested inserting the wording, "where this is not the case".
 92. The Workers' group secretary suggested using "introducing" instead of "extending".
 93. The representative of the Government of Germany did not support the Workers' amendment, as it might suggest acceptance of cases of inadequate social protection.
 94. The representative of the Government of Brazil pointed out that including the word "often" already indicated that the paragraph was not referring to the whole sector.
 95. The Employers' group secretary said that the group agreed to maintain the original wording in the last sentence for the sake of progress and the fourth paragraph was adopted as amended.
 96. The Workers' group secretary said that the second sentence of the fifth paragraph was a bit misleading and should be amended to indicate that responsibility was not completely shared since employers had more control over the workplace and compliance with legal requirements. She therefore suggested the wording: "Compliance with health and safety laws in the sector is the responsibility of employers, and workers have the responsibility to cooperate with OSH arrangements in the workplace".
 97. The Employers' group secretary said that it was unfair to imply that only employers were legally responsible for any misconduct by workers. OSH was a wide concept in which everyone had a shared responsibility.
 98. The Government group coordinator suggested that it might be useful to think in terms of employers' "responsibility" to comply with OSH standards and workers' "duty" to cooperate with arrangements.
 99. The Workers' group secretary said that workers could be said to have a shared interest, but they did not share employers' responsibility. Approximately 80 per cent of fatal accidents were caused by factors that could only be controlled by employers. National and international regulations placed the duty for prevention on enterprises. Workers had a duty to cooperate with the measures put in place by employers. However, it was the responsibility of the employer to ensure that they were there in the first place.

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100. The representative of the Government of Benin said that it could not be said that the responsibility was shared as the worker was the weaker party in the equation.
 101. The representative of the Government of Sweden suggested that it might help if the Workers' amended sentence read "mainly the responsibility of employers".
 102. The representative of the Government of Togo said that the responsibility was shared but differentiated. Employers had the main responsibility but employees had to collaborate to ensure protection.
 103. The representative of the Government of Brazil said that the Forum should not be discussing matters of general principle. There was no question that the responsibility lay with the employers and that workers were in a weaker position. Referring to the collaboration of workers might be the most reasonable way of resolving the problem.
 104. The representative of the Government of Germany suggested that the problem could also be solved by inserting "in the sense of frame-setting" after "compliance with health and safety laws in the sector".
 105. The representative of the Government of the Philippines said that she could support the proposal by the Workers, however to clarify the distinction being made she proposed the wording: "Workers have the responsibility to cooperate with employers in carrying out the OSH standards and arrangements in the workplace".
 106. The representative of the Government of Malaysia said that referring to the "responsibility of the employer with the cooperation of the workers" might also solve the problem.
 107. The Employers' group secretary said that the suggestion by the representative of the Government of the Philippines was very helpful. On the other hand, he did not think that the amendment proposed by the representative of the Government of Germany was sufficiently clear.
 108. The Workers' group secretary said that the Forum should not be bringing fundamental concepts into question, and it would therefore be preferable to delete the proposal by the Office. The group's final proposal was "Compliance with the OSH laws in the sector is the responsibility of employers, and workers have the responsibility to cooperate with arrangements put in place by the employer".
 109. The representative of the Government of Sweden said that she suggested the word "mainly" as a means of finding a solution, but that it was not essential.
 110. The Employers' group secretary said that the group did not wish to delete the word because, while they accepted that employers had the main responsibility, workers also had the responsibility to abide by the rules. If the second sentence denied a certain share of responsibility, there would be no need for tripartite or joint committees at the enterprise level and the third sentence could be deleted.
 111. The representatives of the Governments of Brazil and Germany said that the word "mainly" set the right balance in the paragraph.
 112. The Workers' group secretary said that, in that case, the word "principally" would be better. In the third sentence, she suggested deleting the words "and enterprise" in relation to tripartite committees. In the last sentence, she requested the insertion of "and adequately resourced" after "transparent". She also proposed the addition of another sentence that would read: "Workers representatives on health and safety and joint health and safety

committees, where they exist, are effective prevention measures”. The changes removed the mention of tripartite committees at the enterprise level, as they did not exist, but indicated that joint management–union committees did. A further addition was requested to read: “roving union health and safety representatives for small enterprises would provide valuable advice and support on prevention”.

