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► **Leaving no one behind: Building inclusive labour protection in an evolving world of work**

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Report V

▶ **Leaving no one behind: Building inclusive labour protection in an evolving world of work**

Second recurrent discussion on the strategic objective of social protection (labour protection), under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008, as amended in 2022

Fifth item on the agenda

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▶ Abbreviations

ASEAN	Association of Southeast Asian Nations
COVID-19	coronavirus disease
ICT	information and communications technology
IOM	International Organization for Migration
OECD	Organisation for Economic Co-operation and Development
OSH	occupational safety and health
UN	United Nations
UNHCR	Office of the United Nations High Commissioner for Refugees
UN-Women	United Nations Entity for Gender Equality and the Empowerment of Women
WHO	World Health Organization

► Introduction

Why adequate labour protection matters

Labour protection at the core of social justice and decent work

- 1. The commitment of the International Labour Organization (ILO) to labour protection has been unwavering since its inception.** The first recurrent discussion on the strategic objective of social protection (labour protection) was held by the International Labour Conference at its 104th Session (2015). That discussion resulted in the adoption of conclusions that, among other things, highlight that labour protection is at the heart of the mandate of the ILO. ¹ It is embedded in the ILO Constitution of 1919 and grounded in the Organization's founding principles, including the principles that labour is not a commodity and that the adoption of humane conditions of work in all countries is central to social justice and universal and lasting peace. The Declaration of Philadelphia of 1944, which became an integral part of the Constitution in 1946, recognized the solemn obligation of the ILO to further among the nations of the world programmes which will achieve "policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection". Both the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, and the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022 (Social Justice Declaration), reaffirm the commitment to develop adequate labour protection and include explicit references to the right to healthy and safe working conditions.
- 2.** As is made clear in the Social Justice Declaration, social protection consists of both social security and labour protection. These two pillars of social protection are complementary and together provide the social protection that workers and their families need. ² Social security encompasses a broad variety of policy instruments, including social insurance, social assistance, universal benefits and other forms of cash transfers, as well as measures to ensure effective access to healthcare and other benefits in kind aiming at securing social protection. ³ Labour protection is key to ensuring respect for human dignity and rights at work, guaranteeing workers a fair share of productivity gains and countering a "race to the bottom" within and between countries. It also contributes to improving productivity and sustainable economic development by promoting a level playing field and creating a predictable environment in which employers and enterprises can operate. Effective systems of social dialogue and collective bargaining contribute to inclusive labour protection.

¹ ILO, [Conclusions concerning the recurrent discussion on social protection \(labour protection\)](#), International Labour Conference, 104th Session, 2015.

² ILO, [Conclusions concerning the recurrent discussion on social protection \(labour protection\)](#), 2015.

³ ILO, [Building social protection systems: International standards and human rights instruments](#), 2019.

Labour protection at a time of multiple crises

3. **Labour protection needs to evolve with the transformations in the world of work.** The conclusions concerning the recurrent discussion on social protection (labour protection) of 2015 emphasize that the regulation of working conditions in the areas of wages, working time, occupational safety and health (OSH) and maternity protection is central to effective and inclusive labour protection. They recall that strengthening labour protection in one area has positive implications in the other dimensions, with mutually reinforcing outcomes, and stress the need to reinforce the gender dimension. However, they note that ongoing transformations have generated both opportunities and challenges with respect to affording effective labour protection for workers, particularly the most vulnerable groups. They thus call for particular attention to be given to specific areas such as: regulating working time and improving work–life balance; ensuring that laws and regulations on labour protection adequately cover all enterprises, including small and medium-sized enterprises in the formal and informal economies, and all workers, including workers in non-standard forms of employment.⁴
4. The ILO Centenary Declaration for the Future of Work (Centenary Declaration), adopted by the Conference at its 108th (Centenary) Session (2019), recognizes that the ILO was marking its Centenary at a time of transformative change in the world of work, driven by technological innovations, demographic shifts, environmental and climate change, and globalization, as well as at a time of persistent inequalities, which have profound impacts on the nature and future of work, and on the place and dignity of people in it. It reaffirms the continued relevance of the employment relationship as a means of providing certainty and legal protection to workers, while recognizing the extent of informality and the need to ensure effective action to achieve transition to formality, and that all workers should enjoy adequate protection in accordance with the Decent Work Agenda. It also calls on the ILO to direct its efforts, among other things, to promoting workers' rights as a key element for the attainment of inclusive and sustainable growth, to achieving gender equality at work through a transformative agenda and ensuring equal opportunities and treatment for all, to promoting the transition from the informal to the formal economy and to playing a leading role in decent work in labour migration.⁵
5. **Labour protection is critical in order to prevent crises, enable recovery and build resilience.** About a decade after the global financial crisis, the world was struck by the coronavirus disease (COVID-19) pandemic. As at the time of writing, there have been about 700 million confirmed cases of COVID-19 and some 7 million deaths globally. It is estimated that there are more than

⁴ Non-standard forms of employment notably include: temporary employment; part-time and on-call work; temporary agency work and other multiparty employment relationships; and disguised employment and dependent self-employment.

⁵ The Centenary Declaration recognizes that safe and healthy working conditions are fundamental to decent work. In the accompanying resolution on the ILO Centenary Declaration for the Future of Work, the Conference requests the ILO Governing Body "to consider, as soon as possible, proposals for including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work". The resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work was adopted by the Conference at its 110th Session (2022). In the resolution, the right to a safe and healthy working environment is recognized as a fundamental principle and right at work and the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), are declared fundamental Conventions within the meaning of the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022. Consequential amendments have also been made to the Social Justice Declaration and to the Global Jobs Pact (2009), as amended in 2022. See ILO, *A safe and healthy working environment is a fundamental principle and right at work*, 2022.

