



## Eighteenth sitting

Wednesday, 13 June 2012, 10.05 a.m.

*President: Mr Alburquerque de Castro*

### REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (CONT.)

*Original Spanish: The PRESIDENT*

We will now resume the general discussion of the reports of the Chairperson of the Governing Body and of the Director-General.

*Original Montenegrin: Mr NUMANOVIĆ (Minister of Labour and Social Welfare, Montenegro)*

Montenegro gives special importance to the holding of the International Labour Conference, and it is truly a pleasure for me to have this opportunity to address you here today on behalf of the Government of Montenegro.

The Government of Montenegro congratulates Mr Ryder on his election as the new Director-General.

The Government of Montenegro is committed to internal reforms and the promotion of fundamental European values, primarily the protection of human rights and the rule of law. Confirmation of the results of such policy will be expressed through the initiation of negotiations in Montenegro with the European Union. We have progressed in the harmonization of our legislation, especially in the improvement of human rights in the field of labour and employment. We are aware that this is a process but we are fully committed to it.

In 2011, we continued with a reform of regulations in the field of labour and adopted some important laws. We have adopted amendments to the labour law, which are in line with some ILO Conventions, the amended European Social Charter and a number of EU Directives. Here, I will mention the most important achievements incorporated into the amended law with regard to the protection of employees.

We have introduced the principle of open-ended labour contracts and have limited temporary employment to 24 months with special exceptions. We have also introduced a new institute for the protection of whistleblowers and their labour law status. An important novelty is the provision under which, in cases where the temporary employment contract of women employees expires during their maternity leave, the period of employment as defined in the work contract is extended until the end of the maternity leave, significantly contributing to the promotion of the rights of employed women and providing an incentive for an increase in the birth rate.

Another novelty regarding equality between men and women in the exercise of their right to remuneration is the stipulation that employers guarantee men and women employees equal pay for the same work or for work of equal value. There is also a new rule on the burden of proof in the event of disputes over dismissal by the employer. Now the duty to provide justified legal grounds falls on the employer. We have also made a clear distinction between illegal and unjustified dismissal and the protection of workers is regulated accordingly. In addition to the right to return to work and to compensation of material damages, there is now a new right to compensation for non-material damages. Provisions of the labour law ensure the implementation of the principle of flexisecurity, thus contributing to the improvement of the business environment, greater labour market flexibility and the removal of business barriers.

We have also adopted a law on mobbing and we have, for the first time, created a new labour law system that provides the prerequisites for the improvement of the business environment, by defining preventive measures against mobbing at work. Both of these laws were adopted with the consensus of all the social partners.

Montenegro is recognized in the region as a State where social dialogue is developed at a very high level. In our State, tripartism, as the basic instrument of democracy in the field of labour relations, is being developed and upgraded through the system institutions. To that end, the Government and the representatives of public sector trade unions have signed an agreement on wage policy for workers, financed by the Montenegro budget for the period 2012–15, which should ensure the fiscal consolidation and competitiveness of the Montenegrin economy in times of economic crisis. On the other hand, it should also ensure adequate protection of the economic and social position of workers financed by the budget of Montenegro. We are increasing equality in social dialogue through the work of our social council in the agency for the peaceful settlement of labour disputes.

Just as in all other European countries, Montenegro is facing the problem of unemployment among youth and university graduates. The number of unemployed young people up to the age of 25 represents 18.11 per cent of total unemployment, and this is a major challenge for the labour market of Montenegro. In recent years, there has been a significant increase in the number of unemployed university graduates. In cooperation with institutions responsi-

ble for the system of education and employment, the Government is continuously carrying out activities to increase youth employment, especially through the employment of young university graduates. The Government adopted the proposal of the law on the vocational training of persons with university education, which will allow all persons with degrees to obtain skills outside their profession, to qualify them for other jobs. This should make the programme participants more competitive in the labour market. Young graduates will receive monthly wages equal to 50 per cent of the average net wage in Montenegro, which will be financed by the budget of Montenegro.

One of the youth employment measures involves a trainee employment programme as well as incentives for employers to hire young people after the end of the training period. This encourages employers to hire as many trainees as possible. Incentives also include subsidies to help employers cover social insurance contributions. Measures that are achieving results include the employment of young people during high seasons, through the special youth projects, and the creation of a positive environment for development of entrepreneurial activities for young people.

I wish to emphasize that the labour regulations that were adopted in Montenegro over the last year, as well as this year, provide the necessary prerequisites for greater mobility within the labour force, new investments, the development of SMEs and entrepreneurial clusters, more flexible forms of work and better social dialogue. The added value of these regulations lies in the fact that they are the result of compromise between the social partners. We are fully committed to the further development of our country's legal, political and economic system, and through the adoption of European standards and best practices we hope to reaffirm our strategic goal to join the European Union.

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Mr MAUNG (*Representative, International Trade Union Confederation*)

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I spoke from this podium in 1992. After 20 years of working on behalf of my organization, the Federation of Trade Unions – Burma (FTUB), I want to inform the 101st Session of the International Labour Conference about recent developments in our country after 20 years of consistent work by the ILO, initiated by the Workers' group and supported by the Employers' group.

We thank all the members of the international trade union movement who have supported us morally, logistically and politically since the 1992 session of the Conference. This solidarity and support, reinforced by the mechanisms of the ILO, is now showing significant results. Special thanks to the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) and Dan Gallin for their initial support, to brother Guy Ryder who directed us to the IUF, and to brother Yannick from the International Confederation of Free Trade Unions (ICFTU).

Looking at the last 20 years, we can now identify various stages in the fight against a regime for democracy and workers' rights. In 1992, when we started reporting to the ILO, the military regime insisted that all the reports on forced labour were fabricated. The Burmese authorities accused the ICFTU of political attacks on the country's image

and accused the FTUB of using the ILO as a political stage against the junta. In those years, the Government indicated that, "after the emergence of the new Constitution, various laws would have to be reviewed so as to be brought into line with [the Constitution]. However, during the transitional period the workers' rights were being ensured by the legislation still in force". This transitional period lasted about 20 years.

In 2002, the junta agreed to the opening of an ILO Liaison Office on forced labour. At present, despite the ILO work and the complaint mechanism, forced labour is still seen in some states and divisions, as in Kachin or Arakan states, and is accompanied by land confiscation, rape and other human rights violations. Before the March 2012 Governing Body, the ILO and the Government signed a Memorandum of Understanding for the full eradication of forced labour by 2015 through an agreed action plan. More recently, the Commander-in-Chief declared the commitment of the military to punish perpetrators. We consider that, if there is political will, the complete eradication of forced labour can be achieved well before the end of 2015.

The ILO and the constituents should also note that, during the recent mission of the Officers of the Governing Body, the Minister of Labour formally recognized that the 1990 and the 2000 ILO resolutions that initiated international sanctions were correct. We are honoured and encouraged that what we did for farmers and the workers of my country is appreciated in the proper perspective. We had to work hard to demonstrate the correctness of these measures and the need for their continuation up until this moment.

The new labour law and rules are a great step forward. There are still many restrictions and some strong interference that limit the ability of local, regional and national trade unions to organize freely and to promote collective bargaining and the right to strike. Too many sectors are classified as essential services. These articles, I believe, can be amended to be brought into line with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

On 6 May 2012, during a meeting with the Officers of the Governing Body returning from Burma, we were informed that the Minister of Labour had communicated to the delegation that the FTUB and its leaders could go back to Burma, register under the Labour Organization Law and rules and work as a trade union. The Minister of Labour requested the ILO Governing Body delegation to arrange for a meeting with the IFTUB at the Conference. On 28 May 2012, we had a meeting with U Thet Naing Lin, Deputy Director-General of the Ministry of Labour, and U Htet Lynn, Director of the Ministry of Foreign Affairs, which was also attended by ILO and ITUC representatives. After 20 years, dialogue was achieved.

From 1996 until now, we had 32 underground members in jail facing many criminal charges. Myo Aung Thant received the harshest sentence. Still now, four FTUB leaders are in detention; the rest of the 28 were released in early 2012. All these cases were reported and discussed at various sessions of the International Labour Conference.

This is the history of the last 20 years and the recent changes of political will towards workers' rights, forced labour and the FTUB. All these positive results have been obtained thanks to the consis-

tent actions of the ILO, its constituents, and the international trade union solidarity movement.

The great question now for both the Government and the FTUB is – what next when the FTUB goes back to Burma? For sure, we will work within the present International Labour Organization Law and rules. FTUB is strongly committed to building a broad, independent, democratic trade union that will work as a responsible social partner. To reach this objective, we still need your support to set up trade union and vocational training schools, to enable us and the employers to promote effective social dialogue, to become efficient partners in building a new Myanmar founded on social justice, the rule of law and full employment for men and women.

We need to modernize the country, but we have to walk slowly, so that sustainable development with equal social partners becomes a reality. Donor countries should give priority to women and young people and help our country to develop equality and become a model of sustainable development. We are happy that the World Bank, the International Monetary Fund and the Asian Development Bank are prepared to contribute, but they should avoid using their failed models. We look forward to working together to become a strong social partner in our country.

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*Original Italian: Mr MUSSONI (Minister of Labour, Cooperation and Postal Services, San Marino)*

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On the occasion of my first participation at the International Labour Conference, I would like to join the chorus of speakers who have preceded me and have clearly described the existing global situation which deeply affects both labour policies and the future of our societies and generations.

The Director-General's appeal to this large assembly, representing 184 member States of the ILO, goes to the heart of the main concerns of the international community, which must be able to match unemployment and development, opportunities for young generations and compliance with the fundamental rights of work and workers, guarantees of social protection and strategies to tackle a global emergency that is still at the core of world agendas.

Labour policies are currently among the priorities of many governments and help understand the entire political, economic and social system of the country they refer to. In so far as they manage to develop strategies helping tackle challenging issues, such as a high unemployment rate, a lack of confidence of youth with regard to past governance systems and the need to lay strong social protection foundations, all countries will be certain to have started a virtuous process that effectively supports the force of labour, which has always been the engine of the development of societies.

My country recognizes the need to follow together a path which, with the already mentioned tripartite system and social dialogue, creates the conditions to gently move out of the crisis. This can be achieved by focusing government policies on work intended as value and on all aspects concerning workers, but also on enterprises with new productive and sustainable investments which, at the same time and in an indissoluble manner, can raise employment, boost consumer demand and increase profits.

Compared to bigger States, a small State like the Republic of San Marino is more affected by the concerns and uncertainties deriving from today's

crisis. San Marino is indeed fully located in the European context, a Europe that is facing a considerable and widespread public debt, a progressive drop in employment and significant human costs for this large region; a Europe that, despite this, has always upheld a social justice based on the defence of fundamental rights and on the protection of the most vulnerable people.

The fact that this 101st Session focuses on issues such as youth employment, the foundations of social protection and the fundamental labour principles and rights gives us the opportunity to exchange our views and to reflect on the major national and international challenges with a view to adopting behaviours that promote a sustainable development of the world economy through social cohesion.

San Marino is addressing the need to reposition its economy on the basis of a new growth model, to be achieved also through a reform of labour market regulations on which we are working after a close and constructive dialogue with all social parties. To relaunch the competitiveness of our enterprises and to develop a sustainable growth platform, natural priority is given to the best possible management of economic and financial relations with the neighbouring Italian Republic, both for obvious reasons of territorial proximity and for the ancient and friendly relations that have united the two States for centuries.

Considering today's alarmingly high rates of unemployment, involving 75 million young people all over the world, a figure which has exponentially increased over the last years, San Marino expresses strong concern for this global emergency and for the consequent threats to social cohesion and economic growth. In line with what is stated by the ILO to combat this phenomenon, my country is paying special attention to all provisions that go in this direction by domestically establishing facilities in support of employment through targeted training projects, as well as the possibility to benefit from the vouchers that we have recently introduced to participate in advanced training courses abroad. This is based on the awareness that young people are the engine to move out of today's economic and financial crisis and that, considering the necessary rearrangement and rational repositioning of the national economic and productive system, it is essential to offer new economic incentives to invest in jobs that are part of innovative and research projects, as well as to restore a climate of confidence that is able to counter today's message of frustration and rage launched by, and to, younger generations and inevitably affecting the entire political and economic framework.

The Republic of San Marino is facing today's emergency situation. However, thanks to a tenaciousness that has supported it also during the most delicate moments of its recent past, and encouraged by the references of the major international financial organizations, San Marino can now look to the future with a renewed confidence. For this reason I can affirm that today's San Marino recognizes its potentialities as a reliable partner for projects and investments which reconcile the need to offer job opportunities and the need for sustainable growth while guaranteeing at an international level those standards of transparency, legality and social justice that make it a modern and competitive State.

In this context I would like to underline that also for the ancient Republic of San Marino it is crucial

to focus labour policies on sustainable and human dimensions by thinking, first of all, of workers and therefore the numerous families which today have to make huge sacrifices because of job losses. These must be the target of support and recovery policies, besides decisions guaranteeing a stable growth, in respect for dignity and labour rights. The interconnection between financial markets and labour markets requires, now more than ever, the adoption of urgent policies that are complementary and non-specific and that build on employment and social protection as engines of economic growth. To achieve this we agree on the need to reposition the real economy at the head of the global economy.

I would like to thank the outgoing Director-General, Mr Juan Somavia, for the excellent work he has done and express my best wishes to the new Director-General, Mr Guy Ryder, for the accomplishment of his new high functions in the priority interest of our Organization.

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*Original Russian: Mr SHMAKOV (Worker, Russian Federation)*

The leitmotif of this Conference is the words on the heading of its most important documents: "Giving globalization a human face" and "From commitment to action."

Under the conditions of the global crisis, it is no paradox that workers need global justice. Fate did not send us the crisis. It is manmade, the consequence of incorrect decisions and a lack of social responsibility. It is possible, therefore, to exit the crisis, and we can do this by building a fairer society. That can be achieved by making politicians and businessmen face up to the needs of the workers who create wealth and who are not a cheap, disposable commodity.

Any form of globalization, like any crisis and way out of a crisis, begins at home, in one's own country. However, the ILO, with its global code of labour standards, gives us a reliable compass on the stormy seas of social and economic upheaval.

Today, we are witnessing a radically changing world. These changes cannot fail to also affect the International Labour Organization.

However, despite all these changes, the ILO, which by definition is a unique organization, must remain committed to the ideology of tripartism, which plays an important role in social partner relations. Tripartism in labour relations is a precondition, both for the activities of the ILO constituents and for relations at the national level. Only consensus between trade unions, governments, and workers can guarantee social peace and progressive economic development. In this connection, we cannot help but be worried about the position of the International Organisation of Employers. Their refusal to discuss workers' rights violations in the Committee of Experts is an attempt to cover up the worst violations and avoid focused international attention, which can protect lives and stop the most serious attacks on the rights of workers, including the right to strike. We must remember that we are working for a common cause and that our work will have a great impact on the socio-economic situation in the world.