113. The Employers’ group secretary said that he could not accept the addition. The idea was discussed on a number of occasions and the Employers maintained their position in that regard.
114. The Workers’ group secretary said that it was not an unreasonable request and provided an effective system. Such representatives existed in various countries and the pilots that were conducted worked well. The main problem was funding such initiatives. However, it should be seen as a form of assistance to employers since the representatives provided advice and information in small enterprises not required to have health and safety committees. They did not replace labour inspectors.
115. The representative of the Government of Norway said that her country saw the benefits that roving representatives provided through valuable advice, support and prevention.
116. The representative of the Government of Sweden said that the sentence might be softened by suggesting research on the mechanism.
117. The Employers’ group secretary said that the group could not accept the promotion of the mechanism at that stage. It could be considered as part of ILO future action, as a subject for further study to assess why, how and when the mechanism might be used, with a possible meeting to discuss the issue further.
118. The Forum adopted the fifth paragraph as amended and adopted the sixth paragraph without any changes.
119. The Workers’ group secretary suggested replacing the word “decent” in the seventh paragraph with “adequate”, and “non-excessive working time” with “reasonable working hours”, and inserting “equal treatment and” before “equal pay” in the last sentence.
120. The representative of the Government of Norway suggested referring to “treatment and the principle of equal pay” instead of “equal pay for work of equal value”, given that the means to achieve the goal of equal treatment might differ where pay was set by collective agreements in the location at which the work was performed, and not by regulation. There was, however, consensus on the principle.
121. The Workers’ group secretary said that workers appreciated having equal pay not the principle of it. Furthermore, a principle could not be enjoyed and the amendment would require further changes.
122. The representative of the Government of Sweden supported the position of the representative of the Government of Norway, in view of the principle of free wage setting. The principle would respect different labour market models.
123. The Employers’ group secretary said that a solution might be to only refer to “treatment”, which encompassed many aspects of employment including pay, and to add “and must be able to exercise their fundamental rights”.
124. The representative of the Government of Sweden further suggested “equal treatment, according to collective agreements in the countries where the workers perform”.

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125. The Workers' group secretary reminded the Forum that the point was included in the text due to the Worker participants' contributions regarding the issue of equal treatment and equal pay, not only in relation to gender but also to labour migration.
 126. The Employers' group secretary observed that the discussion of the subject in the Forum did not automatically justify its inclusion in the final document, which should be decided on through consensus.
 127. The representative of the Government of Germany said that although there should be flexibility on wage setting, the principle of equal pay was an important one, namely because it was not always observed.
 128. The representative of the Government of Norway said that, although there are some initiatives within the EU on equal pay for migrant workers, some countries had not yet reached a position on these initiatives. She therefore wished for the inclusion of the word "principle".
 129. The Workers' group secretary considered that the concept was not clear but was prepared to accept the reference to "principle". The paragraph was adopted as amended.
 130. The Employers' group coordinator suggested replacing "international labour standards relevant to this sector" in the eighth paragraph with "the Safety and Health in Construction Convention, 1988 (No. 167)".
 131. The Workers' group secretary said that she considered that the intention of the paragraph was to promote compliance with all labour standards related to the industry.
 132. The representative of the Government of Germany said that the paragraph also covered labour standards that did not concern OSH.
 133. The Employers' group secretary stated that his group had some issues with Convention No. 94 and did not agree to a reference to this Convention.
 134. The Workers' group secretary said that she was surprised that the Employers' group considered that it could pick and choose which Conventions they could agree with once they had been adopted by the ILC.
 135. The Forum decided to bracket the paragraph and return to it at the end of discussions.
 136. The Workers' group secretary said that the ninth paragraph should refer to all projects in the industry not just "in major infrastructure projects" and she proposed deleting those words. She furthermore suggested deleting "corporate social responsibility initiatives and" from the title, given that the section actually only referred to innovative social dialogue mechanisms.
 137. The representative of the Government of Germany said that paragraph 11 concerned CSR initiatives and the reference should therefore be kept in the title.
 138. The Secretary-General of the Forum explained that the title was simply the reflection of the second point for discussion that was adopted by the participants.
 139. The Forum agreed to adopt the ninth paragraph and reconsider the title once the rest of the section was reviewed.