100 million cases of post-COVID-19 condition (long COVID).⁶ The pandemic has had a devastating impact on the world of work, including losses in labour and business income, leading to enterprise closures and bankruptcies (particularly among micro, small and medium-sized enterprises) and supply chain disruptions. It has led to greater job and income insecurity, created new challenges in respect of health, safety and rights at work, and exacerbated poverty and economic and social inequality. It has had an unequal impact on the world of work across countries, sectors, enterprises and workers, with women, migrants, young people, persons with disabilities and informal workers being among the hardest hit. It has nevertheless underscored the interdependence of all members of society and all countries.⁷

6. The world continues to face other crises, such as global warming, rising geopolitical tensions and conflicts, which have also caused setbacks in respect of the key dimensions of labour protection. Coupled with an uneven recovery from the pandemic and ongoing bottlenecks in supply chains, these crises have created the conditions for stagflation, the first period of high inflation coupled with low growth since the 1970s.⁸ At its 109th Session (2021), the Conference adopted the Global Call to Action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient, in which it warned that the impact of the crisis has exacerbated pre-existing decent work deficits, increased poverty, widened inequalities and exposed digital gaps within and among countries. It reiterated the commitment to provide all workers with adequate protection, including in the areas of wages, working time and safety and health at work. It also reaffirmed the need to introduce, utilize and adapt teleworking and other new work arrangements so as to retain jobs and expand decent work opportunities through, among other means, regulation, social dialogue, collective bargaining, workplace cooperation and efforts to reduce disparities in digital access, respecting international labour standards and privacy and promoting data protection and work-life balance. It recognized the need to ensure effective action to achieve the transition to formality and decent work, to implement a transformative agenda for gender equality and to execute across the public and private sectors a transformative agenda for equality, diversity and inclusion aimed at eliminating violence and harassment in the world of work and discrimination on all grounds.
7. The commitment to ensure adequate labour protection to workers and respect for their rights was also reaffirmed by the Conference in its conclusions concerning inequalities and the world of work of 2021 and was included among the guiding principles for the development of coherent, comprehensive and integrated employment policies in a rapidly evolving world of work in the conclusions concerning the third recurrent discussion on employment of 2022.⁹
8. The different dimensions of labour protection are complementary and interlinked elements of human-centred recovery strategies towards an inclusive, sustainable and resilient development

⁶ The global statistics on cases and deaths are from the [Our World in Data COVID-19 dataset](#), and the estimate of long COVID cases is based on a World Health Organization (WHO) assessment that around 10–20 per cent of people infected by SARS-CoV-2 may go on to develop symptoms that can be diagnosed as long COVID. See WHO, “[Post COVID-19 condition \(Long COVID\)](#)”.

⁷ ILO, “[COVID-19 and the world of work: Ensuring no one is left behind in the response and recovery](#)”, Policy brief, June 2020; ILO, “[An uneven and gender-unequal COVID-19 recovery: Update on gender and employment trends 2021](#)”, Policy brief, October 2021; Katharine Jones, Sanushka Mudaliar and Nicola Piper, *Locked down and in limbo: The global impact of COVID-19 on migrant worker rights and recruitment* (ILO, 2021); ILO, *Global Employment Trends for Youth 2022: Investing in transforming futures for young people*, 2022; ILO, “[COVID-19 and the World of Work: Ensuring the inclusion of persons with disabilities at all stages of the response](#)”, Policy brief, June 2020; and ILO, *Impact of the Covid-19 pandemic on informality: Has informal employment increased or decreased? A review of country data*, 2022.

⁸ ILO, *World Employment and Social Outlook: Trends 2023*, 2023.

⁹ ILO, [Conclusions concerning inequalities and the world of work](#), International Labour Conference, 109th Session, 2021; and ILO, [Conclusions concerning the third recurrent discussion on employment](#), International Labour Conference, 110th Session, 2022.

with decent work for all. The 2030 Agenda for Sustainable Development (2030 Agenda), adopted by all United Nations (UN) Member States in 2015, amplified the importance, at the international level, of achieving shared prosperity and decent work for all. Among other things, it aims, by 2030: to achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value; to protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment; and to adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality.¹⁰ In the aftermath of the COVID-19 crisis, the UN Secretary-General cautioned that the world is on a path of a “great divergence” which, if not altered, would lead to an abandonment of the goals of the 2030 Agenda. He proposed a path forward focused on a renewal of the social contract, greater solidarity with young people and future generations, and a new global deal.¹¹

Towards inclusive, adequate and effective labour protection

- 9. Labour protection is as fundamental today as it was when the ILO was founded.** Labour protection was developed primarily in respect of wage workers. However, historically, certain groups of wage workers and certain economic sectors and occupations, such as agricultural workers and domestic workers, have been excluded from the coverage of labour law. Moreover, since the 1980s, under the pressures of competition, enterprises have been demanding greater flexibility in production and organization.¹² This has led to the diversification of employment arrangements with, sometimes, more blurred boundaries in the employment relationship. Important developments have been taking place to ensure that labour protection is afforded to all workers, regardless of their contractual status or personal characteristics. However, too many workers still do not benefit from the progress made, as they are either excluded from the coverage of legislation, or they are in the informal economy or in sectors, occupations or work arrangements with no adequate levels of labour protection. Many of these workers are women, young people, people facing racial discrimination, migrant workers and persons with disabilities. Labour protection must respond to the old challenges, as well as to new ones stemming from the forces that are transforming the world of work, including demographic, technological and environmental transformations. For instance, with technology increasingly permeating today’s world of work, workers need to be protected from the misuse of technological devices, which could include the obtainment and use of their personal data without consent, intrusions into their privacy, performance checks through intrusive means or the reproduction of gender, racial or other biases in management by algorithms.
- 10. Labour protection needs to be inclusive, adequate and effective.** Experience has demonstrated that labour protection needs to keep pace with the transformations in the world of work while respecting, notably, three principles that can be advanced on the basis of tripartite consensus on labour protection, as set out below.¹³

¹⁰ UN General Assembly, resolution 70/1, [Transforming our world: the 2030 Agenda for Sustainable Development](#), A/RES/70/1 (2015).

¹¹ UN, [Our Common Agenda: Report of the Secretary-General](#), 2021.

¹² ILO, [Labour protection in a transforming world of work: A recurrent discussion on the strategic objective of social protection \(labour protection\)](#), ILC.104/VI, 2015.