In Russia, we are at the beginning of a period which not only holds the possibility of upheavals, but also promises new opportunities for developing the country and bringing it closer to fulfilling its potential. In order to achieve positive outcomes, we have to have responsible economic and social State

policies. The idea of the State withdrawing from the economy, of it becoming the night watchman of the country, which is what Russian business has been lobbying for over the last 20 years, is totally out of date.

During the presidential campaign, workers made demands from the future leadership. First of all, they need fair wages for their work. Stories that we are all in the same boat do not delude us anymore; it is the same boat, but the cabins are different, and many live below the water-line. A situation where the income gap between workers and managers is one-hundred-fold cannot be justified by stories about gifted managers. Of course, the income of workers should grow as labour productivity grows, but all of us together, the authorities and the trade unions, must ensure that labour productivity growth is carried out through new technologies, better organization and occupational safety, and better training for workers.

Russia has to return to a planned growth of the minimum wage. At the beginning of the crisis the minimum wage almost met the minimum subsistence level. It has now dropped to only 70 per cent of this. We need to recover this lost ground, while simultaneously increasing unemployment benefit.

Today, labour is not only cheap, but also dangerous. Regular accidents in the workplace demonstrate the indifference of owners and managers to the life and health of workers. Sometimes workers themselves violate safety procedures, but not because they do not value their lives. They do so because they have a simple choice; either they have safe, but low-paid wages, or they take risks and earn more money. Therefore, the Russian Federation's ratification of the Social Security (Minimum Standards) Convention, 1952 (No. 102), as well as the adoption of the Recommendation on the social protection floor, are very timely.

Russia needs social progress and not social dumping.

We have a great deal of experience of successful work with the Russian Tripartite Commission on Industrial Relations; its powers must be extended, both centrally and in the regions. We also need to step up the repercussions for violating the decisions, collective treaties and agreements of the Tripartite Commission. Social dialogue is a voluntary process, but carrying out of the voluntary consensus is a legal issue.

Social dialogue is not possible without guarantees of trade union freedom. There have to be repercussions for unfair dismissals of trade union activists, for violating trade unions' rights, as well as workers' right to freedom of association.

Trade unions demand the prohibition of hired labour as it is practised now in our country. We cannot allow workers to be turned into objects, dumb machines leased out by the private agencies that trade in such workers.

The world expects the ILO to act. As at the beginning of the twentieth century, the issue is that there is either going to be constructive dialogue on capital and labour or there will be social upheavals. The difference now is that the ILO has acquired a wealth of wisdom which is almost one century of setting and applying standards. The trade unions of Russia will do everything to help the new Director-General, Guy Ryder, to turn this wisdom into practical action.

Mr President, may I congratulate you on being elected to this high position and wish you every success in directing this Conference to satisfactory conclusions.

In addition, may I express my appreciation to the outgoing Director-General, Mr Somavia, and thank him for all that he has done for the ILO over the last years. At the same time, I welcome Mr Ryder as the incoming Director-General and I assure him of the support and cooperation of Namibian employers in furthering the aims of the ILO.

Over the last few years, this House has steadily produced instruments intended to guide the world of work in creating sustainable enterprises and sustainable jobs aimed at assisting the world in recovering from the 2008–09 global economic crisis. We, this House, have also pointed out that we should learn from the failures that led to this collapse and prepare for the next crisis because it is not a matter of whether there will be another crisis, it is a simply a matter of when. Looking at the eurozone today, it appears as if the when is not very far from now.

We must ask whether all these discussions have helped. Have we created more jobs? If not, why not? According to the ILO *World of Work Report 2012: Better jobs for a better economy*, there are an additional 50 million unemployed worldwide today, compared to the employment figures prior to the pre-crisis situation in 2008. Why are we not creating those jobs? What are we doing wrong?

This year has seen the first discussion on the question of youth and entrepreneurship. I am very hopeful that something very constructive will come out of these discussions.

We, the employers of Namibia, are working on several approaches to try and address this issue: firstly, an apprenticeship scheme in the agricultural sector for school leavers with limited basic education; secondly, a scheme to assist SMEs and emerging entrepreneurs, with bridging finance as opposed to start-up capital to enable them to tender for bigger contracts and to give them working capital until the first tranche or progress payment is made; thirdly, a formal internship programme for graduates from tertiary education facilities to assist them with their smooth entry into the world of work. We will be more than happy to share our experiences with any interested country at the next ILC.

On a different note, the ILO *World of Work Report 2012: Better jobs for a better economy* raises the question of the due regulation of labour administration and its effects on unemployment or on increasing employment. I quote from the report summary, page 3: “adequate employment regulations tend to be positively associated with employment”.

I believe that this statement needs clarification. There is a difference between adequate regulation and over-regulation. In the Global Jobs Pact discussion, the Employers repeatedly called for smart regulation, not over-regulation, and we, as employers from Namibia, continue to subscribe to this position. If the process of dismissing staff is at times almost impossible and fraught with peril, employers will hesitate to employ permanent staff since barriers to firing are barriers to hiring. Thus, the unintended result of over-regulation is a longer term scenario of reduced permanent employment. Therefore, we are sceptical about the wording of the Report since adequate regulation, we suspect, is likely

to boil down to over-regulation, which is unlikely to lead to sustained unemployment in the long term. In this regard, I refer to the recent speech from the Confederation of German Employers’ Associations (BDA) in which they reported that the promotion of flexible work had stemmed the rising tide of German unemployment and that, in fact, the use of flexible forms of work had allowed these workers to regain a foothold in the labour market and reduced the overall unemployment figure from 4.4 million in 2004 to under 3 million today.

In conclusion, I wish to briefly refer to the developments within the Committee on the Application of Standards at this year’s Conference. The Namibian Employers’ Federation wholeheartedly supports the approach of the Employers’ group in this matter and confirms that the Committee of Experts, as an advisory body, lacks judicial capacity and as such is not competent to interpret provisions of a Convention, let alone a substantive issue on which the tripartite members of the ILO have not agreed politically.

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**REPORT OF THE COMMITTEE ON THE SOCIAL PROTECTION FLOOR: SUBMISSION, DISCUSSION AND APPROVAL**

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*Original Spanish:* The PRESIDENT

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We will now proceed to the submission, discussion and approval of the report of the Committee on the Social Protection Floor.

The report of the Committee on the Social Protection Floor, the proposed Recommendation and the resolution submitted to the Conference are contained in *Provisional Record* No. 14. I invite the Officers of the Committee to come up to the podium: Mr Feyder, Chairperson; Mr De Meester, Employer Vice-Chairperson; Ms Kelly, Worker Vice-Chairperson; and Mr Kaunda, Reporter.

I now give the floor to Mr Kaunda, Reporter of the Committee, to present the report.

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Mr KAUNDA (*Government, Zambia; Reporter of the Committee on the Social Protection Floor*)

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I have the honour to present to the Conference the report of the Committee on the Social Protection Floor. In introducing the report and the proposed Recommendation, I would like to give you a short overview of our work in the Committee.

The report and the proposed instrument are the results of the Committee’s hard work over the past two weeks. We had 14 formal sittings, including one evening sitting, many group meetings and a meeting of the Drafting Committee. Our work was characterized by common determination to adopt an international standard, namely a Recommendation that can help ILO Members in their efforts to close existing gaps in social security coverage.

Over the last decade, there has been growing awareness about the social insecurity faced by the majority of the world’s population and the dramatic consequences for people lacking access to even essential health care and basic income security. This awareness in many countries was converted into action through the implementation of policies and programmes that constitute social protection floors covering all those in need.

In the ILO, at the last session of the 2011 International Labour Conference, we reached a consensus on the need to supplement existing international social security standards with a new instrument

guiding all member States in their efforts to establish social protection floors. The Committee did its utmost to respond to the expectations of the ILO's constituents and society at large. The Committee was thus entrusted with a formidable task. I believe that we can all be proud, both of the result we have achieved and of how we achieved it.

We succeeded in discussing and adopting the text of the proposed Recommendation. This was a very ambitious task, considering that we were asked to do this in only one year. It was not a simple task to reach a balance between the necessary minimum protection and flexibility in its implementation. Equally challenging at times was agreeing on wording that could accommodate the various legal regimes, national practices and social and economic circumstances across the world. No matter how challenging, the Committee has worked in a very constructive and engaged manner. It has shown firm determination to reach consensus and to fulfil the task that it was entrusted with to develop a robust instrument which provides meaningful guidance for countries in building social protection floors, guaranteeing access to essential health care and income security to all in need, within comprehensive social security systems tailored to national circumstances and levels of development.

We used the limited time at our disposal in a very efficient manner. We built on the consensus achieved last year. A decisive factor, that allowed our Committee to accomplish its work, was the unrelenting commitment of our Chairperson, Mr Feyder, and the two Vice-Chairpersons, Mr De Meester and Ms Kelly. Their motivation and commitment to ensure that all in need have access to basic social protection across the world helped tremendously.

Government members, through their invaluable contributions, ensured that we captured national perspectives. I thank all the members of the Committee for their engagement and constructive input.

I would also like to acknowledge the enormous work done by the Office since last year's Conference. The Office draft of the Recommendation, as many Committee members rightly pointed out, reflected the priorities and concerns of governments and workers' and employers' organizations. The Secretariat ensured the timely delivery of this report and provided excellent support throughout the whole process. The Secretariat's competence and dedication have been remarkable assets to our work.

Before turning to the content of the report, allow me to say a few words on the substantive provisions of the proposed Recommendation that is before you for adoption. The objective of this proposed Recommendation is to provide guidance to members in establishing and maintaining social protection floors as the fundamental element of their comprehensive social security systems, and in developing extension strategies that progressively ensure higher levels of social security to as many people as possible and as soon as possible, reflecting national objectives, economic and fiscal capacities and guided by ILO social security standards.

Social protection floors are understood as nationally defined sets of basic social security guarantees aimed at preventing or alleviating poverty, vulnerability and social exclusion, and ensuring at a minimum that over the life cycle all in need have access to essential health care and basic income security. Such guarantees should be established by

law and be provided to, at least, all residents and children.

The proposed Recommendation recognizes the overall and primary responsibility of the State in giving effect to its provisions and sets a number of principles to be applied by Members in doing so.

The progress of national extension strategies should be monitored in the nationally defined mechanisms, which should also include regular national consultations.

With this, I return to the report before us. The report comprises four sections. The first section contains the opening statements in which the Employer and Worker members, representatives of the regional groups, as well as 23 individual governments and three non-governmental organizations presented their views regarding the proposed text.

The second section summarizes the discussion on 170 amendments submitted by a large cross-section of delegates, as well as a large number of subamendments.

The third section contains the main outcome of our deliberations, the text of the proposed Recommendation as adopted by the Committee. We can proudly say that, as a result of our hard work, we arrived at a text which gives meaningful guidance to Members and which reflect the various national contexts within which social protection strategies and policies are being shaped.

The fourth and last section of the report includes the resolution adopted by the Committee, which invites the Governing Body to request the Director-General to implement, subject to the availability of resources, measures that support countries in their effective implementation of the Recommendation. This should be done through its promotion, the facilitation of the sharing of knowledge, information and good practices, through enhancing the capacity of ILO constituents and the provision of technical assistance, and through encouraging international cooperation.

The Drafting Committee aligned the French and English texts, the two authentic linguistic versions. The Spanish text was also accordingly adjusted.

I take this opportunity to thank the members of the Drafting Committee for their hard work.

I now have the honour of submitting the report of the Committee on the Social Protection Floor, together with a proposed Recommendation and Resolution, to the International Labour Conference for adoption.

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Mr DE MEESTER (*Employer, Belgium; Employer Vice-Chairperson of the Committee on the Social Protection Floor*)

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I have the honour to present the Employers' statement and support for the adoption of the Report of the work of the Committee on the Social Protection Floor, which contains the text of the proposed Recommendation and resolution.

First of all, I want to pay tribute to the work of the Committee that was carried out in a spirit of excellent cooperation and good humour. It was so efficient and effective because it has benefited from the firm foundations laid down by last year's debate and because of the commitment and collaborative spirit of the spokespersons for both the Workers' and Employers' groups, the Government representatives and the secretariat. Being in a tripartite process is always a compromise, but provided that the balance is good, what you lose in compromise you gain by collaboration. In this Olympic year, I am the last

in a long line of Employers' speakers who have carried the torch towards the finishing line of these discussions and negotiations, and I particularly want to pay tribute to Michel Barde who led the Employers last year. Hopefully we have all lived up to the expectations placed upon us by the conclusions of the International Labour Conference in 2011.

We recognize that this proposed Recommendation is only one piece of the tapestry that makes up the whole picture of the ILO's work on social protection. There is much other research, information and technical support in this area, and this will be even more necessary to assist member States in the future in applying the guidance that is provided in the proposed Recommendation. Employers believe, however, that this Recommendation is one of the most important contributions to the ILO's work on social protection because it recognizes and addresses the challenges presented for many member States in ratifying other standards.

"Those who look only to the past or present are certain to miss the future"; words from John F. Kennedy. With this Recommendation we are looking at the future. It aims to present a pragmatic solution to address the different needs of countries and their differing current positions in social protection provisions. It puts the responsibility for choosing provisions and the means of supplying them clearly at the national level. It stresses that the systems are robust, accountable and well-managed. At the same time, it identifies those essential, life-sustaining necessities while still allowing nations the flexibility to adapt them to their own circumstances. It aligns with broader UN aspirations to deliver on the Millennium Development Goals.

Progress above and beyond the social protection floors can also be adapted to national circumstances so some can take a staircase and others can take an express lift, a high speed elevator to the next stages of social protection provisions. In the great spirit of tripartite cooperation that is the particular hallmark of the way the ILO works, the Employers of course support the text as it now stands and commend it to the Conference and to fellow employers around the world. We are well-focused as a Committee because we have a common and noble purpose to help make life better for those most in need. The Employers' motives partly stem from our belief that social security is an investment in people that empowers them to adjust to changes in the economy and in the labour market. The Recommendation promotes productive economic activity, vocational training, productive skills and employability. These are indispensable elements to nurture sustainable enterprises and to create an environment wherein businesses can thrive and promote entrepreneurship.

We are also particularly pleased that employers' organizations, along with others, will be involved at a national level in the design and resourcing of the social protection floors, in the arrangements for the extension of their scope and coverage, the extension part, and in the monitoring and evaluation arrangements. It is important that representatives of those who are a part of the solution are involved in the system. They will help to ensure that what is put in place is appropriate and sustainable. But it is a consensus text and we know that we cannot all get what we want all the time so there are a few areas, in our view, where consensus has slightly detracted from good sense.

Of course social security is a human right but it has to be supported by personal responsibilities. Repeated reference to standards that are unratifiable by many countries does not make them easier to ratify. When budget and resources are limited, the principle of universality of social protection provisions can confuse priorities for the most needy. We also prefer not to include industrial relations matters in this social protection instrument, but this is only a short list, a little list and I am sure that my Employer colleagues can get over these challenges. Employers firmly believe that the good intentions of the text far outweigh the elements of concern. You can be assured that the Employers' organizations will play their part in helping to make a success of the aims behind this instrument. In fact we are proud of being part of a measure that could make a real difference to the lives of people who need support.

We will work with governments and others at the national level to help deliver on the commitments we have crafted over the past couple of weeks. We will provide assistance and share experience where we can. And now I wish to reiterate the thanks that Employers have already given to those involved in this work. Firstly, we would like to pay tribute to our Chair, Mr Feyder from Luxembourg, for allowing an inclusive and well-explored consensus to develop while sticking to a demanding timetable. And sorry for sometimes confusing him with unexpected moves and informal discussion outside of the protocol. We also very warmly thank the Worker Vice-Chairperson spokesperson, Helen Kelly, her Workers' group and the Workers' team from ACTRAV and ITUC. Employers cannot give a higher compliment than saying it was great working with you and I hope the rest of the Workers' group in this Conference will not hold that against her and the group, because we know that compliments from the Employers' side are sometimes regarded as suspicious. I want to particularly thank my own team of Employers' representatives who stuck with the discussion and were so ably supported by the IOE and ACT/EMP teams.

Now for the ILO staff. We recognize the work of all of the ILO team in getting us to where we are now, and the impressive hours that they have all put in, both in the Committee and behind the scenes. They are too numerous to name individually but we thank them all and recognize that this is the beginning of a different road for them; to shift the emphasis from policy to technical support. Government colleagues have been vital to the success of this process and I thank them for their constructive input and collective problem solving. Some of them were struggling, now and then, with our logic or that of the Workers' group. I will not mention any specifics; what matters is that the collaborative spirit prevailed in the end. All Government colleagues will now have a very special role to play when they get back to their capital cities; initiating the move from rhetoric to action. Lastly, I want to thank the interpreters who have allowed us to understand each others' needs and proposals.

Allow me now to drift away from the prepared speech for one moment. I have participated in International Labour Conferences since 2000. Some of you have much longer standing experience and I am sure, you, like me, now and then have had the feeling of working a long time to produce a text in the end, but not feeling a real connection with it – noth-

ing tangible. This year was different. I am not an expert in social security but I feel, no, I know, that we have accomplished something of real added value. People from my group but also workers, governments and NGOs came to me and said that they really felt the true spirit of what the ILO is about and that they were proud of the results and proud to have been part of this Committee on the Social Protection Floor. Some other committees – I will not go into details – went through troubled waters. We, on the other hand, all of you, took part in the discussion, active or passive, it does not matter. We are the living proof that tripartism is still alive in this House. Collaboration and respect are the key words. I am proud of you and my sincere and deepest respect goes to all of you.

And now for my conclusion. I have been looking for the appropriate wording for this conclusion: consistent with what I said before; not repeating myself; not referring to other texts or standards; balancing my rights and responsibilities; disaggregated not by gender but by key pillars; a sustainable line of text that is relevant and most representative for the spirit in our Commission. After consultation, not participation of the Internet, and according to the standards and practices of the house, I came up with the following quote: “If everyone is moving forward together then success takes care of itself.” In other words you have our support; let us go for gold!

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*Ms KELLY (Worker, New Zealand; Worker Vice-Chairperson of the Committee on the Social Protection Floor)*

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I have the honour to speak on behalf of the Workers’ group on our work on the proposed Recommendation concerning national floors of social protection. It is an honour and, indeed, a great pleasure that I can report on a very constructive tripartite discussion and, most importantly, a great outcome.

The proposed Recommendation No. 202 sends a clear and bold message: there shall be a social protection floor with essential guarantees for health care and basic income security in all countries, based on the principles of universality and solidarity.

It is high time to make decisive progress and to provide at least basic social security to all women, men and children, and it will make a fundamental difference to the lives of billions of people.

After decades of economic growth, the world has long passed the question of affordability. The world is rich enough to provide social protection floors to all. In most countries, lack of resources is not the main problem: it is rather a question of distribution. Those countries that genuinely lack the necessary resources should and, may I say, must get international support to start and build their social protection floors.

The proposed Recommendation No. 202 sets out the principles and provides the guidance for building social protection floors as part of national social security policies. What is needed now is the political will to move forward rapidly, to collect the necessary taxes and revenues, to create a transparent, efficient and accountable social security administration and to build social security, not only for the people, but with the people.

The new Recommendation assigns overall and primary responsibility for its implementation to the State. This is not an ideological statement, but a practical one: experience shows that it is impossible

to cover the poor, children and the elderly comprehensively through voluntary schemes or through private insurance. Solidarity with the poor, the vulnerable and the disadvantaged requires decisive policies by the State, otherwise it will not work.

The proposed Recommendation defines social protection floors as the basis for and the stepping stone towards comprehensive social security systems. It underlines the relevance of the Social Security (Minimum Standards) Convention, 1952 (No. 102), and other ILO instruments for building social security systems. Indeed, our deliberations over the last two years have forced us to take a fresh look at those existing social security Conventions, and articles 17 and 18 of the proposed Recommendation reaffirm both the consensus of the Committee that they are up to date and relevant and its call on member States to consider ratifying Convention No. 102 as early as national circumstances allow.

The call for social protection floors is a call for just that – a floor – and it would be a total misrepresentation of our collective intentions to interpret the floor as a ceiling. We can see how the current crisis is being used to undermine long-established social security provisions. Lowering social security provisions towards the floor goes against the intention and the spirit of this proposed Recommendation.

We had an interesting and constructive debate in the Committee. The final draft was unanimously agreed, and we also agreed that this proposed Recommendation is not exclusively owned by governments, employers and workers – it is an open invitation to all relevant and representative organizations of people concerned to join efforts and to build good social security systems for all. We also invite other international organizations to use the proposed Recommendation in their work.

Social security needs consensus and the broadest possible political support in societies. This support is impossible when governments and employers deny workers their basic rights to associate freely and to bargain collectively. This is an issue of democracy and of human rights, but it is also an issue of economic sustainability. Representation of the poor and collective bargaining are essential for fair income distribution. Widespread collective bargaining coverage is the best way to ensure adequate wage levels that enable workers to contribute to social protection systems.

We had trouble establishing this point in the proposed Recommendation. We do not want to think that the willingness to agree to the proposed Recommendation concerning national floors of social protection is because some think about it as a provision of transfers without giving voice and power to people. People must have a say in their own destiny and must have voice and representation. It is a challenge to this Organization that, at the same time as we adopt the proposed Recommendation, workers struggling for their basic rights were denied the possibility to be heard in the Committee on the Application of Standards.

This proposed Recommendation is an inclusive instrument reaching out to billions of families struggling in the informal economy. Providing basic guarantees to all would be a major step towards protecting workers in the informal economy against the worst forms of exploitation and extreme poverty. It will also support the transition from informal economic activities and precarious work to decent employment.

The proposed Recommendation calls for the rapid realization of floors, for targets and time frames for implementation, and for sufficiently broad and progressive tax revenues to ensure financial sustainability. It also calls for regular national consultations to assess progress.

In line with these provisions of the proposed Recommendation, we call upon governments to convene, as soon as possible, national consultations to identify the gaps and barriers to the extension of social security and to develop a road map with targets and time frames for progressive implementation. These national consultations should form the baseline to measure political progress. We further suggest that this information be shared with the ILO to provide a global picture about national targets for implementing social protection floors and to progressively build higher levels of protection.

In 2019, we will celebrate the 100th anniversary of the ILO. The best celebration of that anniversary will be hard evidence that the social floor aspiration has become a reality. We suggest that all countries set themselves realistic but ambitious targets for 2019, and we call upon the ILO to provide a comprehensive report in 2019 on the progress made.

Social floors and implementation strategies will differ by country, but all countries, independent of their stage of development, should be committed to the same overall objectives: prioritizing implementation of social protection floors and seeking to provide higher levels of protection to as many people as possible. In 2019, we want to see an ILO assessment of how many millions of people have benefited from the extension of social security that this proposed Recommendation calls for.

We have not only provided guidance for member States, but also for the new Director-General and his staff. The resolution annexed to the proposed Recommendation calls for a plan of action and the necessary resources to support the implementation of the proposed Recommendation. We have given the new Director-General a mandate and an opportunity to put the ILO at the centre of the global policy initiative. We are hopeful and confident that this opportunity will not be missed.

Finally, let me thank all those who contributed to the efforts to produce this landmark proposed Recommendation. I will not mention everybody personally because so many contributed over the years and naming a few would do injustice to all the others. I do want to thank all of those in this year's Committee: Mr Feyder, Mr de Meester, Governments, Employers and, in particular, the Workers' group, the Bureau for Workers' Activities and the ITUC staff, along with all the staff that worked so hard to make this proposed Recommendation a reality. I would also like to recognize and acknowledge and thank Mr Diop, Executive Director for the Social Protection Sector. He has done this job for more than a decade, and this is his last Conference. It was a pleasure working with him. His staunch support and stewardship for this work means that he leaves a great legacy, and we thank him.

We have a great document. It is up to all of us to make sure that it is fully supported and implemented. A unanimous vote tomorrow will be a powerful signal that the 184 member States of the ILO are committed to providing social security for all.

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*Original French: Mr FEYDER (Government, Luxembourg;  
Chairperson of the Committee on the Social Protection Floor)*

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I have the honour in my capacity as Chairperson of the Committee on the Social Protection Floor to present to you some observations on the work of the Committee. Let me highlight a few points to complement the excellent accounts of our work which you have just heard from the rapporteur, Mr Kaunda, and the Vice-Chairpersons, Ms Kelly and Mr De Meester.

The two weeks of work of the Committee were extremely productive and constructive and though they were perhaps sometimes challenging they always took place in a constructive and collaborative spirit. The Committee's deliberations were a striking illustration of the strength of tripartism. Members of the Committee worked hard for 15 sittings, including one night sitting, and agreed on a final text one day early. I would therefore like to thank the Office and in particular the Officers of my Committee, Mr Kaunda, Mr De Meester and Ms Kelly, for their excellent work and their cooperation at all times during these two weeks.

The proposed Recommendation that we submit to the Conference for adoption tomorrow reflects the quality of the deliberations of the Committee. The text will provide valuable substantial and clear guidance to all member States in their efforts to establish national social protection floors as a fundamental part of their social security systems and beyond that as part of their fight against poverty. This reflects the two-dimensional strategy for the extension of social security adopted last year by the Conference, and takes it to a new level. I think I can say in all modesty that we have proved that we were worthy of the task that we set ourselves last year, which was "to provide flexible but meaningful guidance to member States in building social protection floors within comprehensive social security systems tailored to national circumstances and levels of development".

The proposed Recommendation fully reflects this mandate. We have prepared this Recommendation within only one year, and that is certainly something we can all be proud of.

Last year the Conference called for the rapid implementation of social protection floors. The proposed Recommendation now clearly defines the scope of national social protection floors. It specifies that national social protection floors are "nationally defined sets of basic social security guarantees which secure protection aimed at preventing or alleviating poverty, vulnerability and social exclusion". That is precisely what the world needs. National social protection floors ensure that people have access to essential health care particularly in the case of maternity. They also ensure a basic level of income security for children, which translates into access to food, education, care and other goods and services necessary to allow children to grow up in decent conditions. In the same way a basic level of income security should also be guaranteed for older persons as well as working-age adults who are not able to earn a sufficient income.

Furthermore, the Conference made it clear last year that social protection floors should not become ceilings. The proposed Recommendation clearly lays out a framework which will help countries to define their social security extension strategies on the basis of a national dialogue which ensures that

these strategies reflect national priorities and are in line with national circumstances. Member States are thus encouraged to move progressively forward towards levels of protection that are in line with the minimum standards set out in Convention No. 102 and other ILO Conventions and Recommendations.

The proposed Recommendation provides guidance to Members on this vertical dimension of the extension of social security in the section on national strategies for the extension of social security. The ILO Constitution underlines that universal and lasting peace can be established only if it is based on social justice. The Declaration of Philadelphia takes the notion of social justice even further by stipulating that “all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”. As members of the Committee and of the Conference we can be proud to take a small but essential step towards achieving this noble objective.

The Committee has prepared an instrument which can contribute to changing the lives of millions of men, women and children in our countries. I am heartened by the experiences shared by Government, Employer, and Worker members of our Committee. They have described the progress already made in their countries towards extending social protection to all. I am also encouraged to note the strong commitment of governments, employers and workers to work jointly towards making universal access to social protection a reality everywhere, to ensure that children are well fed and can go to school, that people can access essential health care without fearing that their health bills will push them and their families into poverty and to ensure that older people receive a pension at the end of their working lives. This is the fabric that equitable societies and productive economies are made of and that is a guarantee of the social cohesion which is essential for our societies.

The proposed Recommendation will help member States to move towards this objective and to promote the rights and dignity of our peoples and the opportunities which are presented to them. In order to do that, it needs to be transformed from a piece of paper into policies, legislation, institutions, resources and programmes, leading to real change. While our work in this Conference has almost come to an end, our real work has only just begun. We need to go back to our countries and make sure that the outcomes of the Conference are transposed into national policies and legislations which will help to improve the lives of our peoples.

In conclusion, I should like to say that this 101st Session of the International Labour Conference will have been the last for one or even two eminent members of the secretariat from the Social Protection Department: Mr Assane Diop, Executive Director of the Department; and also his Director Mr Michael Cichon. I should like to express our great thanks for the work they have done for this Organization and for the international community over a period of many years. I should like to express our gratitude for their competence, their ability and for their exemplary commitment which has been unflinching. This is particularly true with regard to the design and preparation of the proposed Recommendation which will be put to the Conference for a vote

tomorrow. Mr Assane Diop, Mr Michael Cichon, I think deserve our full gratitude.

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*Original Spanish: The PRESIDENT*

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I would now like to open the discussion on the report.

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*Mr MAKEKA (Employer, Lesotho)*

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Allow me to add my remarks to those of the Employer Vice-Chairperson of the Committee on the Social Protection Floor, Mr De Meester, in support of the adoption of the report as well as of the proposed Recommendation on the social protection floor.

It was a delight to have been a part of the Committee that produced this document, which commends itself to all of us for unanimous adoption because it puts the interests of the most needy and disadvantaged in our societies at the forefront, a forefront to which all of us subscribe.

I must confess that I was very sceptical at the beginning of our work, expecting and anticipating the usual adversarial approach to issues before this House, where Employers are pushed to be on the defensive, in that everything wrong is put on our doorstep, and as such we are made to bear the cost of rectifying the undesirable position.

This time around, thanks to the leadership of the three social partners in the Committee, the deliberations of the Committee were difficult, but cooperative and very constructive. They left no stone unturned to produce this document by consensus, to which we can all append our names and signatures. Of course, the hard work and sacrifices begin when we get back to our respective countries to put into effect the guidelines which we have set for ourselves.

The major challenge will, of course, be the financial resources needed to get the social protection floor going. We are, however, confident that, having agreed on the need for tripartite consultations, including with other stakeholders at the national level, one step at a time, we shall get the desired goals and results.

We are confident that this Recommendation is the best format and framework for fighting poverty and adverse consequences of unemployment, and thus achieving the desired Millennium Development Goals.

We accordingly recommend the adoption of this instrument tomorrow by unanimous vote.

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*Original Spanish: Mr HUMERES (Employer, Chile)*

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In my capacity as a member of the Employers' group on the Committee on the Social Protection Floor, I would like to make the following comments on the text of the Recommendation approved today.

I was one of the many Employers who actively followed the Committee's discussions until the end, and my colleagues and I worked diligently to achieve consensus on the Recommendation and thereby fulfil the expectations set forth in the Conclusions of the 2011 International Labour Conference.

We recognize that this preliminary Recommendation is just one part of the challenge that the ILO's work on social protection involves. We, the Employers, believe that it is one of the most important contributions made in this area since this Recommendation recognizes and attempts to tackle the challenges it identifies, through efficient and transparent governance and adequate funding.

The text that we have adopted today aspires to provide a pragmatic solution to basic social challenges, thereby setting margins that can be adapted to national realities and needs, as well as the various solutions currently available in the area of social protection benefits.

In this regard, we think it is very relevant to bear in mind that progress on social protection floors should always be adapted to national circumstances, without impeding efforts to advance towards new and enhanced stages of social protection. Nevertheless, and although this is a consensual text, we think that there are some aspects where, in our opinion, the text has diverged from the above objectives.

We are concerned about the repeated references to the text of Conventions that many of our countries cannot ratify since, although their content is a reference, some of their provisions do not take into consideration the variety of technical alternatives available today as potential effective solutions to the highly diverse issue of social security today. One example is the Social Security (Minimum Standards) Convention, 1952 (No. 102), which has been ratified, to date, by 47 countries in almost 60 years, because although its essential content continues to be a reference, and needless to say my country complies with its basis and content, it also contains provisions on financing and management that have been superseded by new options that now exist in various countries.

What we would like to point out is that, rather than considering whether to ratify the Convention, we should seriously consider amending and updating it.

Similarly, at a time of tight budgets and limited resources, it is not appropriate to establish the all-encompassing principle of the universality of social protection benefits since it will adversely affect the provision of appropriate assistance to those who need it most.

We also feel that it would have been preferable if the text had not included matters related to professional relationships, such as the issues of freedom of association and collective bargaining, because they do not belong in this type of instrument.

Nonetheless, we are proud to have taken part in preparing a measure that, regardless of the observations that can be made, we expect to have a positive impact on the lives and living conditions of many people.

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Mr MKWEZALAMBA (*Worker, Malawi*)

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The need for a social protection floor has never been in doubt, at least among trade unions. The growing levels of unemployment and informality, and rising levels of chronic poverty are part of the justification for establishing a floor below which no one should fall.

This Bismarckian model of social security, as currently operating in many African countries was setup on the assumption that, as economies grow, more people will enter the formal salary sector, and will have the capacity to contribute towards their retirement income security. However, and as it turned out, growth in the past three decades has failed to generate enough formal salaried jobs. Nearly all new jobs are being created in the informal economy, leading to the explosion of informal employment.

Productivity and earnings of workers in the informal economy are too low to enable them, as

workers, to cover the cost of contributing to social security. As a result, coverage of social insurance schemes has stagnated and even declined across the continent.

This Recommendation emphasizes the principles of universality of protection based on social solidarity and calls for a broader and sufficiently progressive tax base to ensure that protection can be extended to the poor. This will also support the transition from low productive informal activities to formal employment. No sustainable economic development is positive without investing in people, their education, their health, and income security.

Without elaborating on who will most benefit from this instrument, I draw your attention to the informal economy, which is unregulated and characterized, among others, by a lack of workers' rights, family ownership of enterprises, which are hence susceptible to child labour, small-scale operations, high costs of production, highly competitive demand for goods and services, tacit skills acquired outside the formal school system, and little room for transition of workers into the formal economy, among others.

I am pleased, however, as a member of the Committee on the Social Protection Floor to report that the Recommendation has adequately provided measures on how people in the informal economy can be integrated within national social protection systems and floors. This Recommendation affirms that no one shall be left out. Its principles call, among others, for universality of protection, as pointed out earlier, based on social solidarity, as well as social inclusion for all persons in the informal economy.

Finally, the Recommendation underlines the importance of full respect for collective bargaining and freedom of association for all workers, and work-based social security systems, where people can collectively represent their interests.

It is on this basis that I stand before you to plead with governments and employers of the world to adopt this Recommendation by unanimous decision. The voting and adoption of this instrument should, however, not end within these walls, but should translate to comprehensive social security systems, and the development of various floors of protection that we are able to defend and protect all people in our societies. Social protection is indispensable for inclusive societies where people have a voice and can exercise their democratic right.

This Recommendation is a commitment made by member States towards ensuring that, as nations, we grow and move with our people. This assembly can make a difference by unanimously voting yes to this Recommendation and fast-tracking the process of implementing the strategies outlined in it as soon as possible.

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Ms NYGREN (*Worker, Sweden*)

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I truly believe this Recommendation is a step forward towards a world of greater social justice and greater fairness. The proposed Recommendation points out that the right to social security is a human right, and it also states that all people should have the right to a life in dignity. The adoption of the new Recommendation on the social protection floor brings hope to many people.

One very positive aspect of the proposed Recommendation is that all countries can use the same instrument, regardless of their national situation. This

universal feature supports international solidarity. The clever thing about this Recommendation, in this respect, is that it comprises both the horizontal and the vertical dimensions: extension of social protection floors to as many people as possible, which is the horizontal dimension, and an ongoing pursuit of a higher level of social protection, which is the vertical dimension. We can all use this Recommendation as justification for our work for wider coverage of social security schemes and for more enhanced levels of social benefits, both in developing countries and in countries with a longer history of social security schemes. This Recommendation can foster political courage in all countries to promote the extension of social security to all.

I would now like to mention two things in the Recommendation that I find outstandingly important from a European worker's perspective. The first is the coverage of all residents. The need to move across borders to find a job is a reality for a growing number of workers. The EU Member States have decided to coordinate their social security schemes for workers who move within the Union, but people still fall between the national systems when moving from one country to another. Therefore, it is important to take a firm position so that all people who reside in a country at least have basic social protection and are not excluded because of some qualifying periods or other conditions that are hard to meet for migrating workers.

The second point I would like to underline is that member States are encouraged to identify existing gaps in protection and to seek to close those gaps. Work-life patterns change. For instance, more and more workers have limited contracts or part-time contracts. These may be examples of situations where existing social security schemes that used to be good sometimes appear to have large holes in which workers fall, although they pay their taxes and contributions and have legitimate expectations of being protected in case of, for instance, unemployment or long-term illness. The situation might become even more common, as member States, in response to the crisis, tend to cut back social security schemes and enforce stricter qualification criteria.

In this respect, the Recommendation on the social protection floor can also serve as a reminder to keep social security at least at a level where those who need assistance get it. Therefore, the statement in the new Recommendation that member States should identify gaps in protection and seek to close those gaps is helpful, even in countries where we think we already have good social protection.

Indeed, I suggest that all delegates vote in favour of the Recommendation on the social protection floor tomorrow so we can take this step together for more social justice and more hope for many people in our world.

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*Original Spanish:* The PRESIDENT

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We will now suspend the discussion of the report of the Committee on the Social Protection Floor to receive our distinguished guest, the President of the Republic of Italy.

*(The sitting is suspended at 11.50 a.m and resumed at 12.45 p.m.)*

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*Original Spanish:* Mr FERRARI (*Worker, Uruguay*)

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We would like first to greet this 101st Session of the International Labour Conference on behalf of the Workers' delegation from Latin America that has worked on the Committee on the Social Protection Floor.

Allow me to thank the Workers for the honour that we have of being their spokespersons and to express our support for the resolutions we have made for consideration by this Assembly.

Today marks the end of an important stage, with the integration of this new instrument, the list of ILO standards, in the new Recommendation. The Workers advocate and call for the full application of the Social Security (Minimum Standards) Convention, 1952 (No. 102), as reaffirmed by this Recommendation.

It goes without saying that the extension of coverage is made possible by this very important instrument, thanks to the progressive and flexible nature of its full application, as set forth in the Recommendation.

It is important to work for the elimination of indigence and poverty reduction. It is only possible to achieve these objectives through the development of policies for full employment, with the right of collective bargaining and freedom of association and within the framework of decent work.

We must establish integrated systems with improved risk coverage, both in terms of universality and with a greater number of, and more sufficient, benefits.

Tripartite social involvement and dialogue are crucial to this. This vision has been captured in this Recommendation, which sustains the principles of this human right, social security. This requires the progressive extension of coverage, universal benefits, financial solidarity, non-discrimination and gender equality, in accordance with the law, and with the Government primarily responsible.

We invite the other Members to jointly give effect to the Recommendation as quickly as possible.

Therefore, along with our vote, we reaffirm our commitment to continue working during this new stage in order to reach the milestones on the road to building a better world with social justice.

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*Original Spanish:* The PRESIDENT

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As there are no further speakers, we will proceed to the approval of the report of the Committee on the Social Protection Floor, that is, the summary of the Committee's discussions contained in paragraphs 1–1186. If there are no objections, may I take it that the Conference approves the report?

*(The report – paragraphs 1–1186 – is approved.)*

**PROPOSED RECOMMENDATION CONCERNING  
NATIONAL FLOORS OF SOCIAL PROTECTION:  
ADOPTION**

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*Original Spanish:* The PRESIDENT

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We will now proceed to the adoption of the proposed Recommendation concerning national floors of social protection, part by part, beginning with the Preamble.

*(The Preamble and Parts I–IV are adopted seriatim.)*

If there are no objections, may I take it that the Conference adopts the proposed Recommendation, as a whole?

*(The proposed Recommendation, as a whole, is adopted.)*

I would like to remind you that the provisions of the Recommendation will be transmitted to the Conference Drafting Committee for the preparation of the final text.

Please note that there will be a record vote on the proposed Recommendation tomorrow, Thursday, 14 June.

**RESOLUTION CONCERNING EFFORTS TO MAKE  
SOCIAL PROTECTION FLOORS A NATIONAL  
REALITY WORLDWIDE: ADOPTION**

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*Original Spanish:* The PRESIDENT

We will now proceed to the adoption of the resolution concerning efforts to make social protection floors a national reality worldwide.

If there are no objections, may I take it that the Conference adopts this resolution?

*(The resolution is adopted.)*

I would like to congratulate the Chairperson, the Vice-Chairpersons, the Reporter and the members of the Committee on the Social Protection Floor for their excellent work in an area which has given rise to so many expectations. I would also like to thank the Secretariat for their invaluable support to the Committee during its work.

**REPORTS OF THE CHAIRPERSON OF THE GOVERNING  
BODY AND OF THE DIRECTOR-GENERAL:  
DISCUSSION (CONT.)**

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*Original Spanish:* The PRESIDENT

We will now resume our discussion of the Reports of the Chairperson of the Governing Body and of the Director-General.

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Mr KELLIER (*Minister of Labour and Social Security, Jamaica*)

Let me offer my congratulations to the President, on his election to the 101st Session of the International Labour Conference and thank the outgoing Director-General, His Excellency Juan Somavia, for his remarkable leadership and indefatigable spirit in carrying out the work of the ILO. I must also offer congratulations to the Director-General-elect, Mr Guy Ryder.

We are here again, overshadowed by the global crisis, with the prospects of growth and job creation remaining elusive. The *World of Work Report 2012* informs us that it is “unlikely that the world economy will grow at a sufficient pace over the next couple of years to both close the existing job deficit and provide employment for the over 80 million people expected to enter the labour market during this period”.

We live in a world too obsessed by economic indicators, content with measuring a country’s growth and development without taking account of human indices. We ignore the cries of pain around the world from the millions of workers who are without adequate social protection and deprived of their human dignity.

We are encouraged by the conclusions of the recent Meeting of G20 Labour and Employment Ministers, at which they have agreed to develop policies

to create quality jobs, design successful strategies to promote youth employment and seek options for employment generation, as part of a strategy to boost green growth.

We owe it to our youth to provide them with a legacy on which to build their lives. It is ironic that they are the least responsible for the global crisis, but the ones who will carry the burden of its consequences.

We simply cannot be content with microeconomic indicators alone. Every time we face a crisis, it is the human dimension that suffers because it is the workers, the poor and the vulnerable who carry a disproportionate burden of the process of recovery. Today’s crisis is an assault upon our common humanity, and it is through the work of the ILO and other like-minded international organizations, the conscience of mankind, that we can hope to balance the economic needs of efficiency with the human desire for equity.

We will remain a world in crisis if we fail to recognize the primacy of the human element in what we do. This is what makes the ILO’s work so interesting and challenging, and why support for the three items on the agenda of this session of the Conference must move rapidly to the implementation stage. We fully endorse the need to fast-track the recommendations to provide support for the existing standards in order to offer meaningful guidelines for member States in developing a social protection floor.

We are moving to implement the social protection floor progressively in line with our economic, financial, fiscal and administrative capacities. We will continue to work, through our social partners and wider stakeholders, to identify gaps in protection and seek to close them by working towards a comprehensive social security system.

The structure of employment must be a matter of priority consideration. In a real sense, the situation confronting today’s youth is the central link to the issues of social security protection and decent work. We run the risk of endangering prospects for our future if we do not take the appropriate steps to address the current problems being experienced by our young people.

Last week, our Prime Minister, the Most Honourable Portia Simpson Miller, in our budget presentation in this, the 50th year of our political independence, made the important link between youth employment and the labour market. She charged a number of government agencies to actively engage in preparing all workers, primarily our young workers, with the skills, competence and certification they need in order to demand jobs which are quality jobs.

The macroeconomic framework of our Government is designed to stimulate local investments and unleash the entrepreneurial spirit of our people, while expanding and facilitating access to capital for small and micro-enterprises. This, coupled with foreign investment prospects, will offer real job opportunities for our young people.

Since the adoption of the ILO Declaration on Fundamental Principles and Rights at Work in 1998 and the ILO Declaration on Social Justice for a Fair Globalization in 2008, the Jamaican Government has continued to work to ensure that the strategic objectives of securing freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or

compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation are adhered to.

Fifteen years ago, Jamaica's Prime Minister, P. J. Patterson, told the G15 meeting in Cairo that we should not allow terms of good governance, human rights, labour standards and environmental protection to become the guise or pretext to divert funding from social programmes, as that would increase the number of people vulnerable to poverty.

It is a warning that we do not have the luxury to ignore if we are to survive and prosper in a world completely different from the challenges faced back then in the 1990s.

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*Original Spanish: Mr VACAS (Minister of Industrial Relations, Ecuador)*

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Ecuador has undergone profound changes, not only in labour matters but, I think, in all aspects and areas – social, political and economic. We have been changing, we have been seeking a genuine employment revolution, attaining clear goals, not just establishing plans, but taking real action, such as the decent domestic work project that we have been implementing for two years now, under which domestic workers earn the same as all other workers, have the right to freedom of association and social security, and enjoy other rights provided in the Constitution and in law.

In 2011, we eradicated child labour in rubbish dumps. We have decent wages that cover the basic family food basket for every Ecuadorian, with subsidies paid by utility companies. We have the lowest unemployment in recent decades, 4.9 per cent, despite receiving more foreigners than any other Latin American country, because of the economic, health and education conditions offered free by the Government.

The number of new trade unions has increased from an average of 12 per year to 70 per year as of 2010. Awareness of labour issues is increasing through training and information on rights and through monitoring, with 26,000 inspections carried out in 2011, compared with an average of 500 up to 2007. All this is aimed at placing human beings above capital, as one of the Government's fundamental principles.

We are also currently pursuing a plan to restructure and improve the civil service. We cannot imagine a State that makes progress, guaranteeing and ensuring rights, not only in labour matters, without

a high-quality, efficient civil service. This has meant that the Government has had to take very difficult decisions, but with an eye to benefiting 14 million Ecuadorians, not just a single sector. Through the Organic Act on the civil service, we have introduced voluntary redundancy with compensation, whereas public servants were previously made redundant with no compensation. Under this mechanism, approximately 5,000 civil servants have been separated as part of restructuring and optimizing staffing and the service. Another 5,000 civil servants have left with the corresponding retirement bonuses, which did not previously exist. Social security used to be the only benefit for older people, between 65 and 70, who had completed 25 or 30 years of service.

We consider that a State's progress depends largely on its civil service, which is why, as part of our scheme to make changes that benefit the entire population of 14 million Ecuadorians, we will continue with the restructuring plan with the aim of creating an efficient civil service that meets expectations and, above all, serves all those citizens whose taxes, to a large extent, go to pay the salaries of those who we appoint as public servants to the population as a whole.

We would also like to take this opportunity to mention our concerns at the role that the ILO plays in relation to complaints it receives. We consider that the Organization's role should be perfectly balanced, and that the parties involved in labour relations – workers, employers and the Government, as the body that regulates those relations – should be on a level playing field and should all have the same rights to express opinions, justify positions and defend themselves. We consider it fundamental that, in all complaints made against governments, the Government should be listened to, and that all necessary information should be gathered and examined before decisions are made.

We believe that this is a forum where each and every one of us should follow our best practices to act in a practical and conscientious manner, so as to replicate those models that have served well in many countries to the benefit of all their citizens.

We thank the ILO for its support in training and believe that we will continue working along the same lines to benefit all Ecuadorians, for whom we are working every day.

*(The Conference adjourned at 1.10 p.m.)*

## Nineteenth sitting

Wednesday, 13 June 2012, 2.30 p.m.

*President: Mr Alburquerque de Castro*

### SECOND REPORT OF THE CREDENTIALS COMMITTEE: SUBMISSION, NOTING AND APPROVAL OF THE COMMITTEE'S PROPOSALS

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*Original Spanish: The PRESIDENT*

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We will now proceed to the submission of the second report of the Credentials Committee, which is contained in *Provisional Record* No. 4C.

I invite the Officers of the Committee to take their places at the podium. The Officers of the Committee are as follows: Mr Sawadogo, Chairperson; Mr Rønneest, Employer member; and Ms Sundnes, Worker member. I now give the floor to Mr Sawadogo to submit the report.

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*Original French: Mr SAWADOGO (Government, Burkina Faso, Chairperson of the Credentials Committee)*

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It is my honour to present to the Conference the second report of the Credentials Committee, to be found in *Provisional Record* No. 4C. It contains a summary of the work of the Committee since its last report.

The work of the Credentials Committee is instrumental in preserving and consolidating the very basis of the work of the International Labour Organization, in other words, its tripartite structure.

Indeed, if the International Labour Conference is to correctly reflect the tripartite nature of the ILO, it is essential that the Employers' and Workers' delegates are the genuine representatives of the workers and employers of their countries. This is why article 3, paragraph 5, of the ILO Constitution provides that governments must nominate Workers' and Employers' delegates who are chosen in agreement with the most representative employers' and workers' organizations in their respective countries. Reviewing compliance with this provision in the cases brought to the Committee's attention through objections is, therefore, at the very heart of the mandate of the Credentials Committee.

During this session of the Conference, the workload has once again been heavy, with 26 cases having been examined. The number of participants in the Conference has reached a record figure again this year, with more than 4,500 members of delegations registered.

The Committee was seized with 19 objections relating to the credentials of accredited delegates and their advisers. It was also seized of six complaints relating to the non-payment of travel and subsistence expenses of delegates or technical advisers.

The Committee has held 12 meetings and two hearings.

I wish to bring to the attention of the Conference two cases in which the Committee has proposed to renew monitoring measures that were adopted at the last session of the Conference. These are the situations of Djibouti and Myanmar.

Last year, the Conference requested each of these countries to submit two reports. An interim report was to be sent to the Director-General of the International Labour Office by the end of 2011, and a detailed report submitted at the same time as the government submitted the credentials for the Conference.

With regard to Djibouti, the Committee deeply regrets that the Government has failed, as in previous years, to submit the reports requested, all the more so, as again this year, the Committee received an objection relating to the Workers' delegation. It has not been possible, moreover, for the Committee to speak to the Government, since the Government delegates from the capital were not able to participate in this year's Conference.

The situation of trade union organizations in this country continues to be of deep concern, and our Committee deplores, as have other supervisory bodies of the ILO, the absence of cooperation from the government authorities. I therefore draw your attention to paragraph 35 of our second report and invite you to adopt the proposals for enhanced monitoring which are found therein.

In the case of Myanmar, by contrast, the Government supplied the two reports as requested. Having examined them, the Committee is pleased to see the progress that has been achieved through the progressive development of workers' organizations in Myanmar, in the context of a wider political transformation which is affecting the country as a whole. Highly interested in the further developments in the future and with the intent to assist the Government with its comments, the Committee considers that the situation should continue to be monitored. It should therefore be understood that the monitoring proposed today is proposed in a completely different spirit.

The Committee should be in a position, at the next session of the Conference, to assess further progress achieved as regards the development of workers' organizations in the country and their consultation for the purpose of nominating the Workers' delegate to the Conference.

The Committee hopes to support progress in the country, on the subject of which, over the last

13 years, it has regularly been seized concerning nomination of Workers' delegates to the Conference. I therefore draw your attention to paragraph 18 of our second report and invite you to approve the monitoring proposal contained therein.

Several of the objections we have received relate to the fact that it was governments that decided on the composition of Employers' or Workers' delegations, because the representative organizations had been unable to reach agreement. Governments are required to ensure that delegations are genuinely representative and nominated in agreement with the most representative employers' and workers' organizations.

However, it is equally important that employers' and workers' organizations do everything within their power to reach agreement and submit to their governments the information necessary for a decision to be made. In the absence of this, governments have to nominate delegations on the basis of a transparent procedure, based on objective and verifiable criteria.

With regards to complaints concerning the non-payment of travel and subsistence expenses for Workers' and Employers' delegations, some Members have, once again, evoked financial difficulties. As it has stressed in the past, the Committee understands that the global economic crisis has rendered participation of a complete tripartite delegation to the Conference increasingly burdensome.

However, if the financial crisis has an impact on governments, it affects the social partners even more directly. Governments cannot, therefore, invoke the crisis to justify their failure to fulfil their obligation to cover the expenses of a complete tripartite delegation.

In addition, the Committee notes that the ILO plays a major role in seeking solutions to the crisis, and that the presence of a complete tripartite delegation in its decision-making body is therefore all the more necessary.

With regard to the treatment of both objections and complaints, the Committee wishes to recall that it has only very limited time to receive and examine them, so it is essential that they are submitted as early as possible and that they contain all the necessary supporting documentation. Indeed, in order to examine them correctly, the Committee must have all the information it needs, and the substance of the problem must be explained clearly. It is also essential for governments to respond quickly and fully to allegations, when the Committee so requests.

The Committee is aware that, when it receives an objection or a complaint, this may have significant consequences, both for the member States concerned and the social partners involved. It is with this in mind that it seeks to discharge its mission and to find effective solutions to the objections and complaints. In order to do this, it bases its work on the cooperation of governments, employers and workers.

To conclude, I wish to express my deep gratitude to my two colleagues, Ms Trine Lise Sundnes, Worker member from Norway, and Mr Jørgen Rønne, Employer member from Denmark, for the spirit of cooperation and consensus that has characterized our work.

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*Original Spanish:* The PRESIDENT

In accordance with the Standing Orders, the Conference is simply called upon to note it and to ap-

prove the proposals contained in paragraphs 18 and 35, referred to by the Chairperson in his presentation.

If there are no objections, may I take it that the Conference takes note of the report of the Credentials Committee?

*(The report is noted.)*

If there are no objections, I may take it that Conference approves the proposals contained in paragraphs 18 and 35 of the report?

*(The proposals are approved.)*

**REPORT OF THE COMMITTEE FOR THE  
RECURRENT DISCUSSION ON FUNDAMENTAL  
PRINCIPLES AND RIGHTS: SUBMISSION,  
DISCUSSION AND APPROVAL**

We will now proceed to the approval of the report of the Committee on the Recurrent Discussion on Fundamental Principles and Rights, which is contained in *Provisional Record* No. 15. I invite the Officers of the Committee to come to the podium.

The Officers of the Committee are Mr Vines, Chairperson; Mr Potter, Employer Vice-Chairperson; Mr Veyrier, Worker Vice-Chairperson; and Ms Ribeiro de Albuquerque, the Reporter. I now give the floor to Ms Albuquerque to submit the report.

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Ms RIBEIRO DE ALBUQUERQUE (*Government, Brazil;*  
*Reporter of the Committee for the Recurrent Discussion on*  
*Fundamental Principles and Rights*)

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It is with great pride that I report back to you on the work of the Committee for the Recurrent Discussion on Fundamental Principles and Rights.

In only 12 sittings the Committee has covered the extensive subject of fundamental principles and rights at work. It has, I believe, successfully met the expectations raised by the adoption of the 1998 ILO Declaration on Fundamental Principles and Rights at Work and the 2008 ILO Declaration on Social Justice for a Fair Globalization.

I am sure that the Committee's conclusions will be an important reference document for the Organization as well as, of course, its tripartite constituents, in helping them understand their roles in the further promotion of fundamental principles and rights at work.

Already at the outset of the Committee's discussions, the large majority of Committee members expressed their interest in two elements: (a) in sending a clear message on the importance of respect for fundamental principles and rights at work; and (b) in developing a framework of action which would reflect constituents' priorities and provide strategic orientation for the preparation of a more detailed plan of action to be discussed by the Governing Body.

By including a framework of action which brings together all fundamental rights into the conclusions, the Conference, through our Committee, has thus successfully fulfilled the mandate given to it in the 2008 Declaration, namely to strengthen the role of the Conference in guiding the Organization and setting priorities. In addition to the report prepared for the Committee, which was very well received, supplementary information was provided in the context of the Committee's discussion regarding the mobilization and coordination of the ILO by executive directors from all sectors within the Office. I would

like to take this opportunity to thank them very much for their presentation on their contribution to the realization of the fundamental principles and rights at work.

I would also like to thank the drafting group for their excellent work. The result was a text of high quality; in fact, of the 82 amendments that had been submitted, over one third were withdrawn by their authors. On many occasions the decision was to revert to the original text. This demonstrates the outstanding quality of the texts agreed upon by the drafting group, as well as the Office's excellent work in preparing the tentative conclusions as a basis of discussion for the drafting group.

But let me now turn to presenting the Report itself. I am very satisfied with the Report. It provides the reader with an overview of the wealth of information which we have shared with each other through our statements, and thus features the collective wisdom of the over 200 Committee members from over 100 countries. In addition, it also encapsulates the constructive, friendly manner in which the Committee conducted its work.

I would like to thank our Chairperson for having fostered this constructive, friendly atmosphere through the Committees and the drafting group sittings. The Chairperson impressed us all by his capacity to keep track of all the different proposals made and, in many cases, to suggest that he would address all the concerns voiced. He fostered a spirit of consensus that I have never before witnessed so strongly in any committee.

I should underline the role of the two Vice-Chairpersons from the Workers' and Employers' side. Without their great collaboration and wisdom, our Committee would not have worked in such a unified manner as it did. Given the consensual way in which the Committee has developed its conclusions on the framework of action, it will be of great importance in guiding the Governing Body and the Office and also all of us, the ILO constituents, in our activities over the next four years.

I herewith submit the Report, resolution and conclusions for your adoption.

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Mr POTTER (*Employer, United States; Employer Vice-Chairperson of the Committee for the Recurrent Discussion on Fundamental Principles and Rights*)

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On behalf of the Employers' group, I commend to you the Report and conclusions of the Committee for the Recurrent Discussion on Fundamental Principles and Rights, and recommend the adoption of the Committee's conclusions and resolution. You have it before you, and our discussions have been well described by our Reporter, Vera Albuquerque.

I would like to thank the Secretariat, led by the Director-General-elect, Guy Ryder, for their excellent support throughout these discussions. Our Chairperson, Greg Vines, deserves special thanks for the constructive, effective and meaningful way (that is an inside joke) that he moved the Committee through its agenda. In particular, I want to thank Yves Veyrier, the Workers' group spokesperson, whom I had not met before this Conference, for his ongoing collaboration, thoughtfulness, problem-solving approach and goodwill. And, it goes without saying, that I was ably supported by the Employers' group and the IOE and ACT/EMP.

The Employers' group came into this recurrent discussion with the objective of re-energizing the attention, priority and focus on the fundamental

principles and rights set out in the 1998 Declaration on Fundamental Principles and Rights at Work. The guiding principles and framework for action set the basis to achieve this goal. It is now up to the member States, with ILO help, to implement our vision for future action that will result in the universal realization of the fundamental principles and rights at work.

The guiding principles and framework for action are in keeping with the path breaking spirit and intent of the 1998 session of the Conference that adopted, without a dissenting vote, the Declaration on Fundamental Principles and Rights at Work. The 1998 Declaration embodies the principles and rights concerning freedom of association and collective bargaining, forced labour, child labour and non-discrimination contained in the eight fundamental Conventions but without all of their legal detail. With social justice as the declared central tenet of the ILO in its Constitution, the Declaration is a universal recognition of the fundamental human decency, below which no civilized nation should fall in this increasingly interconnected world. The Declaration reflects a political commitment to respect, promote and realize the policies underlying the fundamental principles and rights at work that member States incur by virtue of membership in the ILO. When we speak of fundamental principles and rights at work, we are concerned about whether member nations are working towards, and achieving, the policy objectives and goals of the fundamental Conventions. The political commitment that member States take on falls directly under the State duty to protect all human rights.

Fourteen years after the adoption of the 1998 Declaration, the gap between the Declaration's aspiration and the reality on the ground, is very concerning. The central question before our Committee was, how member States could give proper effect to the fundamental principles and rights in the shortest amount of time in countries that have ratified the core Conventions, as well as in non-ratifying countries.

The first section of the Conclusions and guiding principles and context reminds us of, not only the objectives of the 1998 Declaration, but also its reaffirmation in the 2008 Declaration on Social Justice for a Fair Globalization and the 2010 Global Jobs Pact. We resolve to work towards universal realization of the principles and rights as an urgent goal towards guaranteeing development and social justice. This section reminds us that human rights, job creation, economic growth, sustainable enterprises, freedom of association and social progress are enabling conditions to achieve the ILO's mutually reinforcing strategic objectives and the fundamental principles and rights at work. The principles and rights require an integrated approach at the national level and in an environment that respects all human rights and democratic freedoms through the rule of law, absence of corruption, universally accessible assistance of social protection and quality education, and functioning and substantive social dialogue. Essential, from our perspective, for implementing the framework of action, and in preparation for the 2016 recurrent discussion, is that the ILO's support will be based on a needs analysis of Members' established and expressed needs.

The framework for action has five parts. First, the pace of universal realization of the fundamental principles and rights should accelerate through ILO

awareness raising campaigns, development of user friendly information and technical cooperation at the national level. Ratification without implementation is not an end in itself.

Second, the principles and rights should be accessible to all, with particular attention to workers in the informal economy, who are the largest group of marginalized workers. We stress that our workers need to be protected by national legislation and have access to fair and unbiased law enforcement mechanisms. The conclusions ask the ILO to undertake research, support national studies and organize experts' meetings on the fundamental principles and rights in the informal sector and, separately, on the positive and negative impacts of non-standard work. We urge the ILO to ensure an integrated and coherent approach between ILO action on fundamental principles and rights at work and technical cooperation activities relating to the three other strategic objectives.

Third, taking fully into account the views of the employers' and workers' organizations, the existence of effective and independent enforcement mechanisms, including an independent judiciary, national courts, labour inspectorates and administrator processes and procedures, are essential preconditions for full implementation of the fundamental principles and rights at work at the national level.

Fourth, ILO actions should be coordinated and coherent. Adequate resources should be allocated to promote all four categories of fundamental principles and rights at work. Particularly important to the Employers' group, is that the ILO carry out an in-depth and detailed evaluation of ILO action for all fundamental principles and rights at work, to be completed by the end of 2015, in keeping with the expectations of the 2008 Declaration.

The ILO should strengthen the capacity of all constituents at all levels, including training for employers' and workers' organizations. Consistent with the knowledge strategy of the ILO, it should develop and maintain a comprehensive and up-to-date knowledge base on all four principles and rights, conduct evidence based research on social economic impact of principles and rights, and work with member States to improve their data collection.

Relating to standards, the ILO should pursue synergies between the 1998 Declaration follow-up and the regular supervisory machinery. Detailed analysis, including possible experts' meetings to identify possible gaps in the forced labour standards with respect to human trafficking and prevention and victim protection should be pursued.

The fifth section of the framework for action recognizes that fundamental principles and rights at work are increasingly integrated into a wide range of initiatives outside of the ILO. We stress that the ILO should assert its unique and specialized role as the organization that is competent to set and deal with international standards, and that the ILO should encourage policy coherence, international coordination and collaboration across the multilateral system, with a particular focus on human rights, developing assistance frameworks and in economic, financial and development agendas. In the context of trade, the ILO is encouraged to strengthen its analytical and research work and, upon request, provide assistance to Members who wish to promote strategic objectives jointly within the framework of bilateral and multilateral agreements, sub-

ject to their compatibility with the 1998 and 2008 Declarations.

Finally, we ask the Governing Body to guide the Office in giving timely effect to these Conclusions and the framework for action. This follow-up is critically important if we expect to achieve the promise and the political commitments of the 1998 Declaration.

The reaffirmation of the fundamental principles and rights of the 1998 ILO Declaration on Fundamental Principles and Rights at Work in this recurrent discussion has been an important undertaking. With the 1998 Declaration, the ILO is declaring to the world in the twenty-first century that we hold these truths to be self-evident: that all working men and women and their employers from all regions of this earth, in freedom of association, should be free from forced labour and discrimination and that their children shall be free from inappropriate child labour. By virtue of their membership in the ILO, member nations and their constituents, in the pursuit of social justice, believe that these are the essential values, principles and rights to which they hold themselves and each other, accountable now and in the global economy of the twenty-first century.

In this spirit, it is appropriate to remember my friend and Worker spokesperson counterpart for the 1998 Declaration on Fundamental Principles and Rights at Work, Bill Brett, who recently passed away. His energy, drive, joy and respect for life, are contained in the Declaration which could not have reached a successful conclusion without his efforts.

In conclusion, the Employers' group supports this Report and the Conclusions without reservation.

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*Original French: Mr VEYRIER (Worker, France; Worker Vice-Chairperson of the Committee for the Recurrent Discussion on Fundamental Principles and Rights)*

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Workers are impatiently, if not anxiously, waiting for social justice and social progress to guide the world again. They have acted, and are acting, consistently and with courage in several countries, sometimes risking their lives, in order to free themselves from oppression and to achieve freedom of association, but the severe capitalist crisis is hitting them hard. It is spreading uncertainty and precarious employment. It is undermining social protection and public services that remain a far-off dream for millions, especially in primary and secondary education, which frees children from labour.

The International Labour Organization and its standards, particularly the Conventions establishing fundamental principles and rights at work, are the recognition of the international community of the right to be equal among the millions of men and women, and the commitment that the international community owes them for their emancipation. This is the spirit that inspired the Workers' group, and we feel that this spirit is shared by our Employer and Government partners, renewing the spirit that created the ILO in 1919 and the commitments made in 1998 and 2008.

I would like to welcome Edward Potter, the spokesperson for the Employers, and I think I can say that I support all of the comments he has just made. I would also like to draw attention to and welcome the governments who intervened in great numbers.

Our discussions and our debates have been direct, frank, open, and non-evasive on the most sensitive issues, because we wanted conclusions that respec-

tively bind us. Our Chairperson, Greg Vines, has been able to lead us, once again, with great conviction. We will therefore be highly in favour of a plan of action which, without losing time, would turn our conclusions into concrete, effective and efficient provisions. We appeal to the International Labour Conference to give the highest political impetus to the objectives put forward by our Committee. In affirming, perhaps historically, in this House that the universal and immutable nature of the fundamental principles and rights at work makes them highly important human rights, we have confirmed that the objective of universally ratifying them, while creating the conditions necessary for their effective implementation, is a top priority for, and requires immediate action from, the ILO. There should be no doubt: the expressed will is that the big countries, both economically and demographically, some of which will meet very soon at the G20, should make this objective part of the global response to the crisis. We insist on the symbolism and hope, as well as the increased strength, that the upcoming prospect of universal ratification would give the ILO within the multilateral system.

The 1998 Declaration and its follow-up have no doubt allowed us to foresee this possibility. We are drawing closer to this possibility with respect to Convention No. 29 on forced labour and Convention No. 182 on the worst forms of child labour. The countries that have not yet ratified these Conventions need to understand the impact that a formal commitment from them would represent. We have agreed on the importance of adding the right to organize and the right to collective bargaining to Conventions Nos 87 and 98 establishing freedom of association. These have been complemented by several relevant Conventions, including those relating to labour relations in the public service. Freedom of association and collective bargaining are the basis of the International Labour Organization, and the Credentials Committee is an integral part of the system for monitoring and supervising the application of standards. Freedom of association and collective bargain are also essential for the full realization of all fundamental rights and, more broadly speaking, the strategic objectives of employment, social dialogue and social protection.

Allow me to address the workers' trade union organizations, especially from the countries directly concerned, so that they themselves may continue to fight for the commitment that we are asking the member States to confirm and pursue with a view to achieving the objective of universal ratification.

Our conclusions focus on the role of the ILO's supervisory bodies, including the role of the Committee of Experts, and that of national systems, labour administrations and inspections, or even competent courts or judicial systems. Their work is essential. We never insist enough on the fact that, in addition to re-establishing violated rights, supervisory bodies undoubtedly contribute to the promotion of these rights.

The estimates published in recent days on the subject of forced labour around the world are, however, damning, and they show the extent to which fundamental principles and rights are intrinsically linked, since women and children are most affected by intolerable violations.

The situation demands urgent action, including in the area of standards, in order to strengthen prevention, the protection of victims and redress for vic-

tims, as well as to link ILO activities to those in the area of trafficking in human beings for purposes of labour.

For workers in insecure jobs or those who are vulnerable to discrimination, such as migrant workers, workers in export processing zones or workers in the informal sector, the exercise of fundamental rights, the right to organize and the right to collective bargaining is essential if they are to escape from their plight.

Our conclusions call for specific action to be taken in such situations and to continue efforts to combat all forms of discrimination and promote genuine equality between men and women.

Since 2004, the global commission established on the initiative of the ILO indicated that growing inequalities called for a change in the course of globalization both at the State and world levels, particularly by establishing the fundamental principles and rights at work as minimum standards.

The outbreak of the crisis in 2008 provided an opportunity to revisit the debate on social coherence and to adopt the Global Jobs Pact, which enabled the ILO to be taken into full consideration in the G20. However, today the crisis responses of other institutions in the multilateral system, especially in Europe, are undermining the exercise of the fundamental rights of freedom of association and collective bargaining.

Going against the vicious circle of austerity and recession, the ILO must actively promote crisis exit strategies based on the full respect of fundamental rights at work, which are essential in achieving a real economy that creates productive and freely chosen jobs.

Our conclusions constitute an important framework for action on social coherence, to ensure that these fundamental principles and rights at work permeate, direct and guide the economic, financial and trade policies of States and of the multilateral system.

Once again, we call all delegates to take stock of the hope fostered by aspirations to freedom of association in countries that have toppled dictatorships, and the hope of seeing social justice and progress regaining control in our societies and steering us away from major tensions and a weakened democracy.

Jean-Jacques Rousseau was born three hundred years ago, a fact you were, I am sure, made aware of as you walked around Geneva.

Let me, in my conclusion, borrow a few lines from his Social Contract. In his chapter on slavery, he wrote: "no man has a natural authority over his fellow, and force creates no right, we must conclude that conventions form the basis of all legitimate authority among men".

Thank you, President. Thank you, esteemed delegates. Thank you to all those, especially in the Office Secretariat, who have contributed to enabling us to reach these conclusions and thank you to the Workers for giving me the honour of being their spokesperson.

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Mr VINES (*Government, Australia; Chairperson of the Committee for the Recurrent Discussion on Fundamental Principles and Rights*)

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If I can first start by thanking Ed, Yves, and Vera for their very kind words on my chairing of the Committee, but I must say, I will only accept that praise on the basis that it is distributed equally, not

only between the Vice-Chairpersons, who were fantastic, but also all of the participants in this Committee. It was an extraordinarily positive atmosphere in the Committee and an enormous amount of work was achieved, but from my personal perspective, it was both a great pleasure and a most enjoyable experience, which is not usually the sort of words we hear when sitting in a Committee for two weeks.

My fellow Officers and Reporter have already provided a very complete picture of the work of the Committee and, therefore, I am in the fortunate position of just having to focus on a couple of the key points that I think are of particular importance.

To me the conclusions that we have adopted in our Committee are a source of great pride. The 1998, as well as the 2008, Declarations set very ambitious goals for our Organization. Our discussion was in follow-up to both Declarations and I am very confident that we have achieved the objective that was set for us.

As you might recall, the 2008 Social Justice Declaration introduced the scheme of recurrent discussions, in order for the Organization to, among other things, and I will quote: “understand better the diverse realities and needs of its Members with respect to each of the strategic objectives, respond more effectively to them, using all the means of action at its disposal, including standards-related action, technical cooperation, and the technical and research capacity of the Office, and adjust its priorities and programmes of action accordingly”.

I believe that we have met these goals in our discussion. In our 12 sittings, the Committee has not only been able to examine the reality and needs of ILO constituents, but it has also been able to identify concrete means of action and priorities to address these. These means of actions and priorities are captured in the framework of action, as contained in the conclusions.

We were certainly helped in this endeavour by the collective experience that we have all gathered in dealing with the Global Reports over the last few years, but I would also like to stress the Officers’ meticulous preparation for our Committee’s work. The common ground that we started from in the work of our Committee had been prepared through many consultations, headed by the Office and the work of preceding Committees. Most importantly, we could base our discussion on the work of the 2010 Committee that developed the resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. We set out to align the follow-up to the 1998 Declaration with the follow-up to the Social Justice Declaration.

We enjoyed extremely constructive, effective, and meaningful discussions within our Committee, in large part because of the tremendous effort of everyone involved. I would like to once again commend my Vice-Chairpersons for their wise counsel and support, as well as their strong commitment and determination in achieving a successful outcome. I was very impressed by their exemplary collaboration, not only with each other, but with all other delegates and, also, with me.

I would like to give particular thanks to the member of the Drafting Group and the representatives of the Government regional groups. The constructive spirit in which all Committee members worked together allowed us to adopt the Committee’s conclusions in full consensus and without having to con-

duct a single vote. I am therefore convinced that the consensual result of our discussion, the framework of action contained in the conclusions, will be of great assistance to the ILO and its constituents. Most importantly, the framework of action will guide the Office in preparing a plan of action to be presented to the Governing Body in November of this year.

In conclusion, I reiterate and stress my thanks to all of the staff of the Office who supported our work so professionally and, in particular, to the leadership of the group shown by Kamran, Martin, and Susan, and of course our Director-General-elect, Guy Ryder. Delegates, I recommend the report, the resolution, and the conclusions for your adoption.

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*Original French: Mr BOISNEL (Government, France)*

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The Governmental delegation of France is very pleased at the adoption of our conclusions and even more pleased at their contents, which are very significant. The work of the 2012 Conference has been exemplary, both in terms of methods and results.

As for the methodology employed, our work, whether in the Committee or the Drafting Committee, has truly made it possible to get to the heart of the matter, to discuss sensitive issues, often putting forward differing points of view, but always with great attention and mutual respect. That, I think is the key to a genuine consensus; consensus which guarantees the future application of the conclusions we have agreed upon together.

So I would like, very warmly, to thank the two Vice-Chairpersons, Mr Edward Potter and Mr Yves Veyrier, and President Greg Vines for leading the discussions in such a clear manner, and my fellow spokespersons for the Government group, without forgetting the Office, which has often supplied us with the necessary tools to understand each other well and to work in harmony.

As regards the results of this Committee, the 2012 Conference signals genuine progress and I fully endorse what our Reporter said – the Government spokesman from Brazil.

Firstly, we have bridged the gap between the Declaration of 1998 and the Declaration of 2008 more successfully. Secondly, we have taken an additional step in the right direction towards strategic guidance, which has been at the very core of a recurrent debate. We have done this by sketching out a plan of action, which mobilizes all available tools of the ILO, standard-setting work, technical cooperation and carrying out research devoted to the principles and fundamental rights which we have reaffirmed. Finally, we have established significant conclusions on a number of points and I would quickly like to give you three examples on this.

The first is a reaffirmation of the strength, the value and the importance of respecting fundamental rights and principles at work, which is not so self-evident given the stormy times of crisis we are going through. This reaffirmation has been accepted in a truly tripartite manner with, as the spokesperson for the Workers’ group said a short while ago, a positive and highly useful clarification bringing together our rights and fundamental principles and human rights in general.

We also strengthened and reiterated the appeal for the universal ratification of the eight core Conventions at the end of a discussion which, very fortunately, did not place ratification and effective application in opposition to one another but, on the con-

trary, underscored the complementary nature and the dynamic interdependence of these two concepts.

Finally, the conclusions which we managed to reach include a number of specific operational measures which embody the whole issue of coherence; coherence within national policies, policies on work, the economy, development and foreign relations and coherence between the various organizations of the multilateral system, of which the ILO is in the vanguard. Frankly, this issue of coherence is a kind of universal key to aid development of the situation in the direction proposed by the Committee.

Frankly, coherence is a type of universal key which will enable us to develop the situation in the direction put forward by the Committee.

I will draw to a close in saying this, Mr President: France has clear and unwavering commitments which it endeavours to uphold here within this Organization, as much in the International Labour Conference just as in the Governing Body but also in other forums, the G20 in particular. That is why we are especially pleased to have contributed to the results achieved by the 2012 International Labour Conference and, it goes without saying, we will lend our full support to the conclusions adopted.

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Mr GURNEY (*Worker, United Kingdom*)

I am very pleased to be able to echo our spokesperson and the other colleagues who have spoken on the excellent spirit in which our Committee conducted its business. The recurrent discussion really does show what can be done in this Organization when all of the constituents work together in good faith.

Now, as you have heard, much of our discussion focused on the need to achieve not just the ratification, crucial as that is, but also the genuine realization of the rights contained in the core Conventions at ground level. Crucially, the conclusions recognize that while the ILO is the source of the international labour standards that we need to have in place to ensure that fundamental principles and rights are realized, the ILO must also work with and through others if it is to fulfil its mandates. And as my colleague from the French Government has just said, the conclusions make it very clear that we need coherence at the political level within the multilateral system.

To put it as diplomatically as I can, ILO member States have been known, on occasion, to say one thing in forums such as this Conference and then support very different policies in other bodies such as the International Monetary Fund or the World Bank. And we heard several examples of the workers' side of situations where, notwithstanding the closer cooperation of the ILO with these bodies, the policies proposed by the international finance institutions or the interpretation of their advice at national level were having an extremely negative effect on the exercise of our basic rights.

But alongside policy and political coherence, the conclusions also make it crystal clear that we need operational coherence. As the Employer spokesperson has just said, many international instruments now reference the fundamental ILO standards as their baseline on labour rights, including the OECD guidelines on multinational enterprises, and the new UN Guiding Principles on Business and Human Rights developed by Professor Ruggie. The conclusions make clear that, as an Organization, we here

at the ILO need to know more about the impact this is having on the actual realization of these rights. We need to know where those instruments are helping to secure fundamental rights and, equally, where they may be simply being used as window dressing.

Many ILO constituents from all sides restated, during the discussion, their concern over the proliferation of private voluntary initiatives, and the conclusions make clear, again, that these must not undermine governments' direct responsibilities to ensure that fundamental rights and principles are respected.

And finally, the impact of MNEs and their supply chains on these rights is also a key issue for all of us and it is very good that the conclusions make clear that the ILO should take, as its starting point, our own Declaration on Multinational Enterprises. I would stress how important it is for the action plan on the follow-up to the MNE Declaration that will be agreed at the next Governing Body meeting in November makes it clear that the focus of the promotion of this Declaration must be on assisting the realization of fundamental rights for all. So I hope, as with everyone that has spoken so far, that we can agree unanimously on these conclusions and redouble our work to ensure the respect for fundamental principles everywhere.

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Mr NTSHALINTSHALI (*Worker, South Africa*)

Firstly, let me register my appreciation for the manner in which our Committee Chairperson, Mr Vines, conducted the deliberations. They were not easy, but we enjoyed his stewardship. The same congratulations are extended to the two Vice-Chairpersons.

I take this floor just to complement the input given by the previous three speakers. First, the resolution and the conclusions give us new hope that the ILO is on the right track in its effort to promote, to apply, and to realize the fundamental principles and rights at work. It is in this context that I want to raise just some few small points.

First, the resolve to work towards the universal realization of the fundamental principles and rights at work is a necessary and achievable goal to advance development and social justice.

Second, that these fundamental principles and rights at work are inseparable, interrelated, and mutually reinforcing to the character of each of the categories of fundamental principles and rights at work, and hence the consequent need for an integrated approach for their realization. Therefore, the framework for action that we are about to adopt is based on the obligation of all member States to respect, to promote and to realize the fundamental principles.

In this context, I want to reiterate the observation raised in the report that while violations of these principles happen in all sectors of the economy, the majority affect adults and children in the informal economy.

Equally, in many countries certain population groups, such as migrant workers, ethnic minorities, tribal indigenous people, and other groups suffering from social exclusion, and categories of workers, such as rural and agricultural workers, domestic workers and workers in export processing zones are more exposed to these violations.

Furthermore, the increase in non-standard forms of employment in cases where the national legisla-

tion does not necessarily regulate them, raise questions concerning the full exercise of their function.

And finally, we hope that all of us will do all the required tasks to ensure the promotion, the application, and the realization of the commitments, as contained in these conclusions.

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Ms ŠOBOTA (*Worker, Croatia*)

I feel honoured to speak here today, at this fundamental forum of the ILO, in support of the proposed report and outcomes of the Committee for the Recurrent Discussion on Fundamental Principles and Rights.

We have a lot to celebrate, both in terms of the content and the process characterized by constructive and meaningful dialogue, which to our regret, was not the spirit in all the Conference's Committees.

The work and results of our Committee have proven that it is only through the tripartite spirit that we can overcome the complexities and difficulties we face, and these are many.

Unfortunately, we cannot take satisfaction in our everyday realities, which only highlight the urgency and relevance of this recurrent discussion.

The world of work has been profoundly transformed by globalization, fierce economic and commercial competition and, above all, the crisis, which to one degree or another affects every economy in the world and has far-reaching and devastating implications for societies, workers in particular, and their exercising of the two fundamental rights – freedom of association and collective bargaining.

In many countries, and particularly in Europe, including in my own, Croatia, collective bargaining is under serious threat and attack, where reforms and austerity measures have curtailed the scope of collective bargaining, limited the autonomy of social partners and replaced centralized with company level negotiations.

Collective bargaining is a fundamental principle and right, not because it is about wages and working conditions, but because it is fundamentally about dignity and respect at the workplace, because it gives workers a collective voice and protects them from abuse, but also because it contributes to economic development and social progress, as well as to political and social stability. Its significance goes beyond the Workers and Employers and beyond the ILO. To quote our Director-General, Mr Somavia, depriving workers of the effective rights to collective bargaining and freedom of association deprives them of decent work and decent life and deprives society of social justice and democracy.

If we want collective bargaining to be effectively recognized, we need an enabling environment and government policies that promote and extend collective bargaining.

This is why this recurrent discussion is so important – it has provided an opportunity to review, confirm and identify the role, needs and priorities of ILO constituents and the mandate, role and action of the ILO itself, especially supervisory mechanisms. The tripartite discussions and conclusions give us hope and optimism by reiterating the shared commitment to reaffirming the pertinence and importance of fundamental principles and rights at work, in particular freedom of association and collective bargaining, as human rights and enabling conditions as pillars on which the other principles are to be achieved. They are a cornerstone of the

ILO, without which there would be no ILO, and in that respect the universal ratification and effective implementation of Conventions Nos 87 and 98 should, and must, remain the top priority. This is the clear and strong message that these conclusions send, along with the message on the ILO's legitimacy, based on tripartism, and its unique mandate to set international labour standards and to ensure their respect and enforcement.

Hopefully, the conclusions and framework for action we adopt will serve as a tool for translating the commitments into effective action, for filling in the gap between aspirations and reality, and when we assess the results of the actions taken, we will be able to take pride in what we have achieved.

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Mr GUIMARAES VIEIRA (*Worker, Brazil*)

As a newcomer to an ILO Conference, the jetlag, the babble of languages, and the sophistication of procedures at first seemed like a mountain range I had to cross. It was comforting, however, to find three teams of experienced and inspired hikers in our Committee to guide the way.

In a respectful way, we all took on the job of representing the world of labour in our countries and regions, and making the voices and arguments of millions heard. Respect for, promotion and realization of fundamental principles and rights at work are our ultimate goal, especially in these times of uncertainty.

The developed world may be in turmoil, with impacts on the whole world, but underdeveloped continents have been in crisis for most of their existence, if we are to use the same criteria to define and measure crisis. Debt, unemployment, informal work and stagnation have plagued many regions persistently. It is all the more urgent to ensure universal ratification of all the ILO's core Conventions. We have come a long way, and about 90 per cent of countries have ratified all of them. The reality, however, is far from ideal. As a percentage of the world's population, the rate drops to as low as about 45 per cent, as in the case of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

Some of us are on the brink of ratifying the missing Conventions, and the ILO's efforts can surely make the difference. These include technical cooperation, research and the support of experts. Governments, on their side, can ensure that institutions function effectively and organize awareness-raising campaigns. Continual support for social dialogue by workers' and employers' organizations can contribute to this joint action, as suggested in this Committee's final report.

With the help of the ILO, its daughter institutions and offices, we can hope that, this time next year, when we gather here again, we will be able to announce an increase in ratifications as we prepare to discuss an Andes of social dialogue, and in the years to follow, we will cross the Himalayas of employment and the Rockies of social protection before returning to hike again across the Alps of fundamental principles and rights at work. Universal ratification will be much closer on the horizon.

Soon I will be heading back home to Rio +20, an ocean of challenges and opportunities in its own right, with renewed hope.

The urgency of the need for solutions due to the immediate critical challenges that several countries, including my own country, Greece, are facing as a result of their large foreign debts and wide fiscal deficit has in many cases led to agreement on an international loan conditionality framework where fundamental labour rights suffocate due to the lack of space for them to be exercised.

In this dire situation, in which Governments are unable to stand up for the protection of fundamental social rights and of ratified core ILO Conventions, a key question arises regarding the respect of international standards and the need for policy coherence.

Undisputedly, a country's creditors are neither entitled nor competent, under the legal framework that defines their field of competence, to persistently impose a sine qua non conditionality that requires measures in direct breach of ratified ILO Conventions that are legally binding not only on the country but also on its creditors, and set out the level playing field and the minimum protective universal standards of work in the global community.

The report of our Committee on the recurrent discussion of fundamental principles and rights at work shows that tripartism, based on good faith and mutually respected principles, can only deliver good results. Through the adoption of the Committee's report, a strong and explicit message is universally delivered. The message is that social justice and human rights are prerequisites for effective national economic policies that lead to recovery, growth and decent work.

The message is that the Government of any country threatened by the economic crisis should not be pressed to adopt measures that are not in conformity with its international obligations derived from the respect of fundamental human rights, some of which are labour rights.

The message is also that there is an imperative need to ensure a meaningful space for social dialogue where the social partners can find mutually reinforcing solutions to the new challenges that they are facing.

And finally, the message is that the core obligation of any government to respect internationally protected fundamental labour standards should not be theoretical or illusory and must be demonstrated through constant respect for fundamental labour rights and their proper exercise.

Within this framework of principles, the ILO and its ability to offer its valuable expertise should be sought out by any international organization involved in countries' loan conditionalities given that the package of adjustment measures imposed in the context of the economic crisis and the economic governance policies usually comprise not only fiscal and financial measures but also structural reforms to labour market institutions which are within the ILO's mandate and for which it has particular expertise.

In June 2012, we are sounding the alarm and calling for an immediate joint mobilization of all global forces with a view to saving the fundamental values on which the ILO is founded from any kind of threat. The message is recurrent, urgent and clear: There is no way out of the socio-economic and political crisis which plagues the global community, nor any sustainable future for it, if fundamental principles and rights at work are not guaranteed and realized.

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*Original Spanish:* The PRESIDENT

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As there are no further requests, we will now move on to the approval of the report of the Committee for the Recurrent Discussion on Fundamental Principles and Rights, paragraphs 1–452. If there are no objections, may I take it that the Report is approved?

*(The report – paragraphs 1–452 – is approved.)*

#### **CONCLUSIONS: ADOPTION**

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*Original Spanish:* The PRESIDENT

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We will now proceed to the adoption of the conclusions of the Committee for the Recurrent Discussion on Fundamental Principles and Rights, part by part.

*(The conclusions – paragraphs 1–452 – are adopted part by part.)*

If there are no objections, may I take it that the conclusions concerning the recurrent discussion on fundamental principles and rights at work are adopted, as a whole?

*(The conclusions, as a whole, are adopted.)*

#### **RESOLUTION CONCERNING THE RECURRENT DISCUSSION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK: ADOPTION**

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*Original Spanish:* The PRESIDENT

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We will now proceed to the adoption of the resolution concerning the recurrent discussion on fundamental principles and rights.

If there are no objections, may I take it that the Conference adopts this resolution?

*(The resolution is adopted.)*

That concludes our consideration of the report of the Committee for the Recurrent Discussion on Fundamental Principles and Rights.

I should like to offer my warmest congratulations to the Officers and to the members of the Committee on the excellent outcome of their discussions and work. I should also like to extend my sincere thanks to the secretariat, which has not spared its time or its efforts in preparing the report and the conclusions, within the time required.

*(The Conference adjourned at 3.55 p.m.)*

## Twentieth sitting

Wednesday, 13 June 2012, 5.40 p.m.

President: Mr Alburquerque de Castro

### SECOND REPORT OF THE SELECTION COMMITTEE: SUBMISSION, DISCUSSION AND APPROVAL

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*Original Spanish:* The PRESIDENT

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The first item on our agenda refers to the presentation and approval of the second report of the Selection Committee which is to be found in *Provisional Record* No. 2-4.

This report contains the two following texts which are submitted to the Conference.

The report of the subcommittee on the review of the measures previously adopted by the Conference to secure the compliance by Myanmar with the recommendations of the Committee of Inquiry, paragraphs 2–37 of the report, and the text of the resolution concerning the measures on the subject of Myanmar adopted under article 33 of the ILO Constitution, which is to be found in the appendix of this report.

Officers of the subcommittee are: Mr Vines, Chairperson and Reporter of the subcommittee; Mr Funes de Rioja, Employer Vice-Chairperson; and Mr Cortebeek, Worker Vice-Chairperson.

I give the floor, now, to Mr Vines, Government member, Australia, Chairperson and Reporter of the subcommittee, so that he can present the report to us, together with the draft resolution.

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Mr VINES (*Government, Australia; Chairperson and Reporter of the subcommittee on the review of measures previously adopted by the Conference to secure compliance by Myanmar into the recommendations of the Commission of Inquiry*)

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It is my great pleasure to present the second report of the Selection Committee, which was requested by the Conference to consider the item added to the agenda by the Governing Body at its 313th Session this March entitled, “Review of measures previously adopted by the International Labour Conference to secure compliance by Myanmar with the recommendations of the Commission on Inquiry”.

The Selection Committee set up a subcommittee to deal with this item, in which all members of the Selection Committee could participate and the subcommittee met on Wednesday, 6 and Monday, 11 June. The report and a resolution are contained in *Provisional Record* No. 2-4.

As you are aware, the Governing Body and the Conference have been monitoring the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29), and its compliance with the recommendations of the Commission of Inquiry for over 12 years.

In recent months, the reports coming from the country via the ILO Liaison Officer in Yangon have shown very welcome progress towards democracy, culminating in the holding of elections at the beginning of April this year. The authorities have also demonstrated a genuine political will to eliminate forced labour and real advances have been made.

As a result of this positive situation, in March this year the Governing Body adopted conclusions calling for this item to be placed on the agenda of this session of the Conference, and at the same time requested the Officers of the Governing Body to undertake a Mission to Myanmar and to report to the Conference on all relevant issues. That Mission took place from 1–5 May this year, and I should like to thank the Myanmar authorities, the Government of Myanmar, for the excellent facilitation of our Mission, the warm welcome we received, and the organization which enabled us to meet with all people with whom we wished to speak, including his Excellency the President of Myanmar, the Commander in Chief, the Minister of Labour together with a number of other senior ministers, trade union representatives, employer representatives and Daw Aung San Suu Kyi.

The subcommittee had comprehensive documentation on which to base its work provided by the Office, which included a report giving the background to the issues from 1996 to the present date; two documents setting out the current policy towards Myanmar of a number of other international organizations; the report of the recent Mission of the Officers to Myanmar; and a set of recommendations made by the Officers subsequent to the Mission.

In addition, the subcommittee had three room documents from the Committee on the Application of Standards at its disposal. These were the report of the Liaison Officer, the Joint Plan of Action and the conclusions of the Committee on the Application of Standards from its special sitting on Saturday, 2 June, on Myanmar.

The subcommittee held its general discussion on Wednesday, 6 June, at which it agreed, on an exceptional basis, as the country is not a member of the Selection Committee, to give the floor to Ambassador Maung Wai, Government representative of Myanmar, and also to the Employers’ and Workers’ delegates from Myanmar.

As you can see from the report, there was unanimous support for the lifting of provisions of the 1999 resolution on the widespread use of forced labour in Myanmar and for suspending the provi-

sions of the 2000 resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Myanmar. Several governments also informed the subcommittee that they had lifted, or were in the process of lifting, trade sanctions that they had imposed against Myanmar.

All members supported the Joint Strategy with the ILO for the elimination of forced labour by 2015. It was therefore considered that the Government of the Republic of the Union of Myanmar had broadly complied with the recommendations of the Commission of Inquiry.

Notably, during our visit to Myanmar, the President delivered a May Day speech stating that decent work for all was a fundamental objective of Myanmar, and committing to the abolition of forced labour and the promotion of freedom of association.

There was also agreement in the Committee that a policy based on cautious optimism, words that came out frequently in our discussions, should be adopted, and that the situation should be monitored carefully to ensure that progress continued and to protect against backsliding while definitely sending a positive signal to Myanmar.

The recommendations of the Officers thus met with the approval of the subcommittee. They were, however, subject to intensive consultation among the groups and following this process of fine-tuning they were presented to the subcommittee at its second sitting on Monday, 11 June, as a draft resolution concerning the measures on the subject of Myanmar adopted under article 33 of the Constitution.

I am very pleased to advise the Conference that the text of the final version of the resolution was adopted by consensus by the subcommittee and is contained in the Appendix to the report.

The resolution effectively lifts paragraph 3(b) of the 1999 resolution, thereby enabling the Government of Myanmar, once more, to benefit from technical cooperation and assistance from the ILO. It also lifts paragraph 3(c) of the same resolution, thereby allowing Myanmar to participate in ILO meetings, symposia and seminars in the same way as any other Member. It cancels the remainder of the 1999 resolution.

With regard to the resolution of 2000, the subcommittee applied the principle of cautious optimism. The resolution suspends for one year, the provisions set out in paragraph 1(b), which recommend that ILO constituents should review, in the light of the Commission of Inquiry, the relations that they may have with Myanmar and take appropriate measures to ensure that Myanmar cannot take advantage of such relations to perpetuate or extend the system of forced labour referred to by the Commission of Inquiry, and report back in due course and at appropriate intervals to the Governing Body.

In respect of paragraph 1(a) of the 2000 resolution, which concerns the holding of a special sitting of the Committee on the Application of Standards on the application of Convention No. 29 by Myanmar, the subcommittee's resolution deals with this issue in its operative paragraphs 5 and 6. These paragraphs state that a report on progress made in the implementation of the Joint Strategy for the elimination of forced labour in Myanmar, and other matters, will be submitted to the 316th Session of the Governing Body in November this year. The

317th Session of the Governing Body in March 2013 will then be asked to hold a discussion on the nature and form of the consideration to be given to issues associated with Myanmar by the Conference at its 102nd Session in June 2013.

Having had the opportunity of seeing and hearing the progress in Myanmar first hand, it is my hope that as Myanmar continues its positive progress, a special sitting of the Conference would not be needed and I am also pleased that it is now time for the ILO to enter into a new relationship with Myanmar, to assist the Government, the social partners and the people of Myanmar in meeting the many challenges before them.

The resolution further notes that the remaining paragraphs (c), (d) and (e) of the 2000 resolution have ceased to apply, as well as requesting the ILO to give urgent attention to identifying technical cooperation priorities in Myanmar in close consultation with the Government and the social partners in that country.

Before closing, I should like to thank the members of the subcommittee for their participation in this very serious and important task. I trust that Myanmar will now be able to benefit from the support and assistance that the ILO can provide under its mandate. I also wish to particularly thank my fellow Officers, Daniel Funes de Rioja for the Employers and Luc Cortebeek for the Workers. Their wisdom and experience in this process have been invaluable. Finally, the secretariat that supported us has been extraordinarily helpful and has consistently done its utmost to assist the work of the Committee.

Mr President, it is with great pleasure that I submit the second report of the Selection Committee, the report of the subcommittee on the review of measures previously adopted by the Conference to secure compliance by Myanmar with the recommendations of the Commission of Inquiry, together with the resolutions concerning the measures on the subject of Myanmar adopted under article 33 of the ILO Constitution, and these are submitted to the Conference for adoption.

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Mr FUNES DE RIOJA (*Employer, Argentina; Employer Vice-Chairperson of the subcommittee*)

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This is a historic moment for this Organization and for the Government, employers and workers of Myanmar. The ILO has shown over the last 16 years that persistence and engagement can pay dividends with regard to respect for the standards and values of this Organization. We regard this as an important and, hopefully, a final step in aligning the laws and practices in Myanmar to its obligations under Convention No. 29.

This has opened a new era for ILO cooperation and contribution in the further development and democratization of Myanmar. We will do our part to support this, but we expect the Government to move quickly to give effect to the action plan and to eliminate forced labour as quickly as possible. The tools to do so now appear to be in place. We now must see those tools used.

We thank the Office and, in particular, the work of Steve Marshall and his team in the Liaison Office in Yangon. His work clearly shows the power and influence the Office can exercise and we support the call on the Government to facilitate the expansion of the Liaison Office to enable it to further its engagement around the action plan and play a coordi-

nating role in the realization of additional ILO support.

Similarly, we encourage States to commit the resources necessary to ensure that we can meet the needs of the people of Myanmar. The next 12 months will be critical. Our actions here are an expression of faith in the Government; we need that faith to be realized so that next year we can take further steps to normalize the ILO's relationship with Myanmar.

Based on these considerations and thanking especially our Chairperson, Mr Greg Vines, and my colleague, Mr Luc Cortebeeck, and the support of the Office, I want to confirm the support of the Employers' group to the proposed resolution and the conclusions of the Committee.

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Mr CORTEBEECK (*Worker, Belgium; Worker Vice-Chairperson of the subcommittee*)

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The Workers' group recognizes and welcomes the important legal and practical measures that the Government of Myanmar has taken towards eliminating the practice of forced labour. This is indeed a case of progress, and it is further evidence of the importance of the supervisory system of the International Labour Organization, and its ability to achieve concrete and meaningful results.

The establishment of the Commission of Inquiry on forced labour and the sustained efforts of member States and the social partners have brought us to where we are today. In light of this progress, we agreed that the 1999 and 2000 resolutions needed to be revised.

The Workers' group is in agreement with the resolution adopted by the Selection Committee on 11 June, and asks you to support it. The 1999 resolution has clearly outlived its usefulness. The Government of Myanmar should be able to receive much needed technical cooperation and assistance as well as being able to participate in ILO meetings, symposia and seminars.

We also agreed to the revisions of the 2000 resolution, while recognizing the progress already made, and expecting continued forward momentum. Workers also believe that incentives are needed to ensure that commitments are fully carried out. Thus, the new resolution provides that paragraph 1(b) of the 2000 resolution, which had called upon member States to take appropriate measures, should now be suspended for one year. This will be followed by discussions at the November 2012 and March 2013 Governing Body meetings to carry out a respectful review of the progress made by the Government on the enumerated issues and to formulate recommendations to consider all relevant issues concerning Myanmar at the 102nd Session of the International Labour Conference.

This approach of cautious optimism also reflects the positions recently taken by those member States that applied sanctions over the years, including the United States and the European Union.

As previously expressed, we are indeed hopeful that the Government of Myanmar will make rapid progress on the implementation of the Joint Strategy and create the conditions for a favourable review of all measures at the 2013 International Labour Conference. However, we do wish to recall our prior interventions before the Committee on the Application of Standards and the Selection Committee this year. The practice of forced labour continues in much of the country today. While recognizing the

progress, we need to remain mindful that much work lies ahead.

I also wish to take this opportunity to raise a few additional relevant points. We are very encouraged that the Government has invited U Maung Maung, the General Secretary of the Federation of Trade Unions of Burma (FTUB), to return home to Myanmar. We urge the Government to identify, as soon as possible, a specific date for his return and the return of his colleagues.

We also note that the new resolution refers to effective and full realization of freedom of association as a priority. This is important not only for trade unions, but for all of the tripartite constituents of this body as it is the foundation for any well-functioning industrial relations system. We also take note of the legislation that has been passed this year, which for the first time in a generation allows for trade unions to register and carry out their activities as well as to settle labour disputes through a new framework.

We urge the Government to act expeditiously on the applications for registration it has so far received and to ensure that trade unions so registered are able to exercise their full freedoms under the law. To this end, we also note the commitment of the Government to allow the FTUB to register and operate in Myanmar under the new laws and expect this to happen soon.

Finally, we cannot emphasize enough the importance of ensuring that foreign direct investment contributes to the social and economic development of the country, rather than merely exploiting Myanmar's abundant natural resources and low labour costs. We note the requirements in the resolution for a report on the impact of investment on decent working conditions for the November Governing Body. We welcome this and urge continuous monitoring to ensure that such investments do not contribute to the very problems the Government and its people are now trying to overcome.

I want to thank Mr Greg Vines; our Chair; I want to thank Mr Funes de Rioja for the good cooperation in this part of the Selection Committee; and of course, I wish also to thank the work of the Liaison Office, Steve Marshall and his team.

I thank you, Mr President, for your consideration of these items and I recommend the International Labour Conference to adopt the report, then the resolution.

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**REPORT OF THE SUBCOMMITTEE ON THE REVIEW  
OF THE MEASURES PREVIOUSLY ADOPTED BY  
THE CONFERENCE TO SECURE COMPLIANCE  
BY MYANMAR WITH THE RECOMMENDATIONS OF  
THE COMMISSION OF INQUIRY: APPROVAL**

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*Original Spanish:* The PRESIDENT

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Now we shall proceed with the adoption of the report of the subcommittee on the review of measures previously adopted by the Conference to secure compliance by Myanmar with the recommendations of the Commission of Inquiry. If there are no objections, may I consider that the Conference approves the report of the subcommittee from paragraphs 1–37.

*(The report – paragraphs 1–37 – is approved.)*

**RESOLUTION CONCERNING THE MEASURES ON  
THE SUBJECT OF MYANMAR ADOPTED UNDER  
ARTICLE 33 OF THE ILO CONSTITUTION:  
ADOPTION**

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*Original Spanish:* The PRESIDENT

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Now, we move to the adoption of the draft resolution relating to measures on the subject of Myanmar adopted under article 33 of the Constitution of the ILO. If there are no objections, may I consider that the Conference adopts this draft resolution.

*(The resolution is adopted.)*

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Mr WAI (*Government, Myanmar*)

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The Myanmar delegation believes that the resolution just adopted is balanced. We thank all the players for their objectivity in making this resolution a reality. We are confident that all the remaining challenges will be resolved through cooperation between Myanmar and the ILO.

There remain challenges such as human resource development, capacity building and skills development for our workforce in Myanmar. These challenges are not insurmountable; together we will be able to overcome them. We are encouraged by the call of the Conference to Members and international organizations to make available to the ILO the fi-

nancial resources necessary to provide the technical assistance that Myanmar requires to meet the opportunities and challenges of its rapidly changing circumstances. We will continue our overall cooperation with the ILO. In fact, the cooperation will be further intensified. We shall implement the Joint Strategy on the elimination of forced labour and we anticipate doing so with speed, to complete it before the target date.

In concluding, my delegation would like to express our profound gratitude to all the constituents, to all our colleagues, for their understanding and contributions in developing this resolution. In every successful play we must not forget the people who worked behind the scenes. To them, our very many thanks. Our thanks and appreciation also go to all the delegations who have spoken in support of Myanmar and also for their readiness to provide assistance in the interest of our people, particularly of our workers, the workers in Myanmar.

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Ms MUNK RYOM (*Government, Denmark*)

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For the record, please note that Bosnia and Herzegovina, Ukraine, the Republic of Moldova, Armenia and Georgia align themselves with the statement made on behalf of the European Union during the meeting of the subcommittee on 6 June 2012.

*(The Conference adjourned at 6.10 p.m.)*

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