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140. The Workers' group secretary said that the words "For example" in the third sentence of the tenth paragraph should be replaced by "Furthermore" as the list did not directly concern collective bargaining. She also suggested that the end of the sentence should read "can help respond". The tenth paragraph was adopted as amended.
 141. The Workers' group secretary suggested deleting "and corporate social responsibility initiatives" in the first sentence of the 11th paragraph because it went on to talk of a "successful example" that was not a CSR initiative.
 142. The Employers' group coordinator requested to be given more information as to the meaning of innovative social dialogue mechanisms.
 143. The Secretary-General said that they referred to mechanisms outside traditional social dialogue and captured one of the points for discussion endorsed by the Governing Body.
 144. The Employers' group coordinator said that he did not consider there to be any relation between the first and second sentence and suggested putting the rest of the paragraph into a new paragraph 11bis.
 145. The Forum adopted paragraphs 11 and 11bis as amended.
 146. The Workers' group secretary said that she agreed in principle to the mention of "social and labour clauses" in the 12th paragraph although, in fact, the text was only referring to "labour clauses". She further suggested inserting ", bidding documents and contracts" after "procurement processes". Paragraph 12 was adopted as amended.
 147. The Employers' group secretary said that international framework agreements (IFAs) were not at the crossroad of CSR and social dialogue, and therefore requested the deletion of the words "at the crossroad of CSR and". He proposed inserting the term "generally" in the last sentence of the paragraph before "based on ILO standards". There was no established rule that IFAs should be based only on ILO standards. Consequently, the wording "and they include a monitoring mechanism for implementation" should be deleted.
 148. The Workers' group secretary said that IFAs were always based on international standards. They would typically describe companies' activities, refer to freedom of association, and explain ILO framework Conventions, including its core Conventions and Conventions related to migrant workers and OSH, among others. The agreements in the sector all contained monitoring mechanisms. She proposed adding a new sentence: "They demonstrate the company's commitment to freedom of association, the right to organize in good faith and collective bargaining". The proposal was an example of innovative social dialogue that opened the door for companies to enter into discussions with trade unions in all their operations worldwide; they were not substitutes for collective bargaining but rather commitments. She therefore also proposed deleting the word "generally" in the phrase "they generally include a monitoring mechanism for implementation".
 149. The Employers' group secretary wished to keep the word "generally" in reference to monitoring mechanisms, not being aware whether all IFAs in the construction sector had monitoring mechanisms for implementation.
 150. The Workers' group secretary said that all IFAs in the construction sector had monitoring mechanisms, and what distinguished them from codes of conduct was the fact that they had an agreed implementation mechanism. To make it clear that it was specific to the sector, she suggested inserting the words "for construction" after "Global Union Federations".

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- 151.** The Employers' group secretary said that, that being the case, the deletion was acceptable provided that the IFAs were qualified. Further to the Workers' amendment, the last sentence should start "These IFAs are". Paragraph 13 was adopted as amended.
- 152.** The Forum decided to amend the title of the section by deleting the words "corporate social responsibility initiatives and".
- 153.** The Workers' group secretary requested replacing "equal" with "equitable" in subparagraph 14(a) and delete the word "gradual" in subparagraph 14(b).
- 154.** The Employers' group secretary said that he could accept the deletion but thought that it was not very realistic to think that a transition to the formal economy could be anything but gradual.
- 155.** The Workers' group secretary requested the inclusion of some indication of how subparagraph 14(c) could be achieved in practice with the wording "including through workers' representatives in health and safety and joint health committees". She further suggested adding ", skills development" after "education".
- 156.** The Forum adopted paragraph 14 as amended.
- 157.** The Employers' group coordinator requested the Office to explain the words "partners in defining" in subparagraph 15(a).
- 158.** The Secretary-General of the Forum said that, in order for governments to improve legislation in the construction sector, it was important for them to consult the social partners to define non-standard forms of employment. Although the Tripartite Meeting of Experts on Non-Standard Forms of Employment in February 2015 provided a list of atypical forms of employment, it was a container term which could mean different things in different sectors.
- 159.** The Workers' group secretary suggested an amendment to clarify the sentence through the formulation: "engage social partners in improving inclusive labour legislation and policies in the construction sector that address the protection of workers in NSFE".
- 160.** The Employers' group secretary considered that the amended sentence would have different implications. That being said, the group could accept both formulations of the sentence.
- 161.** The representative of the Government of the Philippines proposed amending the original formulation to read: "engage social partners in defining non-standard forms of employment with a view of pursuing inclusive labour legislation and policies in the construction sector."
- 162.** The Workers' group secretary said that, in view of the Office's explanation, she proposed the word "identifying" instead of "defining".
- 163.** The representative of the Government of Brazil said that the best explanation was provided by the original text.
- 164.** The representative of the Government of Togo said that if it was to be understood that the Meeting of Experts on Non-Standard Forms of Employment concluded that those forms of employment varied from country to country, each country was free to identify what they considered them to be, supporting the meaning of the original text. However, if the

conclusions provided a set definition of non-standard forms of employment, then countries should be called on to review their legislation.

- 165.** The Secretary-General of the Forum indicated that the second paragraph of the conclusions of the Meeting of Experts on Non-Standard Forms of Employment indicated that: “non-standard forms of employment include, among others, fixed-term contracts and other forms of temporary work, temporary agency work and other contractual arrangements involving multiple parties, disguised employment relationships, dependent self-employment and part-time work”. It was important to note the diversity in the ways that those forms of employment were addressed in regulatory frameworks in different countries and sectors. The intention of the paragraph was therefore to encourage governments to engage with workers and employers to improve legislation on non-standard forms of employment.
- 166.** The Workers’ group secretary said that, in view of the explanation by the Office and the division among the governments, the group was prepared to withdraw the amendment. The Forum decided to adopt subparagraph 15(a) without amendments.
- 167.** The Employers’ group secretary indicated that the Meeting of Experts in February 2015 concluded that the impacts of non-standard forms of employment were not always negative. He therefore requested the insertion of the word “possible” before “negative impact”.
- 168.** The representative of the Government of the Philippines said that, following extensive discussions in the Government group, the Government of Sweden suggested deleting the words “on incomes” and rewording the clause to read “seek to mitigate the possible negative impact of flexible work arrangements through effective social protection”.
- 169.** The Employers’ group secretary said that the amendment was an improvement, but thought that adding “through effective social protection” was too restrictive. In order to make the scope of the sentence as wide as possible, he suggested ending the sentence after “flexible work arrangements”.
- 170.** The Workers’ group secretary said that the Workers were happy to see the clause in the conclusions. Any social protection systems would seek to improve and increase workers’ disposable incomes. The group therefore wished to keep the Office text, although it could accept the insertion of “possible”.
- 171.** The representative of the Government of Norway explained that the reason for deleting “social protection systems” was that countries might have other ways of mitigating negative impacts, outside social protection systems. Mitigation was not necessarily achieved through government systems.
- 172.** The Employers’ group secretary agreed that efforts should be made in general to mitigate negative impacts.
- 173.** The Workers’ group secretary said that the group wanted to keep the reference to income.
- 174.** The representative of the Government of Norway and the Employers’ group secretary continued to think that it was overly restrictive but accepted the wording requested by the Workers. The subparagraph was adopted as amended.
- 175.** The Workers’ group secretary proposed amending subparagraph 15(c), as per a previous amendment, to read “all construction and infrastructure projects”.

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- 176.** The Workers’ group secretary pointed out that the resolution concerning the recurrent discussion on social protection (labour protection), adopted in June 2015, made a reference to Convention No. 94.
- 177.** The Employers’ group secretary agreed to referring to all relevant Conventions.
- 178.** The Government group coordinator requested adding a new point (e) that would read: “governments should support constituents to improve transparency on labour and social standards”.
- 179.** The Forum adopted the subparagraph and paragraph 15 as amended.
- 180.** The Workers’ group secretary requested replacing “continue” in subparagraph 16(a) with “make greater efforts to”.
- 181.** The Forum adopted subparagraph 16(a) as amended and subparagraph 16(b) without amendments.
- 182.** The Workers’ group secretary suggested inserting “in consultation with social partners” after “member States” in subparagraph 16(c). She further proposed deleting the words “map good practices and share knowledge on compliance driven CSR initiatives, the drivers of change” in subparagraph 16(d) and requested clarification regarding the “diversification of employment relationships” in relation to the later mention of non-standard forms of employment.
- 183.** The Secretary-General of the Forum said that although the notions were not entirely the same, there was some overlap between them. Mapping good practices and sharing knowledge was something that the Office would normally be asked to do. If it conducted research and comparative analyses without subsequently sharing the results, constituents would be losing out on a valuable contribution.
- 184.** The Workers’ group secretary said that she would withdraw the deletion of “map good practices and share knowledge”. She further suggested introducing the reference to roving union health and safety representatives under the same subparagraph by adding the words “and on roving union health and safety representatives for small enterprises”, clarifying that the role would be strictly advisory.
- 185.** The Government group coordinator indicated that the group wished to make some additions to the paragraph but would submit them to the Forum at the end of the discussions once they finalized the wording.
- 186.** The Forum adopted subparagraph 16(c), bracketed subparagraph 16(d) for further amendments, and adopted 16(e) without amendments.
- 187.** The Workers’ group secretary suggested adding “and in the sector as a whole” at the end of paragraph 16. The Forum adopted the subparagraph as amended and paragraph 16 as a whole.
- 188.** The Employers’ group secretary said that, in the light of the earlier information provided by the Workers’ group regarding the resolution concerning the recurrent discussion on social protection (labour protection), adopted by the Employers’ group in June 2015, he withdrew the earlier amendment made to paragraph 8 of the document.

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189. The Government group coordinator submitted a further amendment to subparagraph 16(d) to insert “on OSH, migrant workers, public procurement” after “employment creation potential of the sector,”.
 190. The Forum adopted the outstanding paragraphs as amended and adopted the document as a whole.

Closing statements

191. The Employers’ group coordinator said that the Forum’s participants achieved a very good document. It was the product of hard work, good communication and respect. He thanked the Office and the Worker and Government participants for their work. The outcome of the Forum confirmed that the Organization was moving in the right direction.
192. The Workers’ group secretary spoke on behalf of the Workers’ group coordinator who was unable to deliver her closing statement. She congratulated the Forum on its work. She thanked all the Government participants. It was interesting to have an exchange with them and she hoped that the groups could continue to work together. She also thanked the Employers for their cooperation.
193. The Government group coordinator said that the Forum sought to overcome challenges and promote decent work in the construction sector. He thanked all participants in the Forum. One point that the group wished to raise in parting was that it wished to see ILO country offices procure statistics from government representatives and employees in the future. The decisions made would only prove consequential if they were implemented with continuous assessment and review.
194. The Secretary-General of the Forum congratulated the participants on the successful outcome of the Forum, which confirmed the participants’ common belief in social dialogue. The parameters for the Forum were agreed in September 2012, which explained that the focus of the sector might have changed somewhat in the elapsed time. The Office was working on shortening the time between Governing Body decisions and the actual date of meetings. She thanked the three group coordinators for their leadership, as well as the group secretaries for their assistance. She also thanked the Office staff, in particular Ms Mariangels Fortuny and Mr Edmundo de Werna Magalhães. Despite not being present at the meeting, Ms May-Mi Than Tun was very much behind the organization of the meeting. She lastly thanked the Chairperson for his very efficient leadership of the Forum.
195. The Chairperson of the Forum extended his thanks to all participants and noted that while Ms May-Mi Than Tun and Ms Esther Busser were not present in person, they both were instrumental in its organization. The Forum had made a lot of progress and contributed to advancing the cause of decent work by sharing experiences and new points of view.

Proposed points for discussion

1. What opportunities and challenges does the construction sector experience in promoting decent work and productive employment, specifically in areas such as employment relations, occupational safety and health, and vocational education and training?
2. How can corporate social responsibility (CSR) initiatives and innovative social dialogue mechanisms contribute to decent work and sustainable productive employment?

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3. Recommendations for future action by the International Labour Organization and its Members regarding the promotion of decent work and productive employment in the construction sector.

Points of consensus ¹

Opportunities and challenges faced by the construction sector in promoting decent work and productive employment, specifically in areas such as employment relations, occupational safety and health, and vocational education and training

1. The construction sector plays a vital role in economic development in developed and developing countries alike. This labour-intensive sector has an important potential to create employment. The industry is rapidly evolving due to changes in employment relationships and industrial structure, the declining role of the public sector as an employer, migration trends and environmental challenges.
2. The sector faces important decent work deficits and has a poor image in terms of working conditions and safety. Efforts to stimulate growth and productivity in the sector need to go hand in hand with the promotion of decent work.
3. Especially in developing countries, the sector is characterized by high levels of informality and non-standard forms of employment (NSFE). While NSFE assist with the industry's adaptability and growth, all efforts should be made to ensure the effective protection of workers in NSFE. Adequate protection is achieved by appropriate regulatory frameworks, compliance with and strong enforcement of the law, and effective social dialogue.
4. Inadequate or absent social protection coverage of construction workers is often associated with high levels of economic insecurity and poverty. Extending social protection coverage in the industry is essential.
5. Improving occupational safety and health (OSH) is essential to address the major decent work deficits related to fatal and non-fatal accidents and diseases related to construction work. Compliance with health and safety laws in the sector is principally the responsibility of employers, and workers have the responsibility to cooperate with arrangements put in place by the employers. Tripartite committees at the national and sectoral levels are effective mechanisms of OSH governance. An effective, transparent and adequately resourced labour inspection system is essential to promote and monitor compliance with OSH legislation. Workers' representatives on health and safety and joint health and safety committees where they exist are effective workplace prevention measures.
6. The industry faces a shortage of qualified workers due to low levels of skills and high labour turnover. Investing in education and training is paramount to meeting the important skills gap. Skill development is also a major factor behind OSH improvements and increased productivity, and should be promoted regardless of the status in employment.

¹ These points of consensus were adopted by the Global Dialogue Forum on 20 November 2015. In accordance with established procedures, they will be submitted to the Governing Body of the ILO for its consideration.

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7. Decent wages and working conditions including reasonable working hours are essential elements to foster the growth of the industry while promoting decent work. Furthermore, all workers, including migrant workers, must be able to enjoy equal treatment and the principle of equal pay for work of equal value and must be able to exercise their fundamental rights.
 8. Governments have a key role in ensuring effective compliance and enforcement of all labour laws related to the industry. Ratification and effective implementation of international labour standards relevant to the sector and in particular the fundamental principles and rights at work need to be promoted and upheld.

Contribution of innovative social dialogue mechanisms to decent work and sustainable productive employment

9. Social dialogue is based on respect for freedom of association and the effective recognition of the right to collective bargaining. Social dialogue has many forms and collective bargaining is at its heart. Effective social dialogue is essential to address the decent work deficits in the industry. Tripartite agreements in the construction industry can be an important mechanism to ensure adequate working conditions.
10. The industry is highly fragmented and trade union density is low. Fostering mechanisms of collective bargaining is key. Furthermore, tripartite health and safety committees, construction industry training boards and construction industry development boards can help respond to the many challenges the industry is facing.
11. Innovative social dialogue mechanisms can contribute to decent work and sustainable productive employment in the industry.
- 11bis. A successful example is the introduction of labour clauses in public contracts with the Multilateral Development Banks. The global social partners in the industry have jointly promoted labour clauses based on ILO international labour standards in the standard bidding documents for procurement of construction and infrastructure works of these banks.
12. The inclusion of labour clauses in public procurement processes, bidding documents and contracts can also have a positive effect on workers' rights and working conditions in the industry.
13. International Framework Agreements (IFAs) negotiated between multinational enterprises and the Global Union Federation for construction form another example of innovative social dialogue mechanisms with positive effects on decent work and sustainable productive employment. These IFAs are voluntary agreements over and above legal requirements, based on ILO standards and they include a monitoring mechanism for implementation. They demonstrate the company's commitment to freedom of association, the right to organize and good faith collective bargaining.

Recommendations for future action by the International Labour Organization and its Members

14. Tripartite constituents should:

- (a) engage in effective social dialogue in order to promote decent work and productive employment and ensure equal treatment for all workers including migrant workers and regardless of employment status;
- (b) seek solutions to promote a transition from informality to formality in the sector and ensure that non-standard forms of employment are fully aligned with decent work principles and practices including through collective agreements;
- (c) promote OSH and workplace compliance including the prevention of fatal and non-fatal accidents and diseases including through workers' representatives in health and safety and joint health and safety committees; and
- (d) develop a coherent vocational education, skills development and training strategy including OSH-related skills.

15. Governments should:

- (a) engage social partners in defining non-standard forms of employment and in improving inclusive labour legislation and policies in the construction sector.
- (b) seek to mitigate the possible negative impact of flexible work arrangements on incomes through effective social protection;
- (c) work towards improved conditions of work in all construction and infrastructure projects by ensuring workplace compliance, effectively enforcing labour legislation and strengthening labour inspection systems;
- (d) consider ratifying and effectively implementing relevant international labour standards related to construction, in particular the Safety and Health in Construction Convention, 1988 (No. 167), and the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), and promote the inclusion of labour clauses in public contracts; and
- (e) support constituents to improve transparency on labour and social standards.

16. The Office should:

- (a) make greater efforts to promote the ratification, effective implementation and better use of all international labour standards relevant to the construction sector, particularly those related to freedom of association and collective bargaining and OSH, as well as the fundamental principles and rights at work (FPRW), and build the capacity of constituents to do likewise;
- (b) promote social dialogue including innovative mechanisms in the construction sector and develop the capacity of tripartite constituents to engage effectively;
- (c) work with member States and in consultation with the social partners to improve systems to collect and disseminate regular data on employment levels, minimum wages, wage structures, working hours, contractual arrangements and other relevant data on the basis of resolutions adopted by the International Conference of Labour Statisticians;

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- (d) undertake research and comparative analyses, map good practices and share knowledge on the employment creation potential of the sector, on OSH, migrant workers, public procurement, the diversification of employment relationships, education and skills requirements, non-standard forms of employment in construction; and on roving union health and safety representatives for small enterprises;
 - (e) continue to engage with international organizations and development partners to promote decent work in the construction sector; and
 - (f) support the development of practical tools and guidelines on good practices, especially on how different stakeholders can contribute to ensure labour compliance in large-scale projects and in the sector as a whole.

List of participants
Liste des participants
Lista de participantes

Chairperson
Président
Presidente

Sr. Francisco FIGUEIREDO de SOUZA, Segundo Secretario, Misión Permanente del Brasil, Ginebra, Suiza

Members representing Governments
Membres représentant les gouvernements
Miembros representantes de los gobiernos

BANGLADESH

Mr Md Mojibur RAHMAN, Joint Secretary, Ministry of Labour and Employment, Dhaka, Bangladesh

BENIN BÉNIN

M. Jimy AGONGBONON, premier secrétaire, mission permanente de la République du Bénin auprès de l'Office des Nations Unies et des autres organisations internationales, Genève, Suisse

BRAZIL BRÉSIL BRASIL

Sr. Fernando Donato VASCONCELOS, Auditor Fiscal do Trabalho, Ministério do Trabalho e Emprego, Sala, Brasilia

BURUNDI

M. Felix MPOZERINIGA, ministre de la Fonction publique, du Travail et de l'Emploi, Bujumbura, Burundi

M. Boniface NDAYIRAGIJE, directeur de l'Observatoire de l'emploi et de la formation, ministère de la Fonction publique, du Travail et de l'Emploi, Bujumbura, Burundi

CAMBODIA CAMBODGE CAMBOYA

Mr Borothe Chan BOU, Labour Counsellor, Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other international organizations in Geneva, Grand-Saconnex, Switzerland

Mr Sokha YANG, Assistant to the Labour Counsellor, Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other international organizations in Geneva, Grand-Saconnex, Switzerland

CAMEROON CAMEROUN CAMERÚN

M^{me} Claire Désirée NGO NGUINDJEL BATOUM, administratrice du travail et de la prévoyance sociale, chargée d'études assistante n° 2, cellule de la coopération technique du ministère du Travail et de la Sécurité sociale

M^{me} Dorimène Yollande KWEFET BAKABO, cheffe de la cellule de la protection des infrastructures, ministère des Travaux publics

CHINA CHINE

Mr Xiaorong LOU, Programme Officer, Project Quality and Safety Inspection and Supervision Department, Ministry of Housing and Urban-Rural Development, Beijing, China

Ms Weinong TAO, Division Chief, Construction Project Safety and Quality Supervision Service, Shanghai, China

Mr Dawei CHEN, Expert on Safety Production Management Consultative Committee of State Council, Associate Professor, Capital University of Economics and Business, Beijing, China

EGYPT EGYPT EGIPTO

Mr Adel FADEL, Labor Counselor, mission permanente de la République arabe d’Egypte auprès de l’Office des Nations Unies, et des autres organisations internationales, Genève, Suisse

Ms Noha ABD ELHAFEZ SHEHATA, Interpreter, Construction and Foreign Relations Department, Ministry of Housing, Utilities and Urban Communities, Nasr City, Egypt

FINLAND FINLANDE FINLANDIA

Mr Toivo NISKANEN, Senior Officer, Ministry of Social Affairs and Health, Helsinki, Finland

GABON GABÓN

M. Ferdinand MANGONGO, conseiller chargé des questions sociales et des relations avec l’OIT, mission permanente de la République gabonaise auprès de l’Office des Nations Unies et des autres organisations internationales, Genève, Suisse

GERMANY ALLEMAGNE ALEMANIA

Mr Klaus GÜNTHER, Botschaftsrat, Geneva, Switzerland

Ms Ida VERSPOHL, Federal Ministry of Labour and Social Affairs, Berlin, Germany

INDONESIA INDONÉSIE

Mr Guntur WITJAKSONO, Assistant Minister for International Cooperation, Ministry of Manpower of the Republic of Indonesia, Jakarta, Indonesia

Mr Daafi ARMANDA, Head of Section, Ministry of Manpower of the Republic of Indonesia, Jakarta, Indonesia

Mr Gumilang Mohamad YANI, Labour Inspector, Ministry of Manpower of the Republic of Indonesia, Kementerian Ketenagakerjaan, Indonesia

MADAGASCAR

M. Emi-Haulain KOLA, conseiller à la mission permanente de Madagascar, mission permanente de la République de Madagascar auprès de l’Office des Nations Unies et des autres organisations internationales, Genève, Suisse

MALAYSIA MALAISIE MALASIA

Mr Ummar Jai Kumar bin ABDULLAH, Labour Attaché, Permanent Mission of Malaysia to the United Nations, Geneva, Switzerland

MOZAMBIQUE

M. Juvenal Arcanjo DENGGO, conseiller, mission permanente de la République du Mozambique auprès de l’Office des Nations Unies et des autres organisations internationales, Genève, Suisse

NAMIBIA NAMIBIE

Mr Ileni NGHISHEKWA, Senior Industries Inspector, Occupational Health and Safety Division, Ministry of Labour, Industrial Relations and Employment Creation, Windhoek, Namibia

NORWAY NORVÈGE NORUEGA

Ms Pia STRAND, Senior Adviser, Directorate of Labour Inspection, Royal Norwegian Ministry of Labour and Social Affairs, Trondheim, Norway

PHILIPPINES FILIPINAS

Ms Celeste M. VALDERRAMA, Labour Attaché, mission permanente des Philippines auprès de l'Office des Nations Unies et des autres organisations internationales, Genève, Suisse

SWEDEN SUÈDE SUECIA

Ms Susanna RIBRANT, Deputy Director, Ministry of Employment, Division for Labour Law and Work Environment, Stockholm, Sweden

**SYRIAN ARAB REPUBLIC
RÉPUBLIQUE ARABE SYRIENNE
REPÚBLICA ÁRABE SIRIA**

Mr Ali DAGHMAN, First Secretary, Permanent Mission of the Syrian Arab Republic, Geneva, Switzerland

TOGO

M^{me} Emma Kounon AGBANDAO-ASSOUMATINE, administratrice civile/directrice de cabinet, ministère de la Fonction publique, du Travail et de la Réforme administrative, Lomé, Togo

Mr Hippolyte A. KOINZI, premier secrétaire, mission permanente de la République togolaise auprès de l'Office des Nations Unies et des autres organisations internationales, Genève, Suisse

TURKMENISTAN TURKMÉNISTAN TURKMENISTÁN

Mr Seyitmammet AKMAMMEDOV, Deputy Minister of Labour and Social Protection of Population, head of delegation, Turkmenistan

Mr Begench MURYKOV, Intern of the Permanent Mission, Mission permanente du Turkménistan auprès de l'Office des Nations Unies et des autres organisations internationales, Genève, Suisse

**BOLIVARIAN REPUBLIC OF VENEZUELA
RÉPUBLIQUE BOLIVARIENNE DU VENEZUELA
REPÚBLICA BOLIVARIANA DE VENEZUELA**

Sr. Carlos Enrique FLORES, Consejero Laboral, Misión Permanente de la República Bolivariana de Venezuela, Grand-Saconnex, Suiza

Members representing the Employers
Membres représentant les employeurs
Miembros representantes de los empleadores

Sr. Silvio Larios BONES, Gerente General, Cámara Hondureña de la Industria de la Construcción (CHICO), Tegucigalpa, Honduras

Sr. Mauricio BRIN, Director de Infraestructura, maquinaria pesada y energía, Cámara Venezolana de la Construcción (CVC), Caracas, Venezuela

Mr Johnny OGBUENE, Personnel Manager, Setraco Nigeria Limited, Abuja, Nigeria

Members representing the Workers
Membres représentant les travailleurs
Miembros representantes de los trabajadores

Mr John ALEXANDER, General Secretary, Construction, Energy and Timber Workers' Union of Fiji (CETWUF), Lautoka, Fiji

Sr. Adalberto GALVAO, Sindicato dos Trabalhadores nas Indústrias da Construção Pesada do Estado da Bahia (SINTEPAV-BA), Salvador, Brazil

Ms Justina JONAS, Metal & Allied Namibian Workers' Union (MANWU), Windhoek, Namibia

Sr. Saul MÉNDEZ, Sindicato Único Nacional de Trabajadores de la Industria de la Construcción y Similares (SUNTRACS), Panamá

Mr Oloka MESILAMU, Uganda Building Construction, Civil Engineering, Cement & Allied Workers' Union (UBCCECAWU), Kampala, Uganda

Mr Ponkumar PONNUSWAMY, President, TKTMS-Chennai, Tamil Nadu, India

Additional members representing the Workers
Membres additionnels représentant les travailleurs
Miembros adicionales representantes de los trabajadores

Sr. Nilton FREITAS, Representante Regional para América Latina y el Caribe, BWI Latin America, Panama

Mr Fritz HEIL, Abteilungsleiter/ Head of Department, Industriegewerkschaft Bauen-Agrar-Umwelt Bundesvorstand – Vorstandsbereich, Bundesvorsitzender (VB I) Abt. Internationales, Europa, Migration, Department for International, European and Migration Policy, Berlin, Germany

Ms Mercedes LANDOLFI, Federazione Italiana Lavoratori Legno Edili Industrie Affini (FILLEA-CGIL), Roma, Italy

Ms Crecentia MOFOKENG, Regional Representative, BWI Africa, Braamfontein, South Africa

Ms Fiona MURIE, Global Director, OHS and Construction Industry, Building and Woodworkers International (BWI), Geneva, Switzerland

Mr Rajeev SHARMA, Regional Policy Officer – Asia-Pacific, BWI, New Delhi, India

Mr Apolinar TOLENTINO, Regional Representative, BWI Asia-Pacific, Subang Jaya, Malaysia

Sr. Irailson WARNEAUX DE OLIVEIRA, Vice-Presidente, Sindicato dos Trabalhadores nas Industrias da Construção Pesada do Estado da Bahia-Brazil, (SINTEPAV-BA), Salvador, Brazil

Representatives of the United Nations, specialized agencies
and other official international organizations
Représentants des Nations Unies, des institutions spécialisées
et d'autres organisations internationales officielles
Representantes de las Naciones Unidas, de los organismos especializados
y de otras organizaciones internacionales oficiales

World Bank Group, International Bank for Reconstruction and Development (IBRD)
Groupe de la Banque mondiale, Banque internationale
pour la reconstruction et le développement (BIRD)
Grupo del Banco Mundial, Banco Internacional de Reconstrucción y Fomento (BIRF)

Ms Selina JACKSON, World Bank Group's Special Representative to the UN and WTO, World Bank office,
Geneva, Switzerland

United Nations Human Settlements Programme (UN-Habitat)
Programme des Nations Unies pour les établissements humains (UN-Habitat)
Programa de las Naciones Unidas para los Asentamientos Humanos (UN-Habitat)

Mr Jean-Yves BARCELO, Interregional Adviser, UN-Habitat Geneva Office, Geneva, Switzerland

Representatives of international non-governmental organizations
Représentants d'organisations internationales non gouvernementales
Representantes de organizaciones internacionales no gubernamentales

Building and Wood Workers' International (BWI)
Internationale des travailleurs du bâtiment et du bois (IBB)
Internacional de Trabajadores de la Construcción y la Madera (ICM)

Sr. Nilton FREITAS, BWI Latin America

Ms Crecentia MOFOKENG, BWI Africa

Ms Fiona MURIE, Meeting Secretary, Global Director, OHS and Construction Industry

Mr Rajeev SHARMA, BWI, New Delhi, India

Mr Apolinar TOLENTINO, BWI Asia

International Organisation of Employers (IOE)
Organisation internationale des employeurs (OIE)
Organización Internacional de Empleadores (OIE)

M. Jean DEJARDIN, conseiller, Genève, Suisse