¹³ The three principles are derived from the conclusions concerning the recurrent discussion on social protection (labour protection) of 2015, notably paragraph 5, with additional language from the ILO Constitution, the Social Justice Declaration, the

- *Inclusiveness*: In the interests of workers, sustainable enterprises and societies as a whole, decent working conditions and appropriate protection must be afforded to all workers, without distinction. The discrimination of particular groups risks creating downward pressure on labour conditions for all workers, and may lead to unfair competition between enterprises, undermining economic progress and social justice. Inclusiveness thus requires a transformative agenda for equality, diversity and inclusion aimed at eliminating violence and harassment in the world of work and discrimination on all grounds. Inclusiveness also requires taking the diversity of the world of work into account, including diverse forms of contractual arrangements and the challenges and opportunities relating to the digital transformation of work such as teleworking or platform work.
- *Adequacy*: All workers should enjoy adequate protection in accordance with the Decent Work Agenda, guided by the fundamental principles and rights at work laid out in the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, and the principles and provisions of international labour standards, and taking into account different national conditions and circumstances. Inadequate and low levels of protection can put workers' well-being at risk, leading to unfair competition between countries and enterprises, and undermining economic progress and social justice. Conversely, unrealistically high levels of protection may undermine effective implementation, increase unemployment and encourage informality.
- *Effectiveness*: Compliance and enforcement strategies constitute an integral part of any discussion on labour protection. Non-compliance with laws, regulations and collective agreements undermines effective labour protection, hurting workers, law-abiding enterprises, and communities and economies at large. For effective implementation, regulations need to take the diversity of the world of work into account, including the particular challenges that small and medium-sized enterprises may face. Some firms may fall below thresholds of existing labour legislation or may operate in the informal economy where compliance is weak. The primary responsibility for law enforcement and compliance lies with governments, but employers and workers and their organizations all have a role to play in promoting and ensuring compliance.

11. Effective systems of social dialogue contribute to inclusive, adequate and effective labour protection.¹⁴ Social dialogue, including collective bargaining, tripartite consultation and workplace cooperation, provides an essential foundation for the continuous development of labour protection. Social dialogue can help strike the balance between the legitimate needs of both workers and enterprises. Collective bargaining is an important mechanism of regulation that complements legislation and contributes to improving the adequacy and inclusiveness of labour protection. This points to the importance of regulatory and policy frameworks that uphold freedom of association and the effective recognition of the right to collective bargaining, and encourage the creation and functioning of free, independent, strong and representative employers' and workers' organizations. In today's world of work, the capacity of workers' and employers' organizations to reach out to and represent the interests and needs of a range of workers and enterprises, including in the informal economy, is vital to the relevance and legitimacy of labour protection.

Centenary Declaration and the Global Call to Action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient.

¹⁴ ILO, *Social Dialogue Report 2022: Collective bargaining for an inclusive, sustainable and resilient recovery*, 2022.

What this report is about

- 12.** This report analyses the progress that has been made in ensuring inclusive, adequate and effective labour protection since the first recurrent discussion on the strategic objective of social protection (labour protection) was held in 2015. This second recurrent discussion on the subject is particularly timely for assessing the relevance and effectiveness of responses taken to ensure labour protection in the wake of unprecedented crises.
- 13.** The report reviews the three dimensions of labour protection highlighted in the Social Justice Declaration, namely wages, working time and OSH, including the right to be free from violence and harassment. Furthermore, it considers two other traditional dimensions of labour protection, namely maternity protection and employment protection, in addition to another dimension that is gaining prominence with the digitalization of the economy: the protection of workers' personal data.
- 14.** Across the chapters, the report examines the situation of workers engaged in forms of employment and work arrangements that are of particular relevance today, specifically temporary employment, telework and platform work. Making no claims of being exhaustive, it also looks at the situation of two groups of workers that tend to be subject of discrimination, namely migrant workers and workers with disabilities, and two occupational groups that present a high rate of informal employment, namely domestic workers and home-based workers.
- 15.** Chapter 1 provides a brief overview of the available data on the different dimensions of labour protection, Chapter 2 focuses on the measures taken by governments and the social partners towards delivering inclusive, adequate and effective labour protection for all, and Chapter 3 looks at the progress made and measures taken by the ILO since 2015 to support its constituents in that endeavour. Lastly, the conclusions contain key observations and lessons that emerge from the analyses of the previous chapters and provide an overview of areas that require further attention in the future.

► Chapter 1

Trends in labour protection

16. This chapter presents some data and trends that are relevant to the discussion on labour protection. It starts by presenting data on status in employment and on the prevalence of informality. These are relevant, as labour protection has developed primarily with respect to formal paid employees, while those who fall outside the scope of an employment relationship or who work in the informal economy frequently lack protection, either because they are not covered by the relevant laws and regulations or because they are covered legally but not in practice.
17. The chapter then presents data on specific forms of employment and work arrangements that raise questions about different dimensions of labour protection and – with no claim or aspiration of being exhaustive – highlights some groups that tend to be more exposed than others to inadequate labour protection. The chapter goes on to discuss, within the limits of data availability, the different dimensions of labour protection.

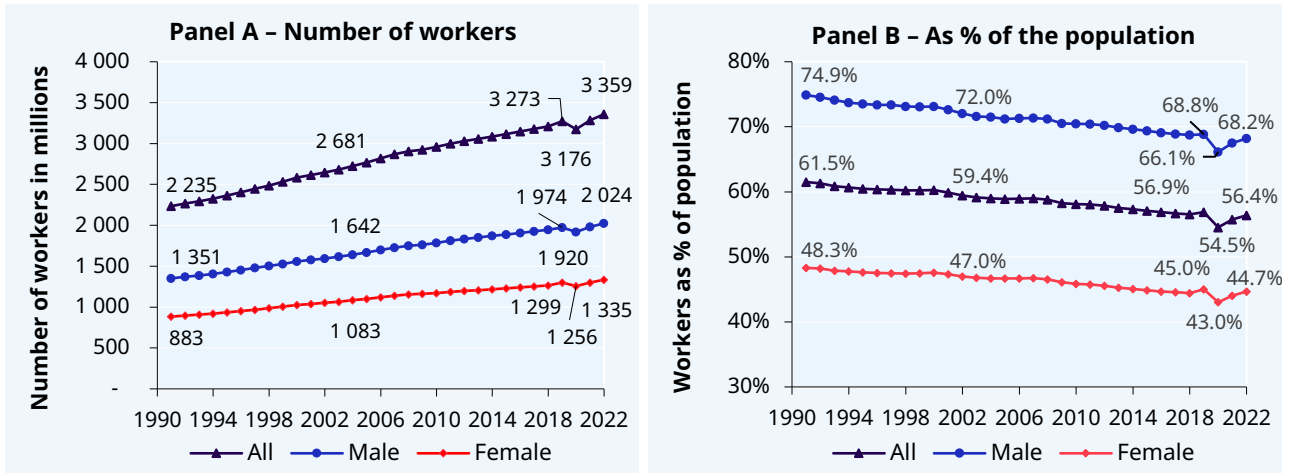
1.1. Key labour market trends over the last decades

1.1.1. Status in employment

18. There were more workers globally in 2022 than in any other year in history (figure 1). Global employment is expected to continue to grow, but at an ever-slowing rate, until it peaks sometime after the mid-century. In 2019, there were almost 3.3 billion workers worldwide. While this number fell to under 3.2 billion in 2020 owing to the COVID-19 crisis, by 2022 it had surpassed the number registered in 2019. The share of workers aged 15 years or over among the population is falling as people live longer, increasing the share of those that are outside the labour force, particularly in high and upper middle-income countries. Longer educational trajectories have the same implication in lower income countries. This trend is likely to continue at least until 2030 and perhaps beyond.¹⁵

¹⁵ ILO, “Labour Force Estimates and Projections (LFEP) 2018: Key Trends”, ILOSTAT, 2018.

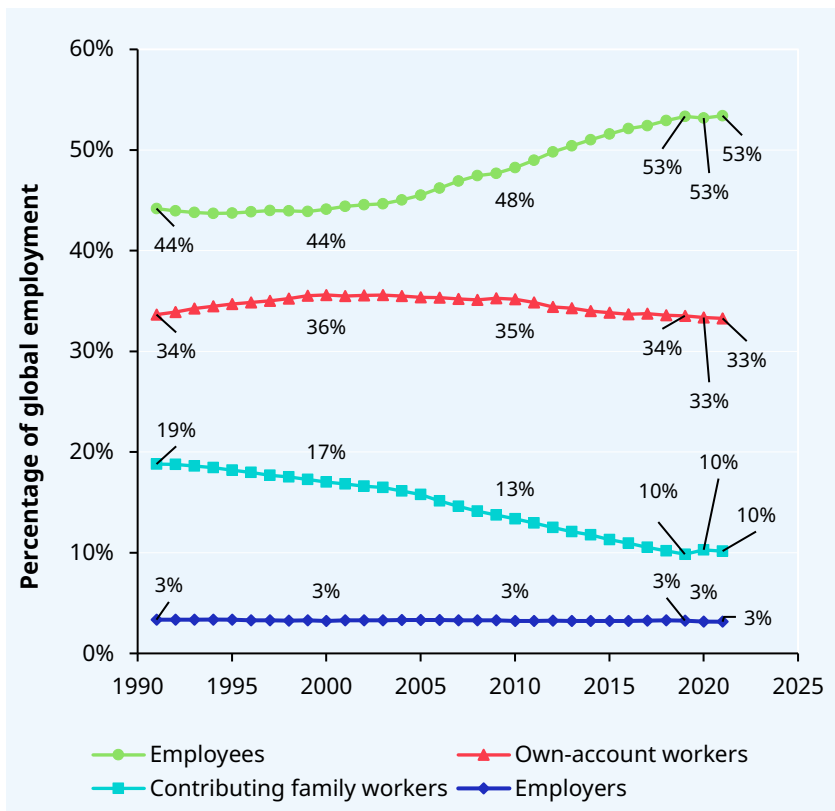
► **Figure 1. Workers aged 15 years or over worldwide, by sex, 1990–2022**



Source: ILOSTAT, modelled estimates, November 2021.

19. Figure 2 shows that the share of workers who are employees has increased over the last three decades, while the share of workers who are employers has changed little. There was a slight drop in the prevalence of wage employment owing to the COVID-19 crisis in 2020, but by 2021 the ratio of employees to the total number of workers was once again on the rise. Figure 2 also shows that, in 2021, some 47 per cent of workers were not employees (in other words, they were own-account workers, employers or contributing family workers) and that wage employment accounted for 53 per cent of global employment.

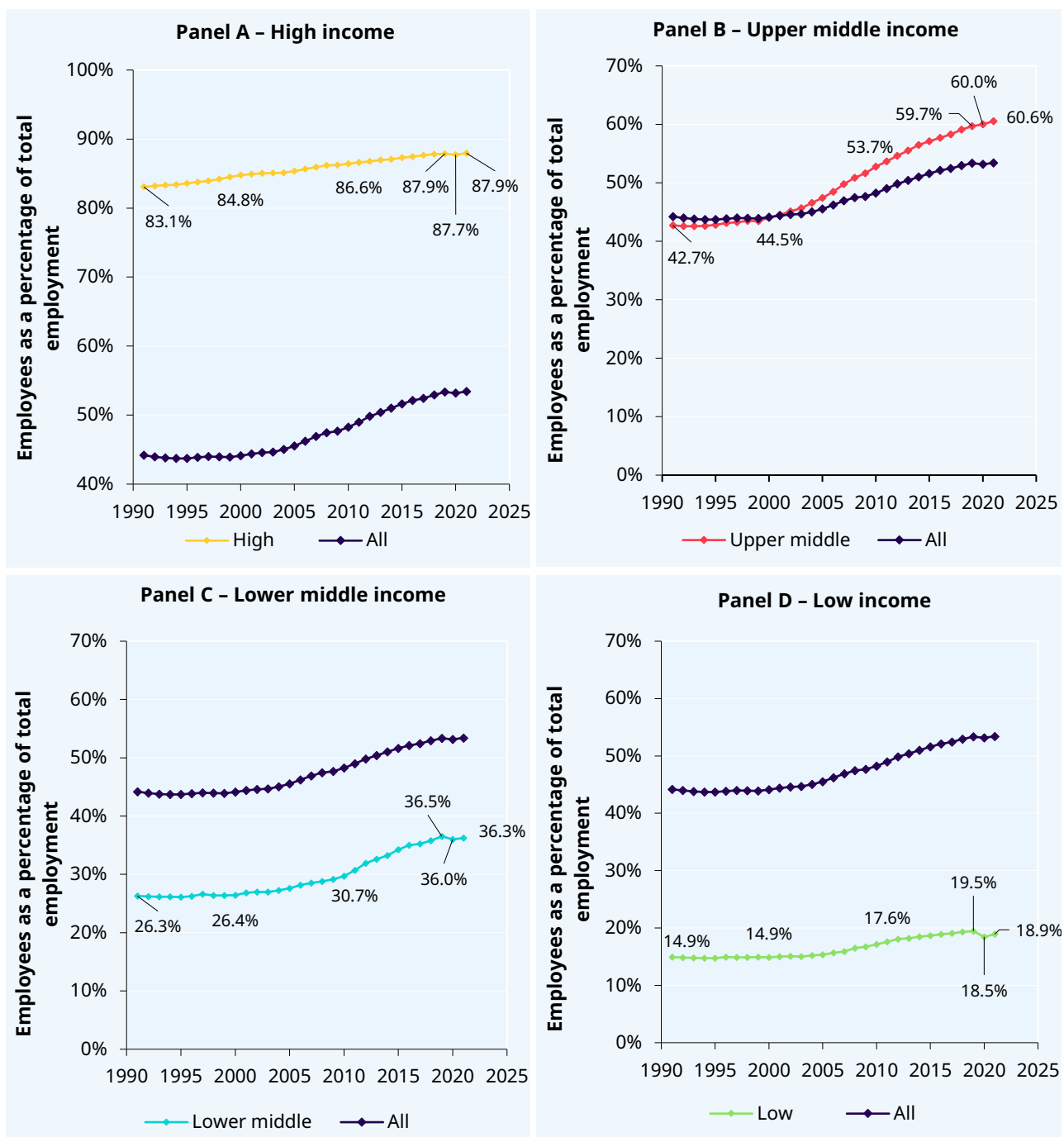
► **Figure 2. Distribution of workers by status in employment, 1990–2021 (as a percentage of global employment)**



Source: ILOSTAT, modelled estimates, November 2021.

20. While the increase in wage employment is driven largely by middle-income countries, with the share of employees in upper and lower middle-income countries increasing in the last decade by 7 and 6 percentage points, respectively, all country income groups have witnessed an increase in wage employment over the last three decades (figure 3).

► **Figure 3. Distribution of workers who are employees, by country income group, 1990–2022 (percentage)**

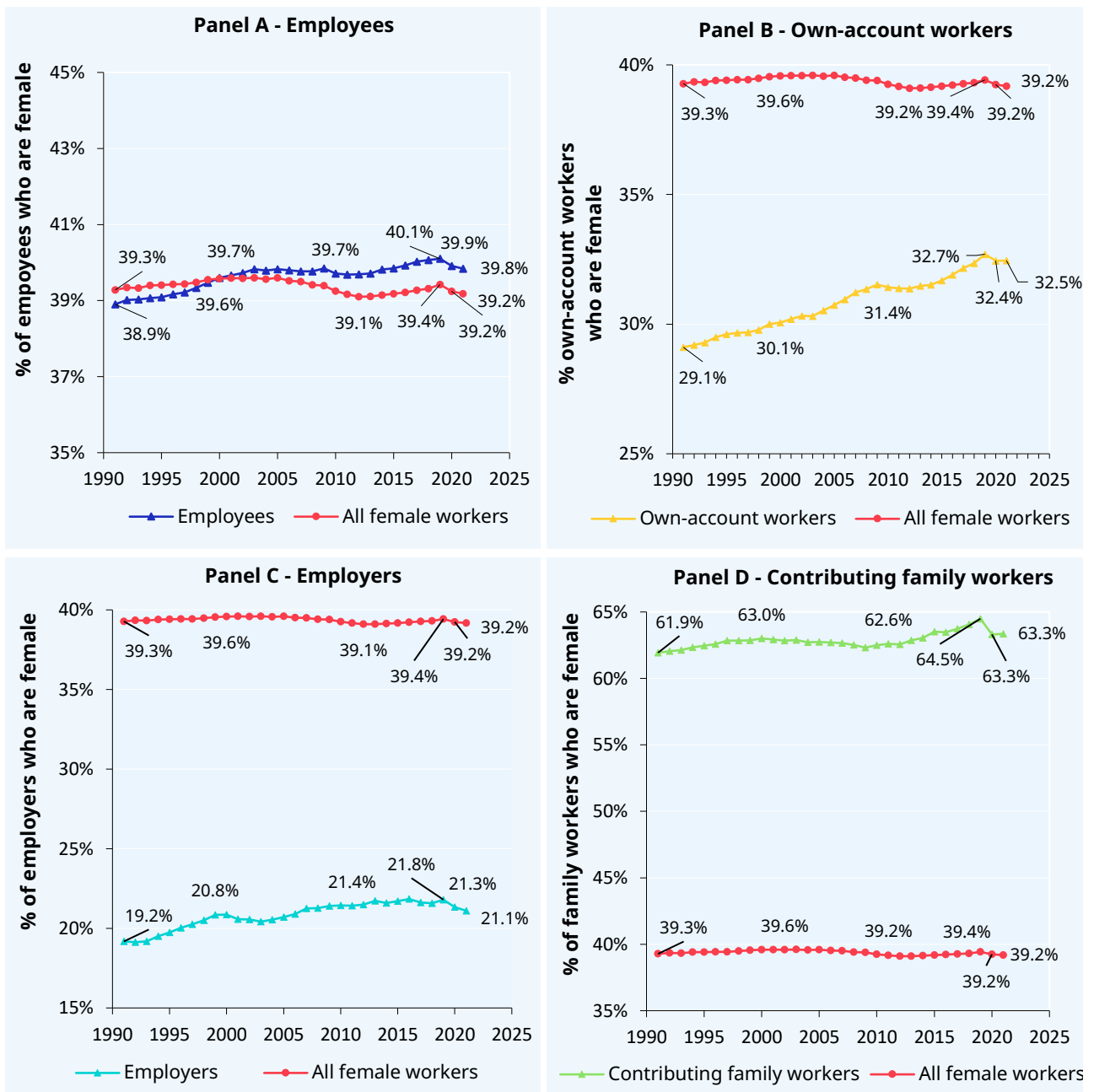


Source: ILOSTAT, modelled estimates, November 2021.

21. Figure 4 shows that, although the percentage of women among workers worldwide has remained more or less constant over the last three decades, different trends can be observed when status

in employment is taken into consideration. The share of women among employees has increased slowly since 1991, although the COVID-19 crisis has erased some of the progress registered in recent years, leading to a share in 2021 that was the same as that in 2014. A similar trend of slow growth with some of the progress being erased by the COVID-19 crisis can be seen among employers. The share of own-account workers who are women has increased more significantly, and the effect of the COVID-19 crisis has been less intense among this category of workers. Among unpaid family workers, there has been little variation.

► **Figure 4. Women’s participation in worldwide employment, by status in employment, 1990–2022 (percentage)**



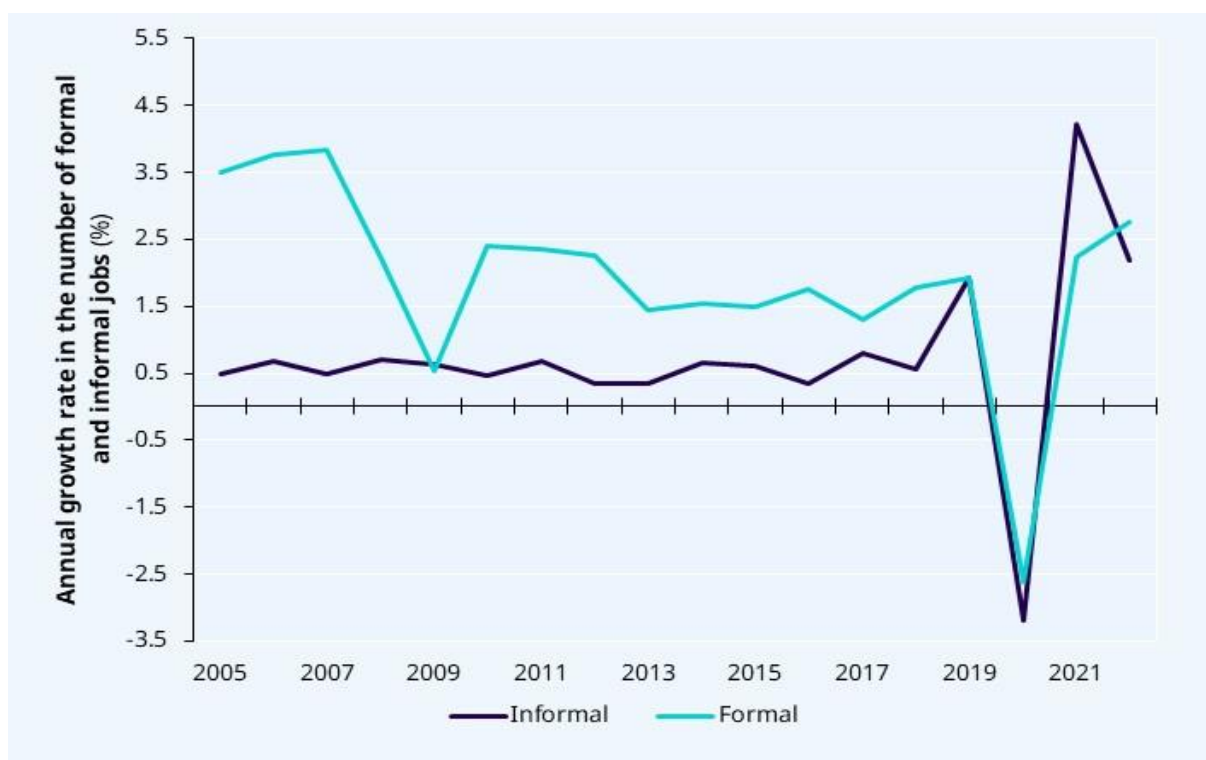
Source: ILOSTAT, modelled estimates, November 2021.

22. Young women have been particularly affected by the employment crisis caused by the COVID-19 pandemic, raising concerns about intergenerational gender inequality.¹⁶

1.1.2. Informality

23. According to ILO modelled data, formal employment grew faster than informal employment between 2005 and 2019, leading to a gradual reduction in the informal employment rate until 2020 (figure 5). Meanwhile, the available data for 2016 and 2019 on the share of informal employment for employees and non-employees, respectively, show no trend towards formalization for employees and a trend towards informalization for non-employees.¹⁷ This suggests that the slight decrease in the percentage of informal employment over this period is mainly due to a compositional effect. This is the consequence of an increase in the percentage of employees in total employment, who are less likely to be exposed to informality than other categories of workers. The disproportionate impact of the COVID-19 pandemic on the informal economy led, in the second quarter of 2020, to a one-off “formalization” of the labour market in many countries, which was in fact associated with the destruction of informal jobs rather than with their formalization. After the initial losses, this trend reversed in 2021 and informal job growth fully recovered from the losses experienced in 2020, whereas formal employment did not.

► **Figure 5. Annual growth rates of formal and informal employment worldwide, 2005–22**
(percentages)



Source: ILOSTAT, modelled estimates, 2022.

¹⁶ ILO, “An uneven and gender-unequal COVID-19 recovery: Update on gender and employment trends 2021”, Policy brief, October 2021.

¹⁷ The share of informal wage employment remained stable; 39.7 and 39.8 per cent of employees were in informal employment in 2016 and 2019 respectively, while the share of informal employment among non-employees increased from 83.1 to 83.8 per cent over the same period. ILO, *Women and men in the informal economy: A statistical update*, forthcoming.

1.2. Specific forms of employment and work arrangements

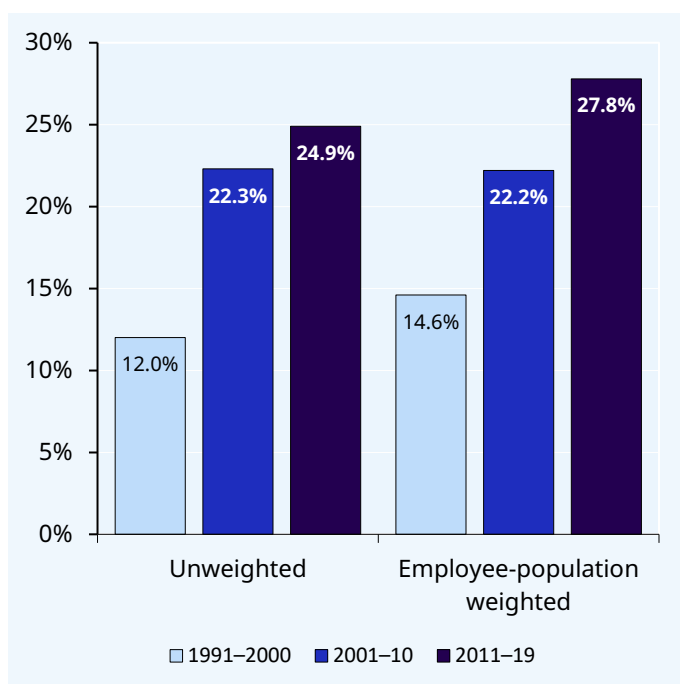
24. An important trend is the growing number of workers engaged in specific forms of employment and work arrangements. Growth is very uneven, however, across forms of employment and work arrangements; for example, there has been a slow and steady increase in temporary employment, a strong increase in platform work (which nevertheless remains relatively modest as a percentage of total employment) and an explosion of telework due to the COVID-19 pandemic.

1.2.1. Temporary employment

25. Temporary employment includes fixed-term and casual work. Fixed-term work is work with a defined expiration date. Casual work is work that is executed for a very short period, or occasionally and intermittently, and offers limited labour protection, particularly in terms of effectiveness.¹⁸ Employees in temporary employment are five times more likely to be in informal employment than employees in open-ended full-time employment.¹⁹

26. Although temporary work has seen varied trajectories depending on the country, the worldwide trend is towards more temporary work. Figure 6 shows that temporary work increased from about 15 per cent of employees around the turn of the century to almost twice that two decades later.

► **Figure 6. Percentage of employees in temporary employment, by year range**



Note: Based on the latest data for all countries with annual data available in each period. Employee-population weighted data take into account the size of the employee population, whereas the unweighted average is an average of the temporary employment rates per country. Neither the weighted nor the unweighted values are representative of the total world population; they represent only countries with data available and are based on data for different years. Periods are not strictly comparable, owing to different sample compositions, and the data are presented here only for indicative purposes.

Source: ILO, *World Employment and Social Outlook: Trends 2022*, 2022.

¹⁸ ILO, *Non-standard employment around the world: Understanding challenges, shaping prospects*, 2016.

¹⁹ ILO, *Women and men in the informal economy: A statistical update*, forthcoming.

27. Temporary workers are, on average, younger than permanent workers. Furthermore, according to the latest available data, before the COVID-19 pandemic, around 20 per cent of female employees worldwide were on temporary contracts, compared with 23 per cent of their male counterparts.²⁰
28. Furthermore, temporary workers count on very little job stability, a situation that was exacerbated by the pandemic. During the pandemic, although the overall share of temporary employment stayed relatively stable, at close to 25 per cent of wage employment, underneath this apparent stability there was a considerable rotation of workers. An ILO analysis of the same group of workers over time revealed that, in countries with available data, almost one third of temporary employees lost their jobs between the first and second quarters of 2020 as opposed to 12 per cent of employees with open-ended contracts.²¹ This loss of employment was not limited to the early days of the pandemic and between the second and third quarters of 2020 the attrition rate among temporary workers continued unabated. The share of temporary employment did not fall, because new temporary jobs were created that offset the loss of temporary jobs and because these new temporary jobs may have been taken by people who were previously out of work and on open-ended contracts.

1.2.2. Platform work

29. Platform work is a form of work that has received significant attention over the last few years. Unfortunately, precise global estimates on numbers of platform workers do not yet exist, owing to the fact that few labour force surveys have incorporated adequate questions in that respect. There are, nevertheless, some point estimates. The table below presents the results of official surveys on this subject.

► Results of official surveys on platform work

Country or group of countries	Reference period	Survey date	Title of survey	Type of platform work	Number of platform workers as a percentage of all workers
Canada	November 2015–October 2016	Previous 12 months	Fast-Track Labour Force Survey	Providing transport services	0.3%
Denmark	January–March 2017	Previous 12 months	Denmark Labour Force Survey	Working via the web or a mobile app	1%
European Union	April 2018	Regularly (at least once a month)	Flash Eurobarometer	Providing platform-based services	1%
Finland	2017	Previous 12 months	Finland Labour Force Survey 2017	Obtaining income via work platforms or capital platforms	7%

²⁰ ILO, *World Employment and Social Outlook: Trends 2022*, 2022.

²¹ ILO, *World Employment and Social Outlook: Trends 2022*.

Country or group of countries	Reference period	Survey date	Title of survey	Type of platform work	Number of platform workers as a percentage of all workers
France	2017	Reference week	Ad Hoc module of European Labour Force Survey (6th wave sample)	Self-employed persons whose main task is to contact clients via platforms or a third-party business	0.8% of persons in work
Switzerland	2019	Previous 12 months	Switzerland Labour Force Survey	Providing taxi and other services via a platform or mobile app	0.4%
United States of America	May 2017	Reference week	Contingent Worker Supplement, Bureau of Labor Statistics	Using a platform to perform tasks physically or online	1%
United States of America	November 2017	Previous 6 months	Current Population Survey Supplement: Computer and Internet Use	Offering capital services or work via the internet	6%
United States of America	November–December 2017	Previous month	Survey of Household Economics and Decision-making	Obtaining a second income via online tasks or transport services	4% (online tasks) and 2% (transport services)

Source: ILO, *Decent work in the platform economy*, MEDWPE/2022.

- 30.** Although not strictly comparable across countries due to differing definitions, the results of the official surveys indicate that, for most countries, the number of platform workers as a percentage of all workers is in the low single digits. This does not mean that platform work will not grow, but for today it is still quite marginal in quantitative terms.²²
- 31.** A relatively high proportion of platform workers are migrants. It is estimated that, worldwide, 17 per cent of freelance platform workers and 15 per cent of delivery workers are migrants.²³
- 32.** Platform workers worldwide are younger on average than other workers. The average age of platform workers was 33.9 years in Europe in 2018²⁴ and 33.2 years worldwide in 2017.²⁵ This

²² ILO, *Decent work in the platform economy*, 2022.

²³ ILO, *World Employment and Social Outlook: The role of digital labour platforms in transforming the world of work*, 2021.

²⁴ M.C. Urzì Brancati, A. Pesole and E. Fernández-Macías, *New evidence on platform workers in Europe. Results from the second COLLEEM survey* (EU Publications Office, 2020).

²⁵ Janine Berg et al., *Digital labour platforms and the future of work: Towards decent work in the online world* (ILO, 2018).

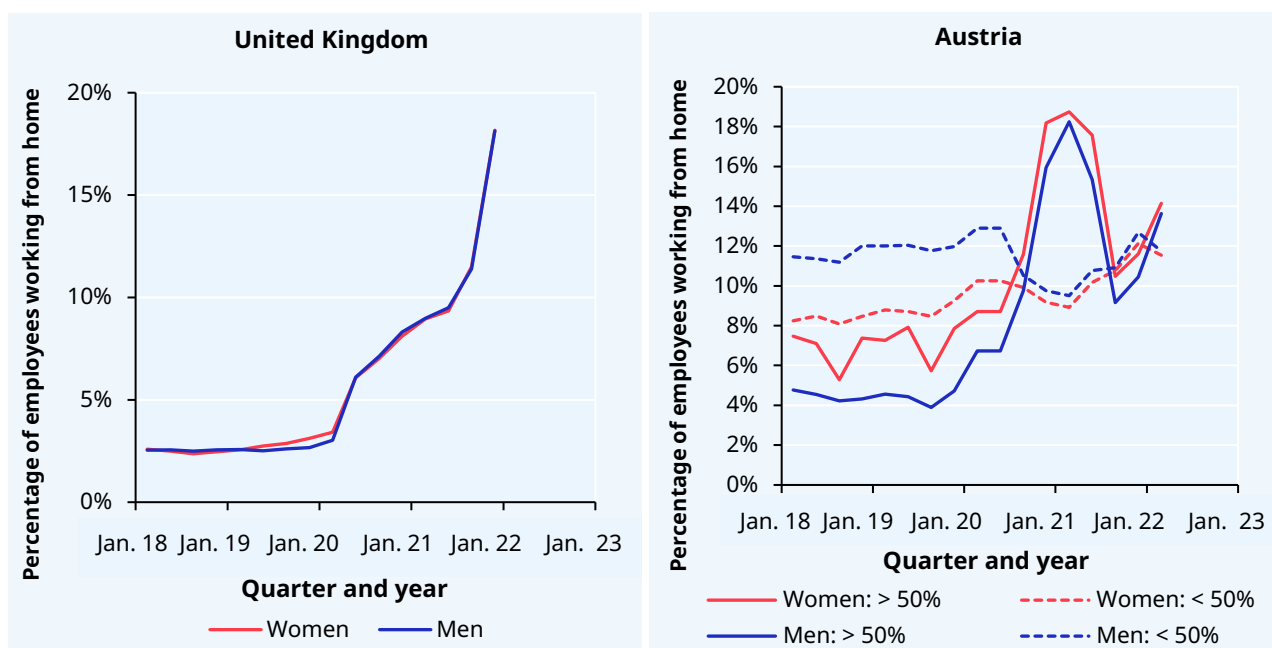
contrasts to the average age of all employed individuals of 42.4 years in European countries and 40.4 years worldwide.²⁶

33. Furthermore, platform work is more frequently carried out by men than by women. While, in the European Union (EU), 54 per cent of workers are male,²⁷ between 55²⁸ and 65 per cent²⁹ of platform workers were male in 2020. According to ILO surveys carried out in 2019, 63 per cent of platform workers operating online worldwide are male.³⁰

1.2.3. Telework

34. While working from home is by no means a new phenomenon, over the last few decades, new information and communications technologies (ICTs) have made it possible for many office workers to work from their homes or other place of their choosing.³¹ Teleworking has exploded since 2020, as a result of the containment measures adopted to halt the spread of COVID-19. It is becoming increasingly clear that there will be no going back to the way things were before the pandemic in terms of telework. Data on post-lockdown teleworking are still scarce, as few countries had released labour force data for 2022 as of the time of writing. Nevertheless, figure 7 presents recent working from home data for four countries from Europe and the Americas. The numbers are not comparable since the survey questions were asked in different ways, but all results show that teleworking has not fallen to pre-pandemic levels and rather appears to be stabilizing at higher levels.

► **Figure 7. Employees who work from home, by sex, 2018–22 (percentage)**



²⁶ ILOSTAT.

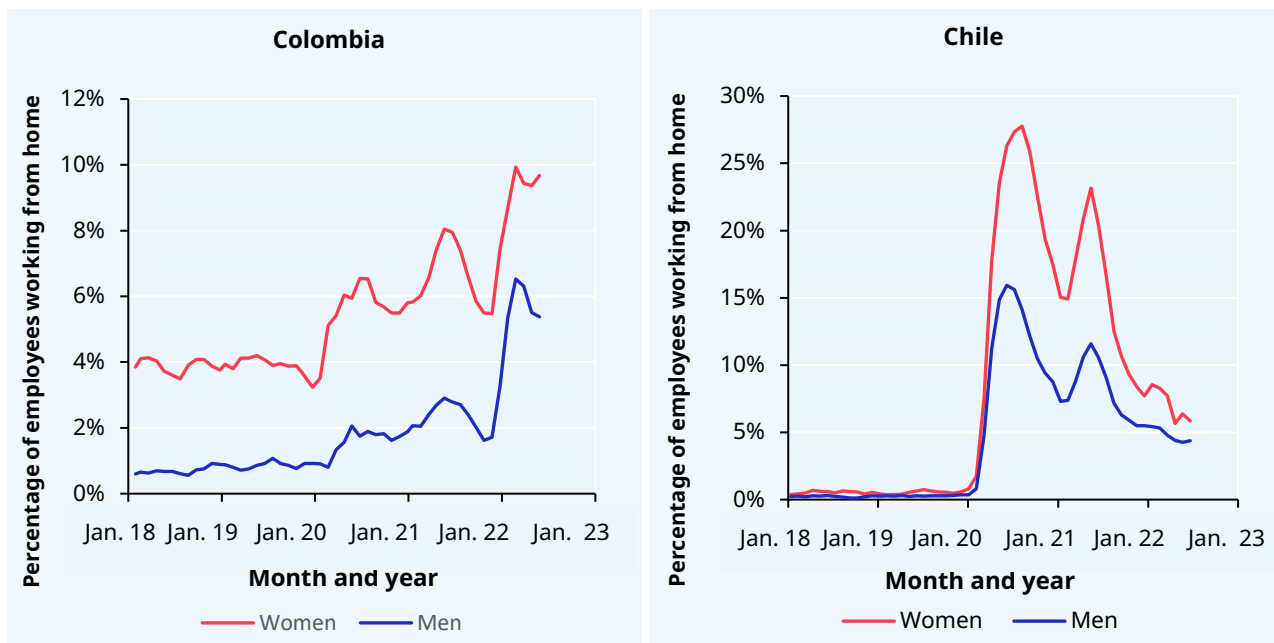
²⁷ ILOSTAT.

²⁸ Eurobarometer, 2018.

²⁹ M.C. Urzì Brancati, A. Pesole and E. Fernández-Macías, *New evidence on platