



Governing Body

309th Session, Geneva, November 2010

GB.309/2/2

FOR DECISION

SECOND ITEM ON THE AGENDA

Agenda of the International Labour Conference

Proposals for the agenda of the 102nd Session (2013) of the Conference

Overview

Issues covered

The following items are proposed for the agenda of the 102nd Session (2013) of the International Labour Conference: items submitted in the context of the agenda of the 101st Session (2012) and not selected, as well as a recurrent discussion on social dialogue, under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization. In addition, two items for future sessions of the Conference are proposed: export processing zones: possibility of a general discussion; and new trends in the prevention and resolution of industrial disputes: possibility of a general discussion (taking into consideration the conclusions of the Working Party on Policy regarding the Revision of Standards).

Policy implications

None.

Financial implications

The usual implications of items placed on the Conference agenda.

Decision required

Paragraph 9.

References to other Governing Body documents and ILO instruments

GB.309/2/1, GB.303/3/2.

Compendium of rules applicable to the Governing Body of the International Labour Office (Geneva, ILO, 2006).

ILO Declaration on Social Justice for a Fair Globalization, 2008.

Introduction

1. This document contains proposals for items which could be placed on the agenda of the 102nd Session (2013) of the International Labour Conference and beyond.
2. In accordance with its regular practice, the Governing Body holds in November each year a first discussion on items that are proposed for inclusion on the agenda of the Conference's session which takes place two-and-a-half years later. In conformity with article 5.1.1 of the Standing Orders of the Governing Body,¹ the purpose of this discussion is to select a shortlist of items for closer scrutiny at its following session.

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3. As a general rule, the Governing Body in March each year finalizes the agenda of the session of the Conference to be held two years later. It may also decide, as is the case this year, for different reasons to postpone its decision to a session closer to the Conference. Indeed, at its March 2010 session, the Governing Body decided to postpone the selection of the two items that should complete the agenda for the 101st Session (2012) of the Conference until November 2010. At this session, the Governing Body is thus called upon both to complete the agenda of the 2012 Conference,² and to examine and shortlist proposals for consideration for the 2013 Conference.
4. Items considered for, but not placed on, the agenda of a specific year of the Conference are normally resubmitted as a proposal for the agenda the following year, subject to any other decision taken by the Governing Body. Consequently, items proposed for the agenda of the 102nd Session will comprise those items that were not placed on the agenda of the 2012 Conference. These proposals are annexed to the document on the agenda of the 101st Session (2012) of the Conference.³

The recurrent discussions under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization

5. Under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, the Organization has introduced a scheme of recurrent discussions by the International Labour Conference.⁴ In March 2009, the Governing Body decided that the length of the cycle will be seven years.⁵ It was also agreed that the strategic objectives of employment, social protection and fundamental principles and rights would be discussed twice in the cycle and social dialogue would be discussed once. The understanding was that after four years the

¹ See ILO: *Compendium of rules applicable to the Governing Body of the International Labour Office* (Geneva, 2006), pp. 21–22.

² See GB.309/2/1.

³ See GB.309/2/1, Appendices I and II.

⁴ ILO Declaration on Social Justice for a Fair Globalization, 2008, Annex, Part II(B).

⁵ See GB.304/PV, para. 183(b).

Conference would have reviewed, totally or partly, the four strategic objectives. The first recurrent discussion took place in 2010 and covered the strategic objective of employment. The second recurrent discussion in 2011 will be on social protection (social security) and the third one will be on fundamental principles and rights at work. It is therefore proposed that the fourth recurrent discussion cover the strategic objective of social dialogue (see Appendix I).

Proposals for the agenda of future sessions of the Conference

6. Since 1997, the Governing Body has extended the scope of its November session discussions on the Conference agenda to include an examination of items that could be considered for inclusion in the agenda of future sessions of the Conference. The Governing Body called for further research⁶ on two of the items proposed in this context:
 - (a) export processing zones: possibility of a general discussion; and
 - (b) new trends in the prevention and resolution of industrial disputes: possibility of a general discussion (taking into consideration the conclusions of the Working Party on Policy regarding the Revision of Standards).
7. These proposals have been updated (see Appendix II). The Governing Body may wish to give the Office guidance in order to advance their level of preparation.
8. The Governing Body may also wish to indicate other topics to be developed by the Office.
9. *Against this background, the Governing Body is invited to:*
 - (a) *examine the proposals for the agenda of the International Labour Conference contained in GB.309/2/1 which are not selected for the agenda of the 101st Session (2012) of the Conference, as well as the proposal on a recurrent discussion contained in Appendix I of this document;*
 - (b) *select the proposals to be examined in greater depth at its 310th Session (March 2011), in order to finalize the agenda of the 102nd Session (2013) of the International Labour Conference; and*
 - (c) *indicate, for future sessions of the Conference:*
 - (i) *the items for which research work and consultation might be accelerated among the proposals contained in Appendix II; and*
 - (ii) *any other item to be developed.*

Geneva, 3 November 2010

Point for decision: Paragraph 9

⁶ For the last time at its 303rd Session (November 2008), see GB.303/PV, para. 93(b) and GB.303/3/2.

Appendix I

Proposal for a recurrent discussion in 2013 on the strategic objective of social dialogue

1. In the framework of recurrent discussions introduced under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, it is proposed that the recurrent discussion in the 2013 session of the Conference be on social dialogue.
2. The Declaration emphasizes the role of
 - ... social dialogue and tripartism as the most appropriate methods for:
 - adapting the implementation of the strategic objective to the needs and circumstances of each country;
 - translating economic development into social progress, and social progress into economic development;
 - facilitating consensus building on relevant national and international policies that impact on employment and decent work strategies and programmes; and
 - making labour law and institutions effective, including in respect of the recognition of the employment relationship, the promotion of good industrial relations and the building of effective labour inspection systems.¹
3. This discussion will be of particular importance since the Governing Body, at its March 2009 session, decided a seven-year cycle for the recurrent discussions with the understanding that social dialogue would be covered once in this period. Consequently, the 2013 discussion on social dialogue should constitute a unique opportunity to focus on the main priority areas identified by constituents.
4. It is worth noting here the unique comparative advantage that its tripartite structure constitutes for the ILO. The Office would like to emphasize in this respect the specific composition of the Social Dialogue Sector, which includes the Bureau for Employers' Activities (ACT/EMP) and the Bureau for Workers' Activities (ACTRAV). The importance of social dialogue at sectoral level should also be taken into account.
5. The recurrent discussion should take advantage of the outcomes of the general discussion to be held at the Conference in 2011 on "Labour administration and inspection: Challenges and perspectives".
6. Consultations with constituents will be held over the coming months with a view to identifying the priority areas on which the recurrent discussion report should concentrate. An internal task force is being set up within the Office to coordinate this work.
7. Several issues would deserve attention from the Conference, inter alia:
 - reviewing and analysing of trends and good practices in international, regional and national sectoral social dialogue, including vis-à-vis global production chains;
 - analysing labour law developments to identify trends, challenges and related national responses;
 - identifying best practices in the expansion of collective bargaining and industrial relations;

¹ ILO Declaration on Social Justice for a Fair Globalization, 2008, Part I(A)(iii).

- reviewing and analysing trends and examples of sectoral social dialogue in public administration, giving particular consideration to the Labour Relations (Public Service) Convention, 1978 (No. 151);
 - reviewing trends and developments in the field of national tripartite consultations, including with respect to the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144);
 - reviewing efforts and good practices in developing new partnerships with non-state entities and economic actors, such as multinational enterprises and trade unions operating at the global sectoral level;
 - reviewing the improvements and developments of labour inspection systems, in particular considering the principles enshrined in the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129), as well as the ILO's response to key areas that will be identified during the Conference general discussion in 2011, and identifying new areas of action;
 - analysing developments in employers' and workers' organizations.
8. The discussion might result in the adoption by the Conference of a plan of action for the coming years, in reference to all means of action of the ILO.

Appendix II

Proposals for the agenda of future sessions of the Conference

1. *Export processing zones*

1. Several countries around the world have established export processing zones (EPZs) in order to stimulate economic growth by attracting foreign direct investment (FDI). The ILO defines EPZs as “industrial zones with special incentives set up to attract foreign investors, in which imported materials undergo some degree of processing before being (re)exported”.¹ EPZs take a variety of names and forms in different countries (including free trade zones, special economic zones (SEZs), industrial development zones (IDZs), bonded warehouses, free ports and *maquiladoras*). The number of EPZs around the world continues to grow and some of them continue to raise questions and concerns in terms of respect for workers’ rights, application of labour law, employment creation, working conditions and in terms of how EPZs benefit the domestic economy and social cohesion of the countries concerned.
2. The ILO has been monitoring developments in EPZs for over 20 years. At several successive sessions, the Governing Body instructed the Office to continue examining the question of EPZs. The Programme and Budget for 2006–07 included an InFocus Initiative on EPZs, which undertook a number of activities.² In March 2008, the Governing Body discussed a paper on latest trends and policy developments in EPZs³ and invited the Office to continue examining the issue and to provide further detailed information and statistical data. It further requested a progress report to be submitted to its current session.
3. Since 2008 the Office has been developing a number of research, capacity-building and knowledge-sharing activities. The research activities aimed at gathering both quantitative and qualitative information about industrial relations practices in EPZs (especially in the areas of freedom of association and collective bargaining, labour inspection and social dialogue), with particular reference to the conclusions of the 1998 Tripartite Meeting of Export Processing Zones-Operating Countries.⁴ Broadly, four types of research activities were developed:
 - (a) *Statistical data on EPZs*: The development of EPZs is a dynamic process that takes place in the context of economic globalization. The phasing out of the Multifibre Arrangement (MFA), trade liberalization under World Trade Organization (WTO) agreements and bilateral and multilateral trade and investment agreements facilitated the expansion of EPZs in the last few years. The current crisis may however have created important pressures on the operation of these zones, especially in major FDI recipient countries such as China or Mexico. The Office is exploring the possibility of launching a pilot survey of a sample of five to ten member States with large concentrations of workers in EPZs. The purpose would be to study the relationship between EPZs and national economies and to collect data on, among others:

¹ See www.ilo.org/public/english/dialogue/sector/themes/epz/epzs.htm.

² These were reported in GB.303/3/2 (Appendix II, para. 2).

³ See GB.301/ESP/5 and GB.301/13(Rev.).

⁴ ILO: *Note on the proceedings*, Tripartite Meeting of Export Processing Zones-Operating Countries (Geneva, 28 September–2 October 1998), TMEPZ/1998/5.

employment trends and levels, with a special emphasis on women's work and by sector; and working conditions, including working time, occupational safety and health and migrant workers. This project encounters two additional challenges. First, from a statistical viewpoint, there is no common definition of EPZs and therefore any endeavour aimed at developing sound, reliable and comparable data faces the risk of distortion. Second, national statistical offices and ministries of labour rarely collect information and data on EPZs. Such data are usually collected by ministries of finance or economic development, which are not the traditional counterparts of the ILO.

- (b) *EPZ country studies*: In order to build a stronger knowledge base on EPZs, the Office has commissioned research papers on: the legal, institutional and economic context within which EPZ models operate in the selected countries; the relations between EPZs and the broader economy as well as their contribution to economic and social development goals; social protection for workers in EPZs as compared to the rest of the economy; the situation of social dialogue; labour regulation; and a comparative assessment of the performance of comparable enterprises within and outside EPZs in terms of costs and benefits and the respective impact of EPZs on national economies. So far, the project has focused on Honduras, Nicaragua and South Africa. A fourth study on China is under development. A synthesis report of these studies has been prepared.⁵
 - (c) *Good practices in the area of labour inspection in EPZs*: Studies have been commissioned in order to provide an overview of good labour inspection practices in EPZs in Bangladesh, Costa Rica, Honduras, Indonesia, Kenya, Madagascar, Mauritius and Sri Lanka. The focus of these studies is on any activities that: create the appropriate conditions which could promote the effective enforcement of regulations regarding conditions of work and the protection of workers in EPZs; provide technical information and advice to employers and workers concerning the most effective means of complying with such regulations; and inform relevant authorities about problems of implementation of regulation, and report on practices which may not be specifically covered by the existing regulation. Based on these studies, a comparative paper with guidelines on good labour practices in EPZs has been drafted and posted on the ILO website.
 - (d) *Voluntary corporate initiatives in EPZs*: A research project examined the actual or potential contribution of private corporate social responsibility (CSR) initiatives in promoting workers' socio-economic rights in South Africa. The study examined whether CSR practices by enterprises, multinational enterprises and their suppliers based in IDZs might fill in possible gaps in public regulation. A research paper presenting the main findings of a field research conducted in South Africa was completed in 2010.⁶
4. In addition, since 2008, the Office has undertaken the following technical cooperation activities: the project on strengthening productivity in EPZs through decent work in Madagascar (*Amélioration de la productivité des entreprises franches*, APRODEF) and a training session for labour officials, labour inspectors and EPZ authority officials in Sri Lanka. In 2009, the Office developed a two-year project on freedom of association and the right to collective bargaining in EPZs funded by the Swedish International Development

⁵ J.K. McCallum: *Export processing zones: Comparative data from China, Honduras, Nicaragua, and South Africa*, research paper prepared for the Industrial and Employment Relations Departments, ILO, Geneva, Feb. 2010.

⁶ T. Andrew: *Industrial development zones of South Africa and corporate social responsibility: An alternative path for attracting investments*, research paper prepared for the Industrial and Employment Relations Department, ILO, Geneva, May 2010.

Cooperation Agency. The project aims at producing a global tool to promote the right to organize in EPZs by providing a framework to assess gaps and opportunities for action in relation to the law and practice. In 2010, a number of national research studies were commissioned covering Bangladesh, El Salvador and the Philippines, as well as a global study. The global tool will be developed on the basis of these studies and then pilot-tested in Bangladesh, El Salvador and the Philippines, before being made available for wider dissemination. Furthermore, since January 2010, the Declaration programme has initiated a USDOL-funded project on promoting fundamental principles and rights at work in Sri Lanka. Among others, the project aims at improving the legal and institutional framework for realizing fundamental rights in EPZ as well as the capacity of the tripartite constituents to apply these rights. The project is scheduled to end in June 2011. Finally, a project which aims at strengthening the capacities of trade unions to deal with freedom of association and collective bargaining deficits in EPZs, has been launched by ACTRAV. This work is being undertaken in collaboration with the International Trade Union Confederation and the International Metalworkers' Federation in Nicaragua, Morocco and Indonesia. Apart from the national level capacity-building work, the project comprises a research component that consists of national level studies, an interregional training component on organizing workers in EPZs, and a policy guide on trade unions and EPZs.

5. An online resource guide on EPZs has been developed and maintained by the ILO's Bureau of Library and Information Services. The guide compiles key information resources on EPZs and provides direction to users performing searches for documents on various topics related to this area.⁷

2. *New trends in the prevention and resolution of industrial disputes*

6. In 1992 the Governing Body considered a proposal for a potential Conference agenda item regarding dispute settlement. This was subsequently the subject of deliberations during a number of Governing Body sessions, including a detailed report at the 261st Session, and most recently in March 1999. At the time, the topic was proposed for a general discussion, but the proposal was not taken up.
7. The social and economic developments that have resulted from globalization have been widely documented. While these phenomena have given rise to economic growth in a number of countries, the unequal distribution of its benefits and the rapidity with which changes have taken, and are taking, place have led to increased social tensions. The current economic downturn has exacerbated these tensions. The international organization of production has also manifested itself in labour disputes that involve a number of actors across different national jurisdictions.
8. Labour disputes are recognized as a natural occurrence in the labour and employment relationship. The prevention, wherever possible, and the efficient and effective settlement of labour disputes are key features of sound labour relations. As such, a stocktaking and discussion of new developments in relation to dispute prevention and resolution systems would be beneficial.

⁷ www.ilo.org/public/english/support/lib/resource/subject/epz.htm.

9. As an agenda item for the Conference, a general discussion could examine the numerous existing international labour standards⁸ as well as national legislation and practice. The discussion would provide the Office as well as the constituents with recommendations for follow-up action and could represent an opportunity for the constituents to discuss the possibility of updating and consolidating several related ILO Recommendations, as outlined in the conclusions of the Working Party on Policy regarding the Revision of Standards.
10. The subjects that could be considered during a general discussion include, inter alia:
 - the overall trends and developments in dispute prevention and resolution;
 - different approaches to individual and collective disputes, and to rights- and interest-based disputes;
 - the roles of conciliation, arbitration and mediation services, as well as industrial labour tribunals and courts;
 - means of strengthening traditional methods of dispute settlement and integrating new approaches, tools and techniques, referring to key features (i.e. the legal framework, institutions, mechanisms and procedures) of successful systems;
 - innovative mechanisms for the prevention and resolution of disputes involving a number of actors from different countries;
 - the role(s) of the social partners; and
 - prospects for further research, advisory services and technical cooperation.
11. Should the Governing Body decide to undertake a general discussion in a future session of the Conference, it may wish to request the Office to launch a research programme aimed at identifying the current situation with respect to legislation, institutions and practice on the subject.

⁸ The Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), the Examination of Grievances Recommendation, 1967 (No. 130), the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94), the Communications within the Undertaking Recommendation, 1967 (No. 129), the Collective Bargaining Convention, 1981 (No. 154), the Collective Bargaining Recommendation, 1981 (No. 163), the Labour Relations (Public Service) Convention, 1978 (No. 151), and the Labour Relations (Public Service) Recommendation, 1978 (No. 159).