

## **Note on the proceedings**

Tripartite Meeting on the Future of Work and Quality  
in the Information Society: The Media, Culture,  
Graphical Sector

Geneva, 18-22 October 2004

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## Introduction

The Tripartite Meeting on the Future of Work and Quality in the Information Society: The Media, Culture, Graphical Sector took place from 18 to 22 October 2004, at the ILO in Geneva. This Meeting brought together representatives of governments, employers' and workers' organizations to discuss the topic, on the basis of a background report<sup>1</sup> prepared by the ILO in English, French and Spanish.

The report discusses:

- the information society and the media, culture, graphical sector;
- the media, culture, graphical sector and the development of the information society;
- impact of ICTs on the sector;
- intellectual property rights and labour rights in the information society;
- impact of ICTs on contractual arrangements in the sector;
- the information society and gender equity;
- international instruments relevant to the sector;
- social dialogue in the sector.

The Meeting brought together over 100 participants from 50 countries including 29 representatives nominated by governments of ILO member States, 20 Employer and 20 Worker representatives.

The Governing Body had designated Ms. L. Sasso-Mazzufferi, Employer member of the Governing Body to represent it and to chair the Meeting. The three Vice-Chairpersons elected by the Meeting were: Ms. Eastwood (Philippines) from the Government group; Mr. Abega from the Employers' group; and Ms. Lanara from the Workers' group.

The Meeting was attended by Government representatives from: Angola, Bahrain, Belgium, Bulgaria, Canada, Chile, Cuba, Ecuador, Egypt, Finland, Guinea, Indonesia, Islamic Republic of Iran, Iraq, Lebanon, Luxembourg, Malaysia, Morocco, Philippines, Poland, Portugal, Qatar, Rwanda, South Africa, Spain, Thailand, Tunisia and Venezuela, as well as 20 Employer and 20 Worker representatives. A representative of the Palestine Liberation Movement was also present at the sittings.

An observer from UNESCO attended the Meeting and representatives from the following non-governmental international organizations also attended as observers: the International Confederation of Free Trade Unions, the International Federation of Actors, the International Federation of Business and Professional Women, the International Federation of Journalists, the International Federation of Musicians, the International Federation of University Women, the International Organization of Employers, Union Network International and the World Federation of Trade Unions.

<sup>1</sup> ILO: *The future of work and quality in the information society: The media, culture, graphical sector*, Geneva, 2004, xii + 107 pp.

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The three groups elected their Officers as follows:

*Government group*

*Chairperson:* Mr. Thullen (Ecuador)

*Vice-Chairperson:* Mr. Kanté (Guinea)

*Employers' group*

*Chairperson:* Mr. Schwab

*Secretary:* Mr. Dejardin

*Workers' group*

*Chairperson:* Mr. Warren

*Vice-Chairperson:* Mr. Muller

*Secretary:* Mr. Luquer

The Secretary-General of the Meeting was Mr. N. Jennings, Acting Director of the Sectoral Activities Department. Mr. J. Myers was the Deputy Secretary-General and Executive Secretary. The Clerk of the Meeting was Ms. S. Maybud. The experts were: Ms. C. Bader, Ms. K. Brady, Ms. C. Foucault-Mohammed, Mr. M. Hahn, Mr. J. Sendanyoye and Ms. A. Vere.

The Meeting held six plenary sittings.

Ms. L. Sasso-Mazzufferi, Chairperson of the Meeting, highlighted the topical nature of the Meeting, noting that issues relating to quality in the media and culture sectors had been discussed in many countries. Development of information and communication technologies had, together with trade liberalization and globalization, promoted further restructuring, industrial consolidation and a more integrated communications industry. In industrialized countries, information technologies had accompanied globalization and transformed the media and entertainment industries substantially.

The Governing Body had specified the purpose of the Meeting was to exchange views on the future of work and quality in the information society in the media, culture, graphical sector, the social and labour aspects of this topic for the social partners, and the role of social dialogue in addressing them. The Meeting should also adopt conclusions that contained proposals for action by governments, employers' and workers' organizations and by the ILO. The Meeting should therefore aim at exchanging views and experiences on these issues. While acknowledging the many issues that needed consideration, she urged the Meeting to focus on the points that had been raised for discussion and to work on developing practical suggestions for how the ILO might contribute to these issues.

Ms. Cleopatra Doumbia-Henry, Director of the International Labour Standards Department and former Director of the Sectoral Activities Department, welcomed participants to the ILO. She observed that information and communication technologies had influenced the quantity and quality of jobs in the media and entertainment sector, as well as its structure. The fast-paced technological changes in these industries had also significantly transformed working conditions and occupation patterns, while blurring the demarcations between various knowledge-based industries. Not only did these types of jobs require different skills, but the employment relationships had also changed. Employers were increasingly likely to be multinational, multimedia conglomerates and governments were less likely to be involved in broadcasting and publishing than before. Workers were more likely to be in atypical employment and less frequently covered by collective bargaining agreements. Furthermore, women's share of employment in these industries had grown substantially in many countries in the past decade, especially in journalism.

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Media and entertainment markets had vastly increased in size, spreading their influence worldwide in ways unthinkable a few years ago. The increasingly global reach of the media, however, led to greater demands on journalists and related workers. Their presence in conflict zones increased their exposure to attacks and sometimes made them victims of hostage-taking.

The global information society made countries more interdependent through the use of new technologies, global economic integration and trade liberalization. However, in many places the reach of such technologies was restricted by factors such as poverty, poor access to the media and communications, low levels of education and inadequate investment. This posed the problem of a “digital divide”, whereby the technological gap between rich and poor countries reinforced existing inequalities. If the new telecommunications infrastructures in developing countries could be improved, then the benefits of globalization and technology could spread more widely across developing countries. These questions were discussed by the World Commission on the Social Dimension of Globalization and by the ILO Director-General, Juan Somavia, in his report to the 92nd Session of the International Labour Conference (June 2004), entitled *A fair globalization – The role of the ILO*.

While the new technologies helped to foster a favourable climate for investment and the creation of enterprises in the sector, they had also been blamed for the loss of jobs, especially in the industrialized countries. Global conglomerates dominated the music, film, broadcasting and media industries worldwide. These businesses’ successes were often accompanied by the absorption of smaller players, a weakening of local enterprises and cultures, a reduction in trade union influence, and growing standardization of media and entertainment products. The reduced importance of tripartite and bipartite consultation contributed to a general deterioration in labour-management relations. The ILO considered that the introduction of the new information and communication technologies that had helped the expansion of the media, culture, graphical sector should be matched by social dialogue to ensure decent work for all concerned.

Information and communication technologies also underpinned changes introduced by the ILO Director-General, aimed at modernizing the ILO so that it would be better able to address the issues facing its constituents. These reforms included setting four strategic objectives to sharpen the focus of the ILO’s activities. The first strategic objective concerned fundamental principles and rights at work, reaffirming the ILO’s mandate to promote social justice and dignity at work. It also emphasized the promotion of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up. The second strategic objective related to the creation of employment, an essential first step up from poverty. The third strategic objective was social protection. In the context of globalization and restructuring, there was a greater need than ever for social security, effective safety and health protection, and the safety nets afforded by social protection systems. The fourth strategic objective was tripartism and social dialogue. In the absence of social dialogue, globalization and technological progress could face rising and frequently very strong resistance. Social dialogue, as well as being an objective in its own right, was also a prerequisite for the achievement of the first three objectives. The ILO’s Social Dialogue Sector brought together the Sectoral Activities Department, the Bureaux for Employers’ and Workers’ Activities and the InFocus Programme on Strengthening Social Dialogue. It aimed at strengthening the capacity of governments and the social partners and promoting enhanced social dialogue on important social and labour issues.

She closed by noting that this Meeting was a follow-up to the 2000 symposium on information technologies in the media and entertainment industries and represented an opportunity for the social partners to engage in sectoral social dialogue around this key issue.

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Part 1

**Consideration of the agenda item**

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# Report of the discussion <sup>1</sup>

## Introduction

1. The Meeting met to examine the item on the agenda by way of five thematic discussions. In accordance with the provisions of article 7 of the *Standing Orders for sectoral meetings*, the Officers presided in turn over the discussion.
2. The spokesperson for the Employers' group was Mr. Schwab and the spokesperson for the Workers' group was Mr. Warren.
3. The Meeting held five sittings devoted to the discussion of the themes.

## Composition of the Working Party

4. At its fifth sitting, in accordance with article 13, paragraph 2, of the Standing Orders, the Meeting set up a Working Party to draw up draft conclusions reflecting the views expressed during the course of the Meeting's discussion of the themes. The Working Party, presided over by the Government Vice-Chairperson, Ms. Eastwood, was composed of the following members:

### *Government members*

Canada:	Ms. Gadbois
Finland:	Mr. Peltola
South Africa:	Mr. Mbolekwa
Venezuela:	Mr. Hands
Tunisia:	Mr. Khiari (Secretary)

### *Employer members*

Mr. Abega  
Ms. Fletcher  
Mr. Marstrand Dahl  
Mr. Rodríguez Ottonello  
Mr. Schwab

### *Worker members*

Ms. Lanara  
Ms. Schelin  
Mr. Van Tilborg  
Mr. Warren  
Ms. Wilson

<sup>1</sup> Adopted unanimously.

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## **Presentation of the report and general discussion**

### ***Presentation of the report***

5. The Deputy Secretary-General, Mr. John Myers, introduced the report, which had been prepared using a wide variety of sources. The digital revolution had transformed the media, culture, graphical sector. Processes had been streamlined, new skills had displaced old ones and business models had been radically changed based on information and communication technology (ICT)-driven innovation. Consumers were spending growing amounts on media and entertainment; new markets for films, television and Internet services were opening; printed products continued to sell well; radio had grown, especially in Africa; and merger activity among the top players continued.
6. The report contained four major areas for discussion. The first centred on employment issues in the information society. New technologies had had a profound effect on business and ways of working. Across the sector there were new occupations, new forms of work organization and changing skills training needs. The second topic was quality issues in the information society, including consideration of quality and the quality of working life in the sector, the impact of ICTs on the sector in terms of working conditions and the concept of “quality”, and how the information society has affected occupational safety and health and contractual status. ICTs had facilitated technological improvements in products and services, and increased possibilities for enhancing the form and content of such works. At the same time, the technologies had displaced people, skills, techniques and instruments that were highly respected for their quality. The third topic concerned the World Summit on the Information Society (WSIS) issues in the media, culture and graphical sector. As discussed at the WSIS in Geneva, December 2003, enhanced freedom of expression and information, improvements in technical quality and increased investment were likely to contribute to better quality in this sector. New technologies had facilitated copyright piracy and peer-to-peer distribution of media and entertainment, leading to loss of benefits to the industry and income to workers. The need to promote the intellectual property rights of artists, and to protect or improve their economic and social status, was essential in the information society. This Meeting represented an opportunity to contribute to the debate feeding into the second phase of WSIS. The fourth topic for discussion focused on social dialogue, employability and training issues, and suggestions for future ILO action. Industrial relations had changed substantially in these industries and the ILO considered that new forms of social dialogue and interaction were essential to help address the impact of new technologies, as well as issues relating to social protection, workers in atypical employment, and training to meet technological developments.

### ***General discussion***

7. The Employer spokesperson stated that the media, culture, graphical sector was at its peak in terms of innovation, communication and creation, but that flexibility and efficiency were essential to keep up with the speed of change. The sector’s constant growth had led to considerable employment and constant training was necessary. At the same time, it was necessary to ensure that developing economies benefited from the knowledge economy. The knowledge economy’s most important impact on employment, however, was the creation of work. On the issue of quality, much caution needed to be exercised in so far as it related to artistic and editorial content. The quality of content was a responsibility of employers, involving industrial relations as well as corporate social responsibility. The Meeting needed to focus on the opportunities for creation of work and should seek to adopt an opportunistic rather than a regulatory approach.
8. The Worker spokesperson noted that the workforce was now composed of a high percentage of workers with insecure status who enjoyed little or no social protection.

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Women, in particular, were employed in larger and larger numbers but their employment was generally of a contractual nature. As for workers' safety, contract work transferred the cost of safety from employers to workers. Parallel to those developments was increasing deunionization and the undermining of collective bargaining. Information technology had brought about a revolution in management practices: employers, through such technology, managed the time and efforts of their workers. Such practices in turn reduced the independence and autonomy essential to the creativity of workers. Employers were also abandoning responsibility for training staff, but they could not rely on governments to shoulder this responsibility that they had previously assumed. In this sector, it was essential to democratize values and safeguard cultural diversity. While the workers were fortunate to have the type of jobs they enjoyed, there was no reason for them to tolerate the loss of quality that current trends suggested. As for representation in the Meeting, the Workers' group was disappointed at the absence of certain key global players.

9. The representative of the Government of Venezuela referred to the report prepared by the Office, specifically the findings made in a 2002 survey of the European Commission, *Information society jobs – Quality for change*. The survey highlighted that the potential of ICTs was far from being maximized and that less than one-third of the EU workforce had ever received ICT training. It was important to improve this situation and to understand that ICTs meant inclusion, tolerance and cultural diversity, including linguistic diversity and local cultures. The WSIS had raised the issue of the domination of Western media in world communication, not only in cultural terms but more broadly as well. The question of discrimination in employment should also feature in the forthcoming discussion. The media needed to be told to avoid stereotypes. For that purpose, ethical codes needed to be established to guard against fostering racial hatred. Similarly, the values of freedom and social justice needed to be upheld, as enshrined in the ILO Declaration of Philadelphia and other UN texts. In Venezuela, a council on social responsibility had been established in conjunction with civil society, with a mandate to democratize the media and safeguard cultural wealth.
10. An observer (Secretary-General of Union Network International (UNI)) spoke of the need for a more socially responsible approach in the industry, with respect to business practices. This could be achieved through respecting core labour standards, by ensuring that all workers in these industries enjoyed full rights to organize regardless of their legal status, and by recognizing that the moral and economic rights of creators were another form of labour rights that needed to be recognized and protected. Global and local media concentration was a cause for concern, and his membership opposed the relaxation of cross-media ownership regulations because of the danger this posed to freedom of expression and cultural diversity. The new media conglomerates needed to be in compliance with the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, as well as with the OECD Principles of Corporate Governance. Since labour issues had largely been absent from WSIS discussions, it was important for the ILO to be more vigorous during the next Summit in Tunis. Finally, it was necessary to ensure follow-up to this Meeting in the form of research, regional and global projects, and increased social dialogue.
11. An observer (General Secretary of the International Federation of Actors) said that new technologies had an enormous impact on those who performed in live shows or other audiovisual performances. They were often not remunerated for such work and did not have protection for their intellectual property rights. Although it was difficult to enter into social dialogue with major multinationals, this problem also existed with smaller independent companies who could de-localize and move towards co-production, thereby circumventing trade unions. The result was a downward harmonization through the increased use of informal, part-time and casual work, which eroded previous achievements. While thanking those Employers who were participating in the Meeting, the industry was largely dominated by many others who were not represented.

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- 12.** An observer (General Secretary of the International Federation of Musicians) questioned whether there was a clear and rational definition of the term information society. Technological development should contribute to progress, but despite many technological changes in the past 25 years, the status of performers appeared to have declined. Many were given the status of independents to prevent them from having access to the full status of workers. Unauthorized uses of protected contents on the Internet adversely affected society as a whole. However, it was inaccurate to say the piracy was the sole reason for declining sales. Finally, musicians were very conscious of the quality of content, which was linked very closely to the quality of their work. Therefore discussion on this subject should not be eliminated.
  - 13.** An observer (International Federation of University Women) emphasized the need for gender equality in the information society. In the digital divide, women had less purchasing power and those in remote areas were often marginalized. Women were also often victims of intellectual property theft, and efforts needed to be coordinated with the World Intellectual Property Organization (WIPO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in order to prevent the theft and piracy of women's work. Distance learning could also facilitate women's access to the Millennium Development Goals. Finally, she noted with satisfaction that the ILO had taken into account the IFUW's proposal in 2000 to revise the International Standard Classification of Occupations (ISCO) to reflect gender diversity in ICT occupations, and also that gender mainstreaming had now been formally recognized in labour statistics, in which gender- and age-disaggregated data are prerequisites to the process.
  - 14.** An Employer member from Denmark, speaking on behalf of the World Association of Newspapers (WAN) and the European Newspapers Publishers' Association (ENPA), expressed concern that some parts of the Office's report dealt with the quality of content which, he felt, interfered with the freedom of the press as guaranteed under Article 19 of the United Nations Universal Declaration of Human Rights (1948) and Article 10 of the European Convention on Human Rights (1950). Also, copyright infringement and piracy constituted a serious concern because of their harmful effects on the quality of newspapers. This was especially serious in countries without clear legislation. Newspapers were facing a number of difficulties that should be addressed by the Meeting, ranging from decreasing advertising revenue and Internet competition, to piracy and copyright infringement, which seriously undermined the viability of newspapers.
  - 15.** The Employer Vice-Chairperson, referring to earlier comments by the Workers on the representativeness of the Employer participants present, said that many of the media's major decision-makers were present. He identified Employers from Africa, Australia, Canada, Europe and Venezuela, and stated that the Meeting's discussions would be transmitted worldwide to publishers and broadcasters. It was, however, important that the Meeting focus on the future, not the past.

#### Cluster 1: Employment issues in the information society

- 16.** The Employer spokesperson said employment in the sector had grown considerably, based on skills and innovation. It was wrong to say that only major corporations benefited from this growth and that the quality of employment had diminished. A move away from traditional forms of employment was not necessarily negative; in fact, the advent of independent contractors could be of benefit to both parties involved. In any case, this was not an issue the ILO should deal with in this Meeting – it needed to be looked at by States in a national context. The discussion should instead focus on the future of the sector. Issues such as training and development of skills to create opportunities should be addressed. This was an important concern, which should not be left to governments alone. The situation in developing countries was also of great importance to the Employers' group.

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The problems some States were facing in relation to access to new ICTs needed to be addressed and technologies needed to be made available to these countries.

- 17.** A Worker member from France outlined the French experience and stated that the number of permanent jobs in her country was in constant decline. Contracts were often short-term and precarious; conditions in the sector were worsening, while profits grew. New practices had led to new job titles being created, which circumvented the application of collective agreements (e.g. the creation of the job title “speakers” rather than “actors”, whose incumbents would not fall under collective agreements for the acting profession). With the advent of digitized cartoons or video games, actors were often denied their intellectual property rights. The use of video and audio recordings in live performances was also detrimental to the profession and affected both artistic performance and the number of jobs.
- 18.** A Worker member from South Africa outlined his country’s experiences. The Workers accepted the new technology, but were concerned about its negative impact on their lives. The use of computers in recorded and live performances meant that considerably fewer workers were required. Artists were willing to embrace the future, but wanted to level the playing field and attain a more sustainable future. Methods needed to be found to improve the current state of affairs and to address social shortcomings.
- 19.** A Worker member from the United States said that more jobs had to be viewed in the context of a continuing expansion of the amount of work to be done. Journalists were facing a 24-hours news cycle, which required them to be constantly on call. Also, the new jobs created had lower remuneration that, in turn, further depressed wages and created incentives for outsourcing, accelerating this cycle. The issue was not the number, but the quality of jobs and the quality of the content produced. She referred to the report and cited the statement by T. Goodchild (page 53, English version) on the detrimental effects of multiskilling on technical and editorial standards.
- 20.** A Worker member from Canada said that deskilling and a reduction of employment in the printing sector had been the result of the digitalization of printing. The application of ICTs had facilitated the shedding of labour and intensified the work process. Many printed materials had been replaced by services offered over the Internet and work traditionally done by printers had been shifted to content creators. Moreover, outsourcing of data manipulation and pre-press function was a common practice, and ICTs had enabled a change from a “print and distribute” model to a “distribute and print” model. Thus, while some new jobs had been created, the security of employment enjoyed by workers in the printing sector had been strongly affected. Changing work patterns, in particular the longer working hours brought by increased capitalization, were especially detrimental to women who, in addition to their jobs, were still expected to fulfil traditional roles in the household.
- 21.** A Worker member from Japan agreed that multiskilling was an important issue; journalists who had been accompanied by a crew were now in charge of carrying out multiple tasks themselves with the assistance of computer technology. The possibilities to use the same content in a number of different media (e.g. games, web sites, television shows) were further extended. The start of digital broadcasting in Japan was relevant to the debate. Moreover, the need to invest in technology had created an incentive to reduce staff costs, which led to the contracting of outside directors and producers. Specialization allowed for many new fields of work, but led to lower wages and living standards.
- 22.** A Worker member from India addressed the impact of changing technology on work patterns and on the quality of employment. Jobs were becoming less secure and lifetime employment with a single company was disappearing. White-collar, high-tech jobs were being outsourced to Chinese and Indian workers who were paid a fraction of the wages paid in developed countries. While technology was creating some new jobs, there were

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many more redundancies, for example, in the graphical industries where thousands of small units were closing down and hundreds of thousands of workers were losing their jobs. In the newspaper industry, jobs were being merged. The functions of reporter, editor, compositor and proofreader were now all carried out by a single employee. When new printing machines were installed, print workers were made redundant rather than retrained, and contract workers were engaged to replace them. India needed many low-tech, labour-intensive jobs, rather than a few high-tech service jobs. The increase in short-term contracts had a harmful effect on the freedom of the press. The ILO should recommend shorter working hours and longer holidays to address the challenges.

- 23.** An Employer member from Canada noted that, while each technological innovation over the last 25 years had led to new ways of working for reporters and film crews, they had enabled news workers to produce better stories. No one had lost his or her job due to technological change. The workforce in the creative industries had grown much faster than in other sectors. Change was inevitable, and it was the willingness to adapt to the changes that was a crucial factor for success.
- 24.** The representative of the Government of Finland stated that ICTs were not a solution to unemployment in general. Radio and television workforces had diminished, as had their skills. New technologies were tools and needed to be used for the creation of creative and innovative workplaces. This was also true for developing countries, which could benefit from the constant renewal of work organization and could also make use of the delegation of responsibilities.
- 25.** The representative of the Government of Venezuela observed that the impact of ICTs on employment was complex. The inclusion of provisions on training in new technologies in collective bargaining agreements should be encouraged for the purpose of more stable employment in a context of technological change. While information technology had led to good jobs and more access to information, it could create a standardized media model that might undermine multilingualism, cultural diversity and local languages and adversely affect employment. Freedom of expression was essential but national legislation should guard against its excessive use and subsequent violation of the rights of others, in accordance with point 5 of the Declaration of Principles adopted on 12 December 2003 during the first phase of the World Summit on the Information Society in Geneva. In the conclusions from this meeting, member States should be encouraged to review their legislation regarding governance of the means of communication.
- 26.** The Employer spokesperson noted that technological change required a choice between living in the past and adapting to the future. This Meeting was not a forum for protest against globalization. As mentioned in the report, ICTs held out the prospect for further growth and new opportunities in the media, culture and graphical industries. Five issues needed to be addressed in order to seize the opportunities at hand. First was the issue of how to position workers to succeed in the new economy by matching the needs of employers and the skills of employees to new opportunities rather than relying on the outmoded concept of lifetime employment. Second, investment and development in the sector should be encouraged. The third issue was how best to ensure the necessary flexibility in work practices. Fourth, how could access to ICTs in developing countries be promoted in a socially responsible manner as part of a strategy for decent work? Fifth, and finally, how should a constructive approach to social dialogue be undertaken in order to deal properly with constant change? On the other hand, freedom of the press, freedom of association and the right to collective bargaining, the status of workers as independent contractors, and the quality of media content should not be discussed at this Meeting.
- 27.** The Worker spokesperson stated that press freedom was challenged when journalists in Iraq, for example, were killed; it was not under threat from a debate on the issues of media content. Cuts in resources for the newspaper industry, or hindrance of the independence

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and autonomy of journalists clearly affected the quality of content. Employment had to be viewed in terms of the number of jobs as well as their quality and the concept of decent work. The pattern of employment was mixed. While employment in journalism was growing, in other sectors it was declining. Globally, the developed world experienced greater job growth than the developing world, and there was greater penetration of products from the First World into the Third World. It was therefore important to take a nuanced approach and the ILO had an important role to play in identifying the issues of employment. Governments had the responsibility to ensure that freedom of association was not narrowly defined by the law, since this was a right for all workers and not only for employees. The challenge was to adapt legislation to the realities of how people worked.

## Cluster 2: Quality issues in the information society

- 28.** The Employer spokesperson acknowledged the ILO's concern for matters related to the quality of work. However, the ILO went beyond its mandate in touching on the issue of the quality of the product. This was a matter for media owners to decide on a commercial basis. Freedom of the press, government support for art and public broadcasting were important issues, but were not for this forum to deal with.
- 29.** An Employer member from Denmark added that journalists were jailed because governments did not like the content of their work. Quality of content was an issue that should only be addressed by journalists, editors, publishers, etc. While a sound work environment should be ensured, the issue of quality of content was a different matter.
- 30.** An Employer member from Venezuela highlighted the positive impact of ICTs on competitiveness between enterprises, and on the quality and cost of products offered. Fostering this competitiveness required the training of workers by their employers, but also initiative on the part of the workers to seek personal development. With regard to the content of information, Venezuela had drafted a bill according to which government officials would be able to decide what was appropriate to publish. She therefore reiterated that this was not the forum for a discussion on the quality of content.
- 31.** Similarly, an Employer member from Canada cautioned that governments contemplating legislation on independent contractors should identify whether there was an actual problem and whether such legislation would reach the expected target.
- 32.** A Worker member from France said that quality of product and quality of work were closely linked. Information could not be governed by the same rules as merchandise. Everyone should have access to pluralistic and culturally diverse information. The present trend of horizontal concentration resulted in a decline of pluralism. Regulations were needed to ensure cultural diversity, and representation of minorities. He also observed that precariousness and atypical contracts did not enhance productivity.
- 33.** A Worker member from Cuba emphasized that ICTs were a means of expression and not an end in itself. Trade unions needed to adapt to the changes in society that these technologies engendered, and workers needed access to the relevant training and education.
- 34.** A Worker member from Greece emphasized the relationship between employment and content. The media, culture and graphical sectors had a social and cultural dimension in addition to their economic and technical side. Quality of employment was linked to the product because of the strong elements of creativity, skills, professionalism and dedication required of workers in the sector. Resources should continue to be built into the industry and standards should be upheld, in order to ensure the continuation of professionalism and dedication of workers in the sector. Leaving these three sectors to the market was not sufficient.

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- 35.** A Worker member from Cameroon described the general situation of cinema and television in Africa where large companies came in through third parties in “disguise”. This caused discrimination, non-compliance with national legislation, exploitation of local workers who worked without contracts for lower wages than foreign workers, erosion of the quality of the products, as well as violation of author rights. The ILO should conduct a statistical survey and make recommendations to governments to guarantee quality of employment.
  - 36.** A Worker member from France spoke of the effect that new technologies had on cinema and audiovisuals. Non-remunerated or disguised work resulted from the fact that films were now shot more quickly due to the new technologies. Such work took place in the form of rehearsals at home and outside the actual employment time of the worker. While digitization was supposed to improve the quality of employment, workers now worked in smaller workspaces for longer hours with fewer rest periods. With regard to quality of content, governments had a part to play as a market regulator in ensuring diversity, pluralism and trade union freedom.
  - 37.** A Worker member from Canada referred to quality in the graphical industries. While new technologies could produce better quality they had also enabled the graphical industries to operate faster and cheaper. Increasingly, production cost and speed were the two prime areas and, combined with the deskilling of the workforce, there had been a detrimental effect on the quality of the product and content. Furthermore, the workplace practices had changed. The intensification of work, the decline in job security and the casualization of work were only a few examples. ICTs had entailed some positive changes in health and safety at work in these industries, but new health and safety problems had also been created. These included, for example, eye strain and repetitive strain injuries as a result of an increase in working time on computers. Horrific injuries still occurred in the graphical industries, and ongoing problems in health and safety had been exacerbated by the increases in working time. More research by the ILO on the impact of ICTs on health and safety was necessary.
  - 38.** A Worker member from Denmark considered that quality of content was a result of intellectual or artistic achievement and was at the core of a contractual or other work relationship. As regards independent contractors, changes in work methods in media were necessary but became abusive when they tipped the balance between the individuals creating the content and the media companies buying the results of their work. For example, in many countries, individual content creators with individual contracts were not able to associate freely or bargain collectively.
  - 39.** A Worker member from Argentina reported on recent legislation protecting the national cinema industry for the purpose of cultural diversity.
  - 40.** The representative of the Government of Finland observed that continued competition for television ratings had led to a downward trend in ethics regarding content. Government-owned television companies, however, were not as dependent on selling violent stories with low information content in order to make a profit.
  - 41.** The representative of the Government of Venezuela agreed with the Worker member from France regarding the social responsibility of governments and the responsibility of the media, as well as the comments made by the Argentine Worker member. As regards the comments of the Venezuelan Employer member, the object was not to impose information but to democratize media and to regulate content in order to reduce violence.
  - 42.** The representative of the Government of Canada drew the attention of participants to the programmes that her Government had established. These programmes facilitated financial support for projects fulfilling the following goals: allowing the development of sector-

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specific applications that require the involvement of all stakeholders, and generating significant positive social and economic impact on the sector. Examples were a project to develop a web portal for managing contracts and databases, by the Union des Artistes in Quebec; and another to develop a portal for all stakeholders in the graphic arts, by the Association des Arts Graphiques du Québec. These portals had made a real improvement in the quality of working methods in the sector.

43. The Employer spokesperson reiterated that this was not the forum to discuss the issue of editorial and artistic content; rather it should consider industrial relations between workers and employers. As for the independent contractor status, there was no scope to deem workers, who under national law were considered independent contractors, to be employees for the purpose of determining issues such as benefiting from freedom of association and other entitlements.
44. An Employer member from Denmark raised the issue of occupational health and safety. ICTs had affected health and safety in the media industries in a positive way, and the number of accidents had decreased.
45. The representative of the Government of Cuba said that there was a clear need for building an information society targeting development. ICTs and digitalization highlighted the difference between developing and developed countries. In accordance with the aims and goals set out in the Plan of Action adopted on 12 December 2003 during the first phase of the World Summit on the Information Society in Geneva, the question should be how the ILO could contribute to the construction of the information society. ICTs should not be seen as an end in itself, but as a useful tool for development.
46. The Worker spokesperson felt that only small progress had been made so far. While the groups had moved past the issue of freedom of the press, they still seemed to be locked on the link between quality of content and the employment relationship. Quality of content was intrinsic to the employment relationship, and content was a common matter for collective agreements. Employment status was at the heart of changes in the industries involved. Thus it was useful to exchange views on matters such as independent contractors and third-party employment. While research within the ILO on triangular employment tended to focus on industries with large employers, third-party employment also existed in the smaller performance industries in more disorganized and deregulated ways. With regard to health and safety, many aspects of the world of work were safer now, but this was not the case in all industries or countries. Employers should have more responsibility for contractors. Finally, the issue of the relationship between the changing nature of work and gender should also be addressed.

### Cluster 3: WSIS issues in the media, culture, graphical sector

47. The Employer spokesperson felt that discussion relating to the WSIS issues in the media, culture, graphical sector provided an opportunity to raise important concerns, especially with regard to the effectiveness of the WSIS to develop solutions to address the digital divide. Towards this end, it was important for developing countries to have access to both ICT equipment and to training that would ensure workers and organizations had the capability to use them. The question of intellectual property rights was of utmost importance in that it concerned both workers and employers. This was not the appropriate forum to discuss the division of intellectual property rights between employers and workers however, as it was a very complicated issue that was still the subject of ongoing discussions. But, in the context of the Millennium Development Goals and the Decent Work Agenda, there were issues that the Meeting could highlight for consideration at the WSIS.

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- 48.** An Employer member from Tunisia expressed confidence in the ability of the WSIS to deal with the digital divide. The President of Tunisia was personally committed to the Summit's success, setting great store on finding an equitable solution that would allow developing countries to bridge the digital divide. The selection of Tunisia as host of the Summit reflected a significant recognition of the country's progress in the fields of technologies and of information.
  - 49.** An Employer member from Benin regretted that the Office's report contained little information on developments in Africa's media sector. Freedom of the press and freedom of expression were generally new in Africa. It was only since the 1990s that the media and press, previously operating as state monopolies, had been liberalized. Concern was expressed that in upcoming years, growing technological incompatibilities would prevent African television and radio from broadcasting foreign productions. It was necessary to consider what might be done to ensure that new technologies helped rather than hindered African participation in the information society. In the run-up to the WSIS, it might also be necessary to provide supplementary information on the state of the media industry in Africa.
  - 50.** An Employer member from Bolivia stated that his country's economic crisis had engendered an environment where intellectual property piracy flourished, with a significant labour market impact. Piracy damaged the interests of employers, workers and creators, deprived the State of needed tax revenues to provide social protection, and left governments weakened. However, many low-income people saw piracy as a solution for survival and the ILO needed to come up with policy recommendations that addressed this challenge.
  - 51.** The Worker spokesperson disagreed with the Employers' group, stating that the Meeting was a proper forum to discuss intellectual property rights. Also, the Workers had been disappointed by the outcome of the WSIS to date, as it had focused more on technological infrastructure rather than on the nature of the information society itself. It was necessary to avoid confusing the two issues. He expressed pleasure at the comments of the Employer member from Tunisia regarding Tunisia's commitment to ensure the success of the next WSIS. In this light, there were some concrete steps that could be taken by the Government of Tunisia to ensure that media professionals would be able effectively to fulfil their roles in and around the Summit. These included removing any obstacles to Internet use, recognizing the right of all participants to use electronic communications without interference, and guaranteeing that media professionals would be able to move freely and cover the Summit without restrictions.
  - 52.** The representative of the Government of Tunisia considered that the ILO had a major role to play in the WSIS, both in terms of content and of organization. While the ILO had not been fully involved in the previous Summit, it was essential that it be active during the second phase of the Summit. The previous comments of the Worker spokesperson were motivated by baseless allegations that had nothing to do with realities in Tunisia.
  - 53.** A Worker member from France expressed the view that the first session of the WSIS had not adequately dealt with labour issues. New forms of communication were surfacing every day and values were expanding in parallel with new technology and forms of access. As a result, new jobs were being created but they were often atypical. It was essential, therefore, that fundamental standards be applied, and this needed to be explicitly stated at the forthcoming Summit. New players were arriving on the scene, which increasingly demanded that importance be attached to content and cultural diversity. Another problem was that of piracy. The solution was not using rules and regulations to restrict access, since invariably one form of technology would be countered by another. Instead, the status quo had to be changed by recasting intellectual property rights.

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- 54.** A Worker member from the United States said it was vital to address how the emergence of global corporate structures had been facilitated by new technology and how the consolidation of these media companies impacted work in this sector and cultural issues. The WSIS had upheld the principle of guaranteeing the independence and pluralism of the media. Media concentration was, however, in direct opposition to those principles. Regulations were therefore required to protect the public from the undue influence of a single media conglomerate. These regulations should apply to all content providers and should be developed with input from media workers. Two types of consolidation that needed to be addressed were vertical integration, where various stages of production and distribution were integrated, and horizontal integration, in which companies that controlled distribution networks mainly delivered services provided by their own media groups. Not only did such practices reduce employment opportunities and job quality, they were also problematic in terms of media pluralism and access to information. For example, ongoing disagreements in a Canadian company over editorial policy had led to a number of labour disputes. In the United States, the issue of media control had recently been highlighted as one company apparently demonstrated political bias in its choice of broadcasting. Another issue of concern was the contradiction of situating journalism, a profession dedicated to public service, within a profit-driven corporate structure.
- 55.** A Worker member from Denmark said that her organization, the International Federation of Journalists, had been in agreement with point 42 of the WSIS Declaration, on the importance of intellectual property for innovation and creation. However, in terms of the plan of action, a fair balance had not been achieved among the stakeholders. The main problems faced by content creators were the “work for hire” concept that existed in some countries, which did not allow workers to benefit from collective agreements and collective negotiations, and the fact that many new forms of work were not covered by collective bargaining rights.
- 56.** A Worker member from Brazil described legislation on royalties in her country and made two proposals. The first was that royalties should be divided between the employer and the worker, and the second was that a portion of current royalties acquired by an enterprise for past activities, should be restored to the workers.
- 57.** A Worker member from Argentina raised the issue of copyright for cinematographic directors and the problems they had in obtaining royalties. A new law in Argentina gave equal rights to the director, author and producer of a cinematographic work but it has not been fully implemented.
- 58.** A Worker member from South Africa recognized that the ILO faced a daunting task in trying to secure creators’ rights. The erosion of intellectual property rights was facilitated by technology and piracy. Copyright was intended to protect works, but other rights had to be taken into consideration, such as labour rights and moral rights. These were important in the entertainment industry but were too often omitted from discussions. Precarious contracts often led to situations where performers relinquished their rights and it was important that the ILO give precedence to ensuring that those creators’ rights were safeguarded.
- 59.** The representative of the Government of Bulgaria said the Office report clarified the employer-worker relationship, showing both the economic dependence in the relationship, as well as the relationship between the authority and the subordinates. The issues raised by the Workers’ group on the absence of a status for creators required a response and it was the task of the Office to ensure that certain fundamental criteria were applied in that respect.
- 60.** The representative of the Government of Tunisia referred to the timeliness of the next WSIS, which would not only address information technology and its relevance to society

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as a whole, but also its implications for workers and the economy. The preparations for the Summit were already under way and the ILO could coordinate thematic meetings to address the concerns raised at the present Meeting and which had a direct link with the purpose of the WSIS so that they could be taken up during the PrepComs. Certain issues had not been resolved at the first session of the WSIS, such as intellectual property, the governance of the Internet, and the financing of development projects.

- 61.** The Employer spokesperson emphasized that any recommendations from the ILO that are sent to the WSIS should be agreed upon by all parties. The only prospect for such an agreement, in relation to intellectual property rights, was to ensure shared interests between enterprises and creative workers and the rights of these groups needed to be protected in the context of the new technologies. The question of how these rights were divided was a complicated one and fell largely outside of the mandate of the ILO. It would be unfortunate for this Meeting to lose its opportunity to send a consensual message to the next WSIS.
- 62.** The Worker spokesperson noted significant lacunae existed in the findings of the first session of the WSIS. In so far as they related to the world of work, the present forum provided an opportunity to address some of these gaps. Only ILO meetings such as this one provided the proper forum to consider key labour and worker rights' issues. Among these was the need to ensure that the people who worked in creative sectors enjoyed freedom of association, collective bargaining rights and other core ILO labour standards. Collective bargaining based on ILO standards was necessary to reinforce the economic and moral rights of creative workers. Moreover, the WSIS should build on existing international rights, notably those contained in articles 19 and 20 of the United Nations Universal Declaration on Human Rights (1948). The WSIS also needed to recognize the rights and responsibilities of public service media, as well as the plurality of media. Respect for privacy constituted another important right for which guarantees needed to be established or reinforced so as to avoid excessive monitoring and surveillance contrary to existing legal protections. The ILO should adopt a plan of action in the context of the WSIS to protect these basic rights.
- 63.** The representative of the Government of Tunisia stressed the need to maintain the commitments made in the first session of the WSIS, and indicated that the organization of the second phase of the WSIS would be held in Tunis according to the same rules and procedures as those that had applied for the phase in Geneva: the internal rules and the rules of procedure of the WSIS, with the participation of all stakeholders, namely representatives of governments, of civil society, of the media, of international organizations and of the private sector. With regard to freedom of access, there was an agreement between Tunisia and the ITU that had been prepared for the meeting in Hammamet and which would be expanded for the second session of the Summit. There was no taboo subject in Tunisia with regard to free exercise of journalism and a false problem had been raised, but he reassured the previous speaker that all the rules of procedure would be respected and that there would be no interference or hindrance whatsoever for media workers to carry out their work in the usual way.

Cluster 4: Social dialogue issues in the information society;  
employability and training issues; suggestions for ILO action

- 64.** The Employer spokesperson acknowledged that this was an important topic presenting an opportunity to develop consensus with governments and workers. Social dialogue was a tripartite relationship with three major objectives: driving competitive and profitable enterprises; providing decent work, i.e. good quality work, in accordance with the ILO agenda; and achieving ongoing development. Social dialogue was not a political exercise and should not be used as an opportunity to address issues outside the industrial relationship that were dealt with in different frameworks and processes. Different

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approaches were needed in developed and developing countries. As was mentioned in the report, the European Union's Social Dialogue Committee for the Performing Arts had agreed in 1999 to make the promotion of the performing arts the main issue within the framework of social dialogue. As for corporate social responsibility, the report highlighted the launching of the Media CSR Forum in the United Kingdom in March 2004 by employer representatives from across the media. At its launch, it had been recognized that the media occupied a unique position in supporting the democratic process, which represented social responsibility in its highest form. Three steps needed to be taken for the promotion of social dialogue: building trust; developing mutual understanding of needs of employers and workers; and creating a vision for both parties on the capacity to deal with constant change. The report pointed out that it was important to have innovative approaches, concentrating on employability, including dialogue on retraining for new jobs and modifying the curriculum of vocational courses to prepare students more broadly for jobs in the media, culture, graphical sector. Strengthened, innovative forms of social dialogue were necessary, since this sector was crucial to the development of democracy, education, culture and entertainment. As for social dialogue in developing nations, the report accurately observed that there were massive technological changes at the international level, economic adversity and rapid cultural and work organization changes. These made it imperative for governments and organizations of employers and workers to enhance social dialogue in order to promote sound systems of labour relations that created an equitable way of sharing the benefits and costs of change. In many countries, however, the democratic institutions and structures necessary for this were fragile or non-existent. The ILO had to protect the social institutions necessary for social dialogue, a task that would require training, resources and the creation of a knowledge base for institutions to participate in social dialogue. The Meeting should recommend the following: the ILO should undertake research on the reasons why social dialogue was not being effectively carried out in developing countries and, on that basis, provide training and assistance; the ILO should liaise with other international organizations, including UNESCO, to address social dialogue, and should continue to promote social dialogue to the social partners; and it should be recognized that the challenge facing the industry was to match workers with the new types of jobs created. This required constant training, development, and an understanding of the work and training needs for the jobs of the future.

- 65.** An Employer member from Denmark added that the future European Union treaty would acknowledge the social partners at the European level. In general, there should be a clear distinction between the situation of social dialogue in developed and developing countries.
- 66.** An Employer member from Indonesia said that the social dialogue process in Indonesia was overshadowed by constant disputes between employers and workers about basic needs such as minimum wages. The Indonesian economy had been greatly affected by the 1997 Asian crisis, which had caused investors to relocate, resulting in widespread lay-offs. The ILO should provide guidance to specific governments on how to build social dialogue between employers and workers.
- 67.** An Employer member from Serbia and Montenegro said that social dialogue had only been established in her country in 2001. But since 2003 there had been a complete absence of social dialogue. The fact that some countries had no mechanisms or institutions for social dialogue should not be forgotten.
- 68.** An Employer member from Cameroon added that social dialogue was not yet widespread throughout Africa. The ILO should encourage social dialogue involving employers of the media, culture and graphical sector in the region. As for employability and training, the ILO should help in the financing and disseminating of digital technologies and combat piracy, in cooperation with other regional organizations and especially UNESCO and WIPO. The ILO should also assist artists with their social security problems.

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- 69.** A Worker member from Japan said that in his country there was no system for the promotion of training. In the area of broadcasting, for example, where new technologies were introduced, workers sometimes had to turn to the supply company for training. Social dialogue regarding employment, quality of work or content in the sector was virtually non-existent. This was due to the fact that most unions were company-based and the employers were reluctant to take up their requests for social dialogue. The Japanese Government did not promote social dialogue. The ILO should continue to promote social dialogue and international labour standards.
- 70.** A Worker member from Denmark agreed that trust and mutual understanding were important and necessary for social dialogue. The ILO should help in overcoming major obstacles to social dialogue. In the light of new modes of employment, independent contractors and freelancers should not be excluded from freedom of association and collective bargaining. Positive effects of collective bargaining in this area were agreed training programmes. Another stumbling block was the work-for-hire-like rules that in effect excluded topics from collective bargaining that were important to creators, such as transfer of authors' rights, use and reuse of their material.
- 71.** A Worker member from Yemen considered that social dialogue and the Sana'a Declaration – adopted in 1996 following the UN/UNESCO Seminar on Promoting Independent and Pluralistic Arab Media – had strengthened the independence of Arab mass media. The link between the ILO and civil society at the national level, as well as social dialogue at a national, regional and international level should be encouraged. Efforts to ban the imprisonment of journalists and promote freedom of the press should continue. The social partners and institutions of civil society should participate in decision-taking concerning vocational training and regulation of media professions, especially journalism, which was a door to democracy. Collective agreements should be adopted concerning regional training centres.
- 72.** A Worker member from the United States said that since the beginning of the war in Iraq in 2003, 54 media workers had been killed. The issue of safety training for journalists and other media workers was an employer, worker and social responsibility. The existing models for media workers in this regard, e.g. the International News Safety Institute (INSI), should be followed and promoted. Training should be available to all media workers working in combat zones, including locals engaged on an ad hoc basis as freelancers and individual contractors.
- 73.** A Worker member from the Netherlands said that cultural and legislative differences between countries made the practice of international ideas on a national level difficult. The ILO should urge governments to frame vocational on-the-job training into legislation. There was a need to monitor changes of job profiles in the industry, in order to have a clear picture on how changes in ICT affected training. As for irregular employment, there should be a model contract including provisions for continuous training. In light of globalization, it was necessary to find a forum for negotiations with multinational enterprises, and the ILO should help facilitate social dialogue in this context and encourage a code of conduct that encompassed ILO Conventions, including those relating to health and safety, particularly for part-time and temporary workers.
- 74.** A Worker member from South Africa provided examples of positive national experiences with social dialogue. His Government had developed, following tripartite negotiations, a new approach to education and skills training for those involved in creative industries. It was essential to improve the status of musicians in Africa, to establish training programmes, and to provide for capacity building within the unions.
- 75.** With reference to the conclusions adopted at the tripartite symposium on information technologies in the media and entertainment industries in 2000, a Worker member from

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France inquired whether the ILO had undertaken the recommended research on child performers and on contractual arrangements and social security coverage for workers other than those in continuing employment. France provided non-permanent workers with continuous training due to their employee status. There were other innovative models too for providing such workers with continuous training, e.g. in the Nordic countries and Canada. Since employers in this sector advocated the adaptation of workers to change, they should help funding such approaches.

- 76.** A Worker member from Cameroon indicated that the International Federation of Actors (FIA) had set up a plan of action for the training of its African members in negotiating collective agreements. Social dialogue remained difficult because employers were not organized. African governments should be involved in training workers and employers and should apply and enforce their national laws and regulations. The international organizations mentioned by the Employer member from Cameroon were concerned with the cultural dimension and lacked the social dimension of the sector. The ILO should support the work of FIA in improving social dialogue.
- 77.** A Worker member from India highlighted the need to train workers in developing countries in order to meet the demands of multinational companies. The ILO should provide funding for programmes such as “train the trainer”.
- 78.** An Employer member from Uruguay noted with regard to social dialogue in developing countries that, while in developed countries the issue was mainly quality, Latin America rather faced the problem of integration of workers and companies in the information society, especially at the international level.
- 79.** The representative of the Government of Iraq reported that her Government was trying to expand new work opportunities in ICT to the younger generation, especially in view of the country’s current situation. IT programmes had been initiated to help in the work of registering all performing artists as well as foreign and other Arab workers. Research was undertaken to adapt new technologies to new types of work and related courses were provided in Arabic and other languages, such as English. Iraq would appreciate ILO support in this context.
- 80.** The representative of the Government of South Africa shared his Government’s initiatives to respond to the challenges of the ICT sector, especially as this related to the organization of a tripartite ICT sector summit to address one of the main challenges faced by the sector, namely the need to develop a human resource development strategy and a sector skills development plan. Among the summit’s outcomes was an agreement on the introduction of learnerships, internships (for those who wanted to enter this sector) and the upgrading of ICT skills to conform to national and international standards. The ILO should support and promote such social dialogue initiatives, in particular for developing countries, and provide resources if necessary.
- 81.** The representative of the Government of Venezuela underlined the need for the social partners to establish closer links on development issues, working towards the achievement of decent work objectives through education and training for the new technologies. Social dialogue should be broadened to cover different representational levels, especially the sectoral level. The ILO should provide technical cooperation and research assistance on labour relations in ICT and encourage international level social dialogue on protection training for journalists working in war zones. Social dialogue needed to be continuous rather than intermittent and should extend to all working conditions.
- 82.** The representative of the Government of Chile noted that, in view of the impact of globalization, tripartite social dialogue should be broadened. Innovative forms of social dialogue should cover part-time, short-term, freelance or self-employed workers in the

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sector. In view of the information society's greater skills requirements, there was a need to prolong general education. As for the problem of social dialogue in developing countries, mutual understanding and trust, the prerequisites of effective social dialogue, would develop with shared experience of social partners in problem solving.

- 83.** The representative of the Government of Finland observed that there was a need to increase journalists' skills and their ability to resist government pressures to adhere to the party line. This required social dialogue between the social partners. He shared the position of the Employer member from Cameroon. Regional training efforts were essential, and the ILO should encourage and support them, including through the provision of funding. The conclusions on IT in the media and entertainment industries in Appendix I to the report went in the right direction.
- 84.** The representative of the Government of Cuba supported the comments of the Worker member from the Netherlands regarding the role of the ILO in the construction of the information society, such as undertaking a study on the global impact of ICTs on employment; suggesting to governments how to set up or facilitate the establishment of training programmes on ICT; collecting and disseminating national experiences in this area; and supporting regional and subregional programmes on ICT training.
- 85.** The Employer spokesperson reiterated his group's opposition to the concept of a global collective bargaining agreement or a global contract arising from social dialogue at the international level.
- 86.** An Employer member from Portugal responded to the point raised by the Workers regarding the need for military training of journalists required to work in conflict zones. The question of whether journalists were embedded within military forces was not for this Meeting to consider within a discussion on social dialogue, being an issue that lay more within national defence policy and, more generally, in the human rights field of the countries concerned, and which had been debated for years within specialized committees of the United Nations.
- 87.** The Worker spokesperson stated that social dialogue and skills development were linked with the changing structure of work and working relations. Proceeding with social dialogue as suggested by the employers would effectively exclude a large number of freelance and casual workers from the process. Global social dialogue was necessary, since large conglomerates operated on a global basis. In practice, multinational companies did not attempt artificially to restrict social dialogue and were already engaged in global social dialogue to address problems of a global nature. Similarly, the issues of content, employment and contractual relations, press freedom and worker safety were, in practice, accepted as common subjects of social dialogue. In particular, employers could not shirk from responsibility for the safety of their workers required to work in conflict zones. Furthermore, there was a strong link between social dialogue and training, and employers were evading their traditional obligation in this area by trying to shift the responsibility to governments and, sometimes, to the workers themselves. An approach in which employers sought to obtain "off-the-shelf" employees, in whose skills they did not wish to invest, resulted in an erosion of skills for the sector. Public service broadcasting had been a key training ground for the sector, but as governments too had started starving their public broadcasters of funds, this training was on the decline. Employers needed to maintain the sector's skills base. Tripartite and bipartite social dialogue was the only viable approach collectively to resolve these problems.

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## Consideration and adoption of the draft report and the draft conclusions by the Meeting

88. The Chairperson presented the draft report to the sixth sitting of the Meeting. A revised text would be included in the *Note on the proceedings*, incorporating the changes handed in to the secretariat at the end of the sitting. The report was adopted, with amendments.
89. Ms. Eastwood, the Chairperson of the Working Party on Conclusions, introduced the draft conclusions that had been submitted by the Working Party. She informed the Meeting that the Working Party on Conclusions had reached agreement on many difficult issues, and taken note of the concerns of the Government group. She proceeded to the adoption of the conclusions, section by section. The Working Party on Conclusions submitted its draft conclusions to the Meeting at the latter's sixth sitting.
90. The representative of the Government of Venezuela indicated that the Government group had agreed on a text that it would have preferred to be included in paragraph 1 "General considerations", but in the absence of consensus in the Working Party on Conclusions, the Government group required its inclusion in the report. The text read as follows:

This Tripartite Meeting recognizes the social responsibility of the media, given their important role in shaping public opinion in different societies. This responsibility lies with all those who work in these media. The content that these media communicate is not indifferent for those who receive the media's message, nor for the national and international community. For these reasons, governments should in this regard protect the public interest, freedom of expression and the ethical values of each community. A global strategy for ensuring universal access to ICTs should be formulated, with special consideration for adequate funding to assist the poorest countries to achieve this objective.

91. In relation to "Cluster 3: WSIS issues in the media, culture, graphical sector; intellectual property issues", the representative of the Government of Cuba felt that the participation of the ILO in the ongoing process of the WSIS was crucial. Bearing in mind that the second phase of the WSIS would take place in Tunis in 2005, this debate had been an important opportunity to reaffirm the commitments achieved in the first phase in Geneva.
92. With regard to "Cluster 4: Social dialogue, employability and training issues in the information society; suggestions for ILO action", the representative of the Government of Venezuela referred to the former paragraph 36, which had become paragraph 29 of the conclusions. The second bullet point of old paragraph 36: "The ILO should, having regard to its very limited resources, support the increasing participation of workers' and employers' organizations in social dialogue and collective bargaining", accurately reflected the broad participation in social dialogue in Latin America, Africa and Asia and should at least figure in the report.
93. At the same sitting, the Meeting adopted the present report and the draft conclusions.

Geneva, 22 October 2004.

(Signed) Ms. L. Sasso-Mazzufferi,  
Chairperson.

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# Conclusions on the future of work and quality in the information society <sup>1</sup>

submitted by the Working Party on Conclusions

The Tripartite Meeting on the Future of Work and Quality in the Information Society,

Having met in Geneva from 18 to 22 October 2004,

Adopts this twenty-second day of October 2004, the following conclusions:

## General considerations

1. The media, culture, graphical sector is marked by innovation, communication and creativity. The sector's constant growth has led to considerable new employment. Constant training should be the norm. ICTs offer the prospect for further growth and new opportunities in the media, culture, graphical industries but their potential is far from being maximized, especially in developing countries and economies in transition. It is important to ensure that the use of ICTs promotes inclusion, tolerance, cultural diversity, freedom of expression and of the press, social justice and core labour standards, as reflected in the ILO Declaration on Fundamental Principles and Rights at Work. In some cases ICTs have brought about a revolution in management practices, with consequences for some workers. Women generally have a more vulnerable position in society and may be further marginalized because of limited access to ICTs. Investment and development in the media, culture, graphical sector should be encouraged, along with flexibility in work practices that respect workers' rights.

## Cluster 1: Employment issues in the information society

2. The workforce in the creative industries has grown faster than in other sectors, based on skills and technological innovation. Employment creation, job quality, work flexibility and the respect for workers' rights are important issues. There have been significant changes in the structure of the labour market and in the organization of work both within and outside the framework of the employment relationship.
3. The future of the sector lies in ensuring that issues such as training and development of skills to create opportunities are not left to governments alone. The inclusion of provisions on training in new technologies in collective bargaining agreements should be encouraged for the purpose of more stable employment in a context of technological change. Developing countries and economies in transition face problems in gaining access to new ICTs. Such access should be promoted. ICT-enhanced education projects should be sustainable.
4. ICTs should spur the development of decent work and access to information, but they risk promoting a standardized model in the media that might undermine multilingualism, cultural diversity and local languages.

<sup>1</sup> Adopted unanimously.

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## **Cluster 2: Quality issues in the information society; safety and health; contractual status**

5. Freedom of expression and of the press is guaranteed under the United Nations Universal Declaration of Human Rights (1948).
6. The sector has a social and cultural dimension in addition to its economic and technical sides. Quality of employment is linked to the product because of the strong elements of creativity, skills, professionalism and dedication required of workers in the sector.
7. The quality of content is a result of an intellectual or artistic achievement, and often lies at the core of a contractual or other work relationship. Increasing use of independent contractors in media and entertainment affects the balance between individual content providers and enterprises that commercialize their work.
8. The ILO should collect and disseminate examples of good practice in ICT projects, for example those that enhance transparency and the flow of information within elements of the sector.
9. The social partners note the definitions – in the conclusions concerning the employment relationship adopted by the International Labour Conference in June 2003 – of disguised employment, ambiguous employment relationships and triangular relationships. They acknowledge that these three categories, along with genuine self-employment, raise important issues for the social partners in the sector. These issues should be considered in the context of the proposed Convention on the employment relationship at the ILC in 2006.

## **Cluster 3: WSIS issues in the media, culture, graphical sector; intellectual property issues**

10. It is important for the ILO to be active in the run-up to and during the Tunis phase of the World Summit on the Information Society in November 2005 (WSIS). In accordance with the WSIS Plan of Action adopted in Geneva in December 2003, the ILO should examine how it can contribute to the construction of the information society. In the run-up to the Tunis phase of the WSIS, the ILO should undertake supplementary research for information on the state of the sector in developing nations and economies in transition.
11. The emergence of ICTs has fostered an environment where violation of intellectual property may flourish, with a significant labour market impact. Unauthorized use damages the interests of employers, workers and creators, and deprives the State of tax revenues. The ILO should formulate policy recommendations to address unauthorized use of intellectual property in relation to the world of work.
12. Intellectual property efforts need to be coordinated with the World Intellectual Property Organization (WIPO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO). Copyright infringement and unauthorized use constitute a serious concern because of their harmful effect on quality in the sector. This is especially serious in countries without clear legislation.
13. Employers and creative workers share a strong interest in the role of copyright and neighbouring rights in innovation and creation. Such rights should be strongly protected in the context of new technologies on the basis of international instruments in this field and in agreement with core labour standards as reflected in the Declaration on Fundamental Principles and Rights at Work.

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14. The emergence of global corporate structures and the consolidation of media companies impacts on both work in this sector and on cultural issues. The impact of these changes on enterprise structure affects the way workers in the sector do their work. The ILO should play a leading role in sharing its knowledge during the WSIS.
  15. The Meeting welcomed that the WSIS, during its first phase in Geneva, upheld the principle of guaranteeing the independence and pluralism of the media which may be affected by excessive concentration in the media market. Multinational media companies should be encouraged to follow the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.
  16. ILO meetings such as this one provide a forum to consider key labour and social issues. Among these is the need to ensure that workers in the creative industries enjoy the rights contained in the ILO's core labour standards.
  17. The WSIS should ensure the protection of existing international rights. The information society should be built on a people-centred, inclusive and development-oriented way, where everyone can create, access, utilize and share information and knowledge, enabling individuals, communities and peoples to achieve their full potential in promoting their sustainable development and improving their quality of life, in accordance with the purposes and principles of the Charter of the United Nations and respecting fully and upholding the Universal Declaration of Human Rights, and core labour standards as reflected in the ILO Declaration on Fundamental Principles and Rights at Work.
  18. The ILO should:
    - transmit the *Note on the proceedings* of this Meeting to the WSIS Preparatory Committee, emphasizing the importance that the social partners give to intellectual property rights, noting that the economic viability of enterprises in the media, culture, graphical sector and the well-being of content creators were at stake, and stressing the importance of fundamental rights and principles at work for workers in the sector, who are all concerned by ICTs;
    - underline the need to ensure, particularly in developing countries and economies in transition, access to ICTs, and more importantly to train workers in their use;
    - reaffirm respect for privacy, for which guarantees needed to be established or reinforced so as to avoid excessive monitoring and surveillance; and
    - organize, at no cost to the Office, a tripartite discussion in advance of or in parallel to the WSIS in Tunis in 2005, so the views of the social partners about the information society and the world of work can be expressed and taken into account in the Summit's outcome.

#### **Cluster 4: Social dialogue, employability and training issues in the information society; suggestions for ILO action**

19. There are existing forums for social dialogue on certain issues raised during this Meeting, such as the June 2005 Meeting of the Intergovernmental Committee on the ILO/UNESCO/WIPO Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, the UNESCO General Conference in October 2005 on the draft Convention on Cultural Diversity, and the 95th Session of the International Labour Conference in 2006 in relation to the discussion of a possible

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international labour standard on the employment relationship. Each forum should address the issues within its mandate.

20. The promotion of the media, the performing arts and the graphical industries could be a key issue within the framework of social dialogue, addressing ways to increase audiences and employment, examining good practices and rules promoting the sector, and agreeing on a common lobbying strategy.
21. Media companies have much to offer in terms of corporate social responsibility. They occupy a unique position in supporting the democratic process by making information, knowledge and a range of opinions openly available and ensuring that public and private institutions are accountable for their behaviour.
22. Innovative approaches to social dialogue, concentrating on employability, include dialogue over retraining for new jobs and modifying the curriculum of vocational courses to prepare students more broadly for jobs in the media, culture and graphical sector.
23. In developing countries and economies in transition in particular, in the light of technological changes, economic adversity and rapid cultural and work organization changes, governments, employers' and workers' organizations should cooperate to enhance social dialogue in order to promote sound systems of labour relations that create an equitable way of sharing the benefits and costs of change. In many countries this will entail strengthening the democratic institutions, organizations and structures necessary for social dialogue.
24. There is a trend towards freelance, self-employed or informal economy work. This can mean that such workers can no longer depend on legislative provisions on social security, even in countries where social security has good coverage. The impact of globalization, ICTs, multimedia convergence and increased international labour mobility should encourage greater efforts by the social partners to bring together workers and employers from a wider variety of countries and industries in social dialogue in various forms.
25. Trust and mutual understanding are essential for effective social dialogue, even in periods of industrial conflict. Equally important is the need to identify how social dialogue can cover the interests and needs of all workers in the sector. Areas of common interest include freedom of expression and of information, cultural diversity and quality. Other, more controversial areas may still feature in such dialogue where agreement can be reached.
26. The ILO should promote timely social dialogue among the social partners and capacity building for employers' and workers' organizations in this sector, especially in developing countries and economies in transition.
27. The ILO should promote better safety and health practices in all parts of the sector, through research, information collection and dissemination, publication, advice and training.
28. Governments, employers and workers should renew their commitment to lifelong learning: governments by investing and creating the conditions to enhance education and training at all levels; enterprises by training their employees; and individuals by making use of the education, training and lifelong learning opportunities. The ILO should undertake research on best practices in training and employability<sup>2</sup> in the sector in different regions and

<sup>2</sup> Employability is defined broadly. It is a key outcome of education and training of high quality, as well as a range of other policies. It encompasses the skills, knowledge and competencies that

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countries, and promote training and retraining in the use of information technologies by the social partners and learning institutions.

**29.** Having regard to its very limited resources, the ILO should:

- encourage and support employers' and workers' representatives<sup>3</sup> in this sector to engage in social dialogue especially with regard to the introduction of technological change;
- undertake research in developing countries and economies in transition in relation to:
  - the effectiveness of social dialogue;
  - reasons for social dialogue not being embraced by the social partners;
  - the awareness and understanding by the social partners of the process of social dialogue;
  - the capacity of employers' and workers' organizations to engage in social dialogue; and
  - the impact of the nature of employment on social dialogue, including contractual status;
- explore means to provide protection to content providers not adequately covered by collective bargaining procedures, reaffirming the importance of social dialogue;
- cooperate at the international level, within the scope of its mandate, in efforts to promote action to protect copyright and related rights;

enhance a worker's ability to secure and retain a job, progress at work and cope with change, secure another job if he/she so wishes or has been laid off, and enter more easily into the labour market at different periods of the life cycle. Individuals are most employable when they have broad-based education and training, basic and portable high-level skills, including teamwork, problem solving, information and communications technology (ICT) and communication and language skills, learning to learn skills, and competencies to protect themselves and their colleagues against occupational hazards and diseases. This combination of skills enables them to adapt to changes in the world of work. Employability also covers multiple skills that are essential to secure and retain decent work. Entrepreneurship can contribute to creating opportunities for employment and hence to employability. Employability is, however, not a function only of training – it requires a range of other instruments which results in the existence of jobs, the enhancement of quality jobs, and sustainable employment. Workers' employability can only be sustained in an economic environment that promotes job growth and rewards individual and collective investments in human resources training and development.

<sup>3</sup> Throughout this text when the term "workers' representatives" is used, it refers to Article 3 of the Workers' Representatives Convention, 1971 (No. 135), which reads as follows:

For the purpose of this Convention the term "workers' representatives" means persons who are recognised as such under national law or practice, whether they are –

- (a) trade union representatives, namely, representatives designated or elected by trade unions or by the members of such unions; or
- (b) elected representatives, namely, representatives who are freely elected by the workers of the undertaking in accordance with provisions of national laws or regulations or of collective agreements and whose functions do not include activities which are recognised as the exclusive prerogative of trade unions in the country concerned.

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- in conjunction with the social partners in the sector, promote corporate social responsibility including, where applicable, in accordance with the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;
  - in accordance with the conclusions of the ILC in June 2003 concerning the employment relationship, undertake further research on the sectoral dimensions of these changes, with particular reference to women, and work to develop usable, comparative data and data categories;
  - develop an international code of practice establishing adequate safety conditions for the employment of child performers in the entertainment industry;
  - identify statistical sources and indicators of relevance to the sector, disaggregated by gender and age, including general patterns, impact, obstacles and work opportunities that the new technologies have demonstrated at the national level;
  - facilitate the access of developing countries and economies in transition to the new information technology, particularly through the provision of technical assistance in training and advanced training on content.

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Part 2

**Other proceedings**

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## Panel discussions

### Corporate social responsibility in the media, culture, graphical sector

<i>Panellists:</i>	Ms. Emily Sims, Specialist, Management and Corporate Citizenship Programme (MCCP), ILO, Geneva
	Mr. Sunu Maryamto, Vice Director of Human Resource Department Directorate, Kompas Gramedia Group, Jakarta, Indonesia
	Mr. Neil Anderson, Head of Department, Campaigns and Organizing, Union Network International (UNI), Nyon, Switzerland
	Mr. Duncan Brown, International Vice-President, Graphic Communications International Union (GCIU), Mississauga, Ontario, Canada

Ms. Sims provided an overview of corporate social responsibility (CSR) in general business practices. A successful CSR policy required that four conditions be met – inclusiveness, competitiveness, integration and sustainability of the policy. The internal and external forces behind CSR should be considered of equal importance. Internal forces included enterprises assessing the value of implementing CSR policy, clearly establishing the goals, analysing its benefits and costs and identifying how CSR would be exercised. External forces, the importance of which were often neglected, included market pressures that forced even sceptical enterprises to become more socially responsible. Increasing competition made enterprises produce more efficiently and effectively, while rising customer expectations encouraged them to be more socially responsible. Policies should respond to requirements from NGOs and other organizations, and should be exercised by open dialogue with other parties, such as shareholders, investors and other interested groups. Ms. Sims believed that the media, culture, graphical sector played an important role in CSR and influencing society at large, as it had the responsibility of informing society about what occurred when CSR was absent compared to when it existed. She hoped that the sector would continue to be a forerunner of implementing CSR in every aspect of the business.

Mr. Maryamto provided an overview of his company, Kompas Gramedia Group (KGG), an Indonesian media conglomerate, to show how CSR in the sector could work. KGG's CSR policy was based on a vision that the company could contribute to national development by providing people with comprehensive, balanced views and information. Indonesia had been suffering from unstable political conditions and high levels of unemployment and illiteracy for many years. While Indonesia's historic 2004 democratic election of its new President was a step in the right direction, his country still had far to go until they achieved political stability. This made the media more important than any other sector, as it could address political, economical and social problems in Indonesia. Social responsibility for the media was not merely providing the facts and issues, but choosing the right news and topics so that the society could find solutions to address political, economic and social problems. CSR in the media could help to fight corruption, show good examples of corporate governance, raise people's aspirations and support the exercise of justice.

Mr. Anderson presented an international trade union perspective on CSR. Relevant instruments included global framework agreements, the Global Reporting Initiative (GRI), OECD Multinational Guidelines, the ILO's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), the United Nations Global Compact, and the OECD Corporate Governance Guidelines. Several hundred companies

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from different industries had completed a recent global ethical survey. Some of that survey's findings included:

- 91 per cent of respondents believed effective CSR management created shareholder value;
- 80 per cent agreed non-financial indicators such as environmental and social performance indicators were essential to future financial performance;
- 67 per cent disagreed with the assertion that the “primary responsibility of corporations is to make money, and that all else is secondary”;
- over 60 per cent believed codes of conduct, environmental management systems and management compensation linked to CSR performance were the top three strategies for effective CSR management;
- over 60 per cent viewed reputation risk, employee motivation and satisfaction, and brand image as key factors for building a business case and implementing CSR;
- over half of respondents held that much corporate environmentalism was merely “greenwash”;
- when asked what tools or tactics their companies might adopt to manage CSR within the next five years, the most prevalent answer was “don’t know”.

From UNI’s perspective, CSR should meet five conditions: transparency, labour standards, social and environmental concerns integrated into the business operations, independent verification of CSR performance, and interaction with stakeholders. Based on these indicators, while the abovementioned instruments partially fulfilled the criteria, none of them met all conditions. The ILO’s MNE Declaration was a useful instrument, but global framework agreements were better for workers, because they addressed trade unions’ concerns such as workers’ rights, labour standards, respect of workers, social dialogue, sustainable development and respect for the environment.

Mr. Brown addressed CSR issues from a legal approach, suggesting that the focus should be on the meaning behind corporate law. If corporations existed solely for creating wealth and pursuing self-interest, such practices should be questioned through legal and democratic action initiated by civil society. If CSR could be a legally binding rule under national law, then the role of trade unions could be strengthened. Trade unions were a leading force in civil society and could act globally to promote framework agreements. Framework agreements were a key instrument to foster CSR, but the most important thing was that global employers, employees and their trade unions could reach agreements which included core ILO Conventions, equality, decent wages and working conditions, education and training.

## ***Discussion***

The Worker spokesperson agreed with Mr. Sunu regarding the important role the media should play in CSR, sharing the view that the media had a duty and responsibility to the public for improving their lives and well being. This role should be at the heart of the media, as it was a driving force for social justice. He stressed the importance for people working in this sector of ensuring that this fundamental value was always in place and promoted.

Mr. Anderson, replying to a question on how framework agreements could be enforced, explained that they could be implemented by their signatory parties, namely

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trade unions and employers in multinational corporations and their subsidiaries in host countries, through a dispute resolution clause, although legal enforcement of dispute clauses depended on the particular clause and the national jurisprudence. Mr. Brown observed that in Canada framework agreements were called “global agreements” because of employers’ resistance to using the term “framework agreement”, but regardless of the label attached to such agreements, the law of contract applied to dispute resolution.

Mr. Maryamto answered a question on how technological innovation and employment maintenance could be retained, by noting that new technologies caused enormous problems for his company. They had started to introduce state-of-art printing machines, and expected this would affect not only printing processes but also pre-press. They were also planning to introduce extensive new technologies in 2005, which would involve far more workers than in 2004. His company had a no-layoff policy in return for introducing new technologies, and provided employees with job training so they could find alternative jobs within the company.

In response to a question about how domestic commitment could support the implementation of global framework agreements, Mr. Anderson cited Spanish communication company Telefónica’s code of conduct as evidence of how domestic commitments could be a tool for improving industrial relations worldwide. The primary reason this company’s framework agreement was created was labour unrest in its overseas facilities. Telefónica had been known as a good employer in its parent country, but not in its Latin American subsidiaries, so the framework agreement had served to stabilize industrial relations in its overseas subsidiaries. In a more recent case of a telecom company in the United States, framework agreements had helped to organize American telecom workers against severe union-busting drives. These precedents attested that media companies should behave in the same good manner no matter where they operated. Mr. Brown added that companies should develop effective management tools to ensure companies behaved responsibly throughout acquisitions.

An Employer member argued that framework agreements should be exercised on a voluntary basis, saying that it was not necessary to make framework agreements legally obligatory everywhere in the world. The United Nations Global Compact was a voluntary initiative and worked well with more than 100 global companies, all participating voluntarily.

Another Employer member commented that when framework agreements were discussed, a distinction should be made between media and non-media sectors, because they were different in terms of regulations by the national authorities.

The representative of the Government of Venezuela felt that the Meeting needed more information about framework agreements, as it was not clear how framework agreements were legally or ethically binding. He requested the ILO to conduct a survey on the status of framework agreements at the global level.

The representative of the Government of Spain responded to an Employer delegate’s comment on the limited mobility of job qualifications in the media, by noting that the international standardization of job qualifications had been promoted for those earning graduate school diplomas and higher degrees throughout the European Union.

The representative of the Government of Chile stressed the importance of framework agreements in multinational corporations, and the significant differences between management structures in local and multinational companies. Local managements were more closely related to the community in which their companies operated, while multinational companies were often managed by people outside the country, who made important decisions without considering the effects on workers and their communities. He

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believed this explained the increasing importance of CSR, the implementation of which should not be on a voluntary basis.

Mr. Brown responded that even though framework agreements included many legally binding aspects, as far as ILO Conventions were concerned, when a government had not ratified the relevant Conventions, CSR could not automatically become a legally binding tool, because there was no legal ground to rely on at the national level.

Responding to the Employer spokesperson's comment that the printing industry should be distinguished from the media industry with regard to CSR, the Worker spokesperson argued that all business activities in this sector should be treated equally, as media companies often owned other enterprises, including printing. Companies' strategies on seeking commercial advantages should not justify double standards practices on CSR activities between developed and less-developed countries. CSR was also an issue in industrialized countries, with many American corporations moving from California to Delaware for better legal treatment, under pressure from institutional investors.

Mr. Anderson answered a question from an observer from the International Federation of Business and Professional Women regarding the sexist portrayal of women in the media, explaining that the standard of scrutiny and enforcement of CSR in the media should apply to child and adult pornography.

The Employer spokesperson stressed that CSR could be fully exercised where sound industrial relations and social dialogue existed, because when social dialogue is the backbone of a good employer-employee relationship, it was based on solid legal foundations that involved the country's ratification and implementation of ILO core Conventions.

## **The social status of the artist; social and legal status of workers in the media, culture, graphical sector**

*Panellists:*

Mr. Mauricio Electorat, UNESCO specialist on the World Observatory on the Social Status of the Artist, Paris

Mr. Jesús Cimarró, President, Asociación de Productores de Teatro, Música, Danza de Madrid, Madrid

Ms. Catherine Alméras, President, Syndicat Français des Artistes, Paris

Mr. Oupa Lebogo, General Secretary, Musicians' Union of South Africa, Johannesburg

Mr. Electorat thanked the ILO for its support in developing the web site of the World Observatory on the Social Status of the Artist (UNESCO). Launched in October 2003 as a follow-up to the 21st UNESCO General Conference, it promoted recognition of the key role of artists in culture, as well as the right of artists to be considered as cultural workers. The purpose of the Observatory was to take stock, facilitate comparisons between the social statuses of artists in different countries and monitor social conditions of these workers. The target audience was primarily the artists themselves, but also policy-makers and researchers. On the site, there was a database dealing with rights to social protection, retirement pension, unemployment benefit, freedom of association, the right to a particular fiscal status, international mobility and information on sources of documentation. The main sources were governments, NGOs, international organizations (especially the ILO and the MERCOSUR Cultural) and web searches and analyses. The Observatory focused its work on research, education and the web portal itself. The Observatory now made it possible to map the situation of artists in many countries, and begin to compare them with

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others where the information was lacking. This highlighted real differences between States concerning the legal framework and the resources devoted to culture.

Mr. Cimarró noted that Spain was continuing a revival of cultural and social life, a process that started 25 years ago with the resumption of democracy, in which culture had played a key role and thus advanced the status of the artist in general. These changes had also promoted the integration of performers in the society. Artists needed to adapt to the new technologies and tools of communication, and be able to access information, to improve their social rights, to make entertainment livelier and to promote understanding of the past and the present, not only for themselves but for society in general. The artist and the employer had interdependent rights, though there was little respect for the principle of stability of employment, and artists could not rely on working for more than one year for the same employer. In his work in the European Social Dialogue Committee on Live Performance, in Brussels in 2001, a report had been produced which dealt with measures to promote employment, to increase its sustainability and to help reinsertion of unemployed artists. The report showed that many countries were attempting to bridge the gap in the social protection of artists in some way.

Ms. Alméras observed that it was commonplace that artists in France had a good social and legal status, probably among the best in the world. This did not happen by chance, and there were always new challenges. In France, performers had the status of employees thanks to article L 762.1 of the French Labour Code, the result of several years of struggle, beginning in the 1980s. However, while there had been considerable progress and performers in France enjoyed the status of employees, difficulties remained regarding the wide range of employers and activities, and the short-lived and precarious nature of performers' contracts. Collective agreements in France and the Labour Code had brought important benefits for performers. However, the present attitude of the Government could jeopardize those acquired rights and, given the crisis in employment in the performing arts, the employers clearly had the upper hand in negotiations. Different types of benefits that workers were entitled to included social security, unemployment benefits, complementary pensions, paid holidays and the right to professional training. While this situation might appear to be good for the workers, there were still problems. For example, many performers did not have the right to join trade unions because they did not have fixed employment, and there were few representatives from unions and staff in the works' committees. She argued that the European Union had tried to push France to move away from protecting the status of employee for the performers, and to giving them the status of service providers. This was a step back, which risked the benefits of the workers.

Mr. Lebogo observed that in Africa, musicians and their institutions had tried to explore synergies among countries. Knowledge sharing with industrialized countries would be useful on copyright piracy and on gender equality, enhancing opportunities for women and providing benefits such as maternity leave. Key issues were training for musicians, including training on legal and technological aspects. There was no social security scheme, such as medical protection, occupational health systems, disability pension, etc. HIV/AIDS was a major problem, for which musicians needed protection; they could also help raise awareness of the pandemic through their music. Children were often subject to unfair labour practices. The magnitude of piracy in the continent was enormous, representing a considerable drain in the income opportunities of musicians. Performers' rights protection was inadequate, as currently only authors and composers had protection; the Musicians' Union of South Africa had studied the French model and the possibility of using a similar approach. Capacity building for union representatives of musicians was rare, should be encouraged, and needed support from governments and international agencies. Job creation could be promoted, and cooperatives were a vehicle to help artists, particularly in the music value chain. Social dialogue needed to be nurtured by all governments in Africa. The development of music markets would create opportunities for African musicians on a global scale. Contracts and the legal status of creative workers

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needed to be more clearly defined. Legal protection for musicians was virtually non-existent. Training was needed on dispute resolution, infringement of copyright, contracts, legal aid and entertainment law.

## **Discussion**

An Employer member from St. Lucia said that in his country, while there was legislation in place on copyright piracy, enforcement bodies had to receive specialized training, and questioned the panel if this was the case elsewhere. Mr. Lebogo replied that the answer was both yes and no; while there was relevant legislation in South Africa, the court costs often outweighed the piracy claims, and prosecutions were not occurring because the courts would not accept such cases. However, there were specialized police units concerned with specific areas such as the shipping of pirated materials. Artists needed to engage governments and private business to identify the loopholes, as existing procedures were not working. This was an international problem, not just a local issue. Mr. Cimarró said that the police would not be adequately prepared until legislation was made more specific. There was agreement that people involved in piracy must be prosecuted and that the government must create legislation to facilitate this. In relation to Ms. Alméras' comments on individual contracts, as an employer he was in favour of collective agreements, but argued that, because of the specific nature of the industry, only the basic rights and entitlements should be covered by these agreements: individual contracts should cover the remaining specific details. Social dialogue was fundamental. There was a problem when trade unions demanded that their professions be treated like the civil service in terms of issues such as working hours, because it was in the nature of the entertainment industries to work irregular hours. Ms. Alméras agreed that individual contracts were necessary, but they should not undercut the provisions in collective agreements. In France, some employers tried to avoid the entitlements in collective agreements by using individual contracts.

A Worker member from France asked Mr. Cimarró to clarify whether he was saying that the precarious nature of an artist's job was part of what makes an artist an artist. He also suggested to Mr. Electorat that, while he recognized a campaign existed to fight piracy, one of the greatest problems was that major multinational companies were bigger violators of performers' rights than individual pirates; UNESCO should be looking at this and also be looking at ways that new technology could be integrated legally instead of just condemning piracy. Mr. Cimarró responded by saying that in Spain's public cultural sector, technicians wanted to work the same hours as civil servants. These claims had hampered the activities of national theatre companies, as technicians would not facilitate national theatre tours. He argued it was not possible to transfer the conditions of office-based civil servants to theatre technicians, as the difference in work and conditions needed to be addressed. Mr. Electorat said that UNESCO was currently undertaking a number of projects to combat piracy, a difficult problem that was getting worse, as any product created by a writer or musician could be pirated. Member States needed to work together to address these issues.

A Worker member from Cameroon addressed the UNESCO spokesperson saying he did not think that producers were sufficiently involved enough in combating piracy, as it was generally discussed in terms of member States and artists. There was an economic incentive for producers to be involved in a solution and with UNESCO's assistance African producers could be involved in the battle against piracy. Mr. Electorat responded that the Global Alliance for Cultural Diversity project stressed a need to find funding to ensure the protection of cultural production. This alliance tried to bring different groups together in an attempt to strengthen the cultural fabric of each country.

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An Employer member from the Syrian Arab Republic remarked that, in his view, the individual worker was the first person responsible for his or her social security. Mr. Lebogo responded that he was not suggesting individual musicians should not be involved, and he identified projects in South Africa in which musicians were addressing their own social protection, but the responsibility should not lie solely with the artist, as other groups also benefited from the artists' performances. While social security systems existed elsewhere, those mechanisms needed to have wider coverage.

## **The social dimension of globalization – Relevance for the media, culture, graphical sector**

*Panellists:*

Ms. Ümit Efendioğlu, Economist, Policy Integration Department, ILO, Geneva

Mr. Jim Wilson, Director, UNI-MEI, Brussels

Mr. Michel Muller, Executive Committee Member, FILPAC-CGT, Paris

Ms. Marisol Fuentes Niño, Adviser on the Media, Culture, Graphical Sector, Federación de Camaras y Asociaciones de Comercio y Producción (FEDECAMARAS), Caracas, Venezuela

Ms. Efendioğlu commented on the report of the World Commission on the Social Dimension of Globalization, launched in February 2004, and its relevance for the sector. The digital revolution had affected production processes and transformed economic structures worldwide. ICTs could boost efficiency and productivity, provided they were accompanied by organizational structures and skills to complement them. They allowed production processes to be split into separate components and relocated or outsourced elsewhere in the world, leading to the emergence of global production networks; but they also caused job losses as well as gains, and much political tension. The quantity and quality of production and content of products and services in this sector depended on the acquisition, creative adaptation and effective use of ICTs at work and at home.

The 2004 World Commission's report was the first systematic attempt to analyse the social dimension of globalization, and identified ICTs as one of its main drivers. These technologies fuelled trade, foreign investment and international capital flows. The new media also raised awareness of global disparities and contributed to the spread of democracy. Access to information through global media was essential for democracy. Globalization, the prevalence of the English language and the market predominance of Western media impacted on cultural diversity. This led to concern over the influence of Western cultures and values, and the homogenization of news, views, cultures and values in global media and entertainment.

The report advised that local and national governments should deliver coordinated and integrated policies, and institutions should be built around maximizing the benefits obtained from globalization. The lack of rules governing global production systems was worrying, as global markets had evolved faster than regulation, resulting in fierce competition among developing countries to enter the global value chain at any expense. The report emphasized increasing imbalances in globalization. Better governance and fair rules in the areas of trade, finance and investment were needed, so that fair and inclusive globalization could be achieved. Dialogue among all social actors regarding employment creation, social protection and fundamental labour rights was important to attain the goal of decent work for all. Fair globalization could only be achieved by a fair and inclusive information society, thus it was crucial to eliminate the digital divide. The World Commission report made specific proposals for better policy development through dialogue, including one on global capacity building for education and skills for information

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technology. Investment in technology and telecommunications infrastructure was important, but without investment in education for productive use of ICTs it would be wasted. Responsible media could play a central role in promoting dialogue towards a fairer and more inclusive information society and a fair globalization.

Mr. Muller highlighted the importance of the social dimensions in this sector for both the workers involved and society at large. Globalization now affected all industries, and ICT-related change had happened rapidly, especially in comparison to other technological changes such as electrification, photocomposition and television broadcasting, and had caused upheavals in the balance of society. While many positive trends were occurring, these did not outweigh negative ones. This was because globalization in the media, culture, graphical sector was linked to industrial concentration; multiplying the means of communication could, instead of leading to diversity of opinion, have a contrary effect if media ownership was highly concentrated.

Access to new technology was not guaranteed in less-developed countries, and was also difficult for large segments of communities in industrialized countries. In relation to cultural diversity, some human activities deserved more than just market regulation, and culture should not fall under WTO regulations. There was a danger when the notion of profitability reigned, as some cultural expressions of ideas were not profitable. Such ideas should still be shared, and regulations should be set up to promote cultural diversity, with policies and institutions established at national, regional and international levels. One of the basic changes being experienced was the dissemination of culture across the world, with marked differences in treatment between the producers or publishers, on the one hand, and the content creators and content providers, on the other. There was a need to ensure fairer remuneration for content creators, and this involved development in intellectual property rights.

Mr. Wilson observed there had been overwhelming changes in the employment status of workers in this sector, which often resulted in weaker application of social benefits and labour rights to these workers. While there were some bad employers, most were good and operated with a highly developed sense of conscience. However, good employers had to compete with less scrupulous ones. Governments and employers had not developed ways to address changes in employment trends. With globalization came new problems in health and safety for workers, as the mechanisms that previously existed began to disappear, due to a lack of clarity about leadership and confusion in legislation.

Triangular employment relationships in the sector were common, raising the issue of who was the employer. There were increasing fluctuations in employment, due to unprecedented changes in the international market. Social dialogue in this sector should address such issues as press freedom, work safety, training, workers' employment instability and cultural diversity. Corruption and dirty money were, unfortunately, operating in these industries on a larger scale than ever before, resulting in problems identifying where money to finance projects was coming from. This increased the need for budget transparency. Lessons that had been previously learnt on a national level needed to be applied to an international level, but could not work without the legitimization of the social partners involved, which could not occur without freedom of association.

Ms. Fuentes Niño argued that globalization strengthened freedom. In the 1980s, Alvin Toffler had written about the approaching third wave of technological change, the increasing importance of electronics, computing and information over other industries, and how this would change the way people worked and how trade between countries and companies would operate. Many of these predictions had come true. Vast amounts of information could now be easily stored electronically, while the Internet allowed instant access to information, creating new jobs, with more qualified staff, and better chances for career development.

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Mergers and acquisitions were commonplace in media and entertainment enterprises, but had not been an obstacle to increased diversity of opinion and content. They demonstrated another aspect of freedom – enterprises acting without interference from the State. In the new information society that allowed real-time communication across a frontierless world, governments could no longer restrict press freedom or free circulation of ideas. Nobody could govern the Internet. Globalization was a revolution with infinite possibilities of communication, information, education, culture and entertainment: people should be free to choose among them. Governments that still wanted to restrict the media should change their approach.

Businesses were becoming more competitive through restructuring to adapt to globalization's opportunities and challenges. Workers benefited through better training and the pursuit of excellence, which were hallmarks of those working with market leaders. Governments were also adapting to these changes, as voters had better information on which to base their choice of leaders and to influence the system. However, much remained to be done to combat social exclusion, reduce poverty and increase the access of poor people to employment, education, culture and justice.

Governments should create an enabling environment for investment and productivity in this important sector. Education, training and employment were the key to progress, not welfare handouts or stopgap solutions. They were preconditions for growth in the knowledge-based economy. All could benefit from the information society – scientists, the media, manufacturing industry, even the Church. However, science and technology in developing countries faced constant problems of finance, inefficiency and weak institutions. New technological challenges, labour mobility and globalized trade had aggravated existing problems with higher education, communications and technology. There was a need for job placements for young researchers, incentives for universities to commercialize their innovations, international collaboration in high-potential areas for economic growth, and greater recognition of the importance of knowledge, science and technology. This could assist economic development and begin to reduce poverty in many countries, through the social partners' sharing a vision that ICTs constituted knowledge being applied to improving the quality of life of everyone on the planet.

## ***Discussion***

A Worker member from Brazil felt that it was important to learn from the report of the World Commission on the Social Dimension of Globalization, and work hard to prepare for the WSIS 2005 meeting in Tunis, to refine the discourse of governments, employers and workers, and to find areas common concerns that could be advanced there.

A Worker member from France (Ms. Alméras) disagreed with Ms. Fuentes Niño's analysis, saying that not every one had access to technology, because of poverty, differences in social class and the wealth and social gap between countries. The quality of contracts had fallen, access to contracts was declining and becoming a problem, and workers were concerned about becoming unemployed. Ms. Fuentes Niño observed that employers and workers were both agents of change, and could increase pressure for policies that would take people out of poverty. She acknowledged that contracts in the sector were shorter than before.

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## Closing speeches

The Secretary-General remarked that the Governing Body had invited all interested Governments, 21 Employer and 21 Worker participants to the Meeting. The Office registered the attendance of Government representatives from 29 countries plus 18 advisers, and 20 Employer and 20 Worker representatives plus four advisers; as well as 18 observers from ten international NGOs. There were 24 women delegates and advisers, accounting for 23 per cent of the participants, which was not enough, particularly in the light of the discussions on gender issues. The adopted conclusions dealt with a wide range of issues concerning work in the media, culture, graphical sector and the WSIS. The Office would take on board the recommendation that the ILO be fully engaged both in the run-up to and at the Tunis phase of the Summit in 2005. Other requests for ILO action would be carried forward to the extent possible, including by joining forces with other ILO departments, and with the organizations represented at the Meeting. The conclusions were a positive outcome of social dialogue and showed the common determination to ensure that the sector would continue to play a vital role in education, democracy, work and leisure in all societies and could be strengthened in a rapidly changing environment, while ensuring decent work for all concerned. The Secretary-General congratulated all involved on the excellent input to a successful Meeting.

The Employer spokesperson considered this sector to be vital, since freedom of expression, freedom of the press, artistic achievement, creativity and innovation were skills and principles at the heart of the society and economy of the future. Growth in employment, rapid change and new opportunities raised new challenges for the ILO's Decent Work Agenda. Social dialogue had an important role to play in ensuring that the sector met those challenges. The spirit of social dialogue had been enhanced through the week's discussion of key issues such as training and development so workers could seize the opportunities of the information society, protection of intellectual property, access to ICTs to combat the digital divide, establishing digital solidarity funds, and development of social dialogue in developing nations and economies in transition, as reflected in paragraph 29 of the conclusions. The Meeting had also touched on difficult issues such as employment status, which would be dealt with at the International Labour Conference in 2006, and corporate social responsibility. He thanked all involved for their commitment.

The Worker Vice-Chairperson believed that there was a common feeling of participating in a historic process. The outcome of this challenging experience was valuable both for the participants and the industry, since many complex issues in this difficult sector had been addressed. She pledged to implement and carry forward the adopted conclusions and thanked the Meeting for its diligence and the ILO for providing the necessary means and resources.

The Chairperson of the Government group expressed satisfaction on behalf of the Governments about the spirit of cooperation among the three parties concerned that had prevailed in this interesting Meeting, which had been full of useful ideas. It had been possible for the Governments to play an important role in the discussions and to have their views and concerns taken into account in the Working Party on Conclusions. The Meeting had proven that tripartism was more than an abstract concept.

The Chairperson thanked the Meeting for its active participation. The importance and utility of social dialogue for negotiating questions relating to work and employment had been reaffirmed. Social dialogue in a spirit of respect and mutual trust was the appropriate means to find good solutions for emerging issues. The efforts of the Meeting had led to the adoption of conclusions that would help organize future ILO work programmes in the sector and at the second phase of the WSIS. She would report the outcome of the Meeting to the Governing Body Committee on Sectoral and Technical Meetings and Related Issues, to ensure that the ILO constituents would apply what had been agreed on.

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## Evaluation questionnaire

A questionnaire seeking participants' opinions on various aspects of the Meeting was distributed before the end of the Meeting and the response rate was around 25 per cent. Items were rated on a five-point scale. The following table gives the number of respondents who assigned each rating score, and the weighted average score on each item evaluated.

**1. How do you rate the Meeting as regards the following?**

	5 Excellent	4 Good	3 Satis- factory	2 Poor	1 Unsatis- factory	No response	Average
The choice of agenda item (subject of Meeting)	9	14	1	–	–	–	4.3
The points for discussion	6	13	4	–	–	1	4.1
The quality of the discussion	5	13	5	–	–	1	4.0
The Meeting's benefit for the sector	5	14	4	–	–	1	4.0
The conclusions	4	11	6	–	–	3	3.9
Panel discussion on corporate social responsibility	3	13	6	–	–	2	3.9
Panel discussion on the status of artists	3	11	4	–	–	6	3.9
Panel discussion on the social dimension of globalization	3	11	4	1	–	5	3.8
Opportunity for networking	3	9	8	–	–	4	3.8

**2. How do you rate the quality of the report in terms of the following?**

	5 Excellent	4 Good	3 Satis- factory	2 Poor	1 Unsatis- factory	No response	Average
Quality of analysis	6	11	5	1	–	1	4.0
Objectivity	8	10	5	–	–	1	4.1
Comprehensiveness of coverage	5	11	7	–	–	1	4.0
Presentation and readability	6	11	5	1	–	1	4.0
Amount and relevance of information	2	15	7	–	–	–	3.8

**3. How do you consider the time allotted for discussion?**

	3 Too much	2 Enough	1 Too little	No response	Average
Discussion of the report	2	19	3	1	2
Panel discussions	1	20	1	2	2
Groups	1	20	1	2	2
Working Party on Conclusions	–	19	2	3	2

**4. How do you rate the practical and administrative arrangements (secretariat, document services, translation, interpretation)?**

	5 Excellent	4 Good	3 Satisfactory	2 Poor	1 Unsatisfactory	0 No response	Average
	11	10	3	–	–	–	4.3

**5. In what capacity did you attend the Meeting?**

	Delegate	Adviser	Observer
Government	6	3	–
Employer	6	–	–
Worker	8	–	–
IGO	–	–	–
NGO	1	–	–

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## Statistics relating to the Meeting itself

The ILO Governing Body invited all interested Governments, 21 Employer and 21 Worker participants to attend the Meeting. The Office registered the attendance of Government representatives from 29 countries plus 18 advisers, and 20 Employer and 20 Worker representatives plus four advisers; as well as 18 observers from ten international NGOs. There were 21 women delegates and 3 women advisers, accounting for 24 per cent of delegates and 22 per cent of the participants.

Participants (number)	Women		Men	
	Delegates	Advisers	Delegates	Advisers
Government	6	3	23	15
Employers' organizations	3	0	17	2
Workers' organizations	7	0	13	2
Others (e.g. international organizations, observers)	5	0	13	0
<b>Total</b>	<b>21</b>	<b>3</b>	<b>66</b>	<b>19</b>
GB representative	1			
Experts/resource people/speakers	3		3	

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## List of participants

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of the International Labour Office**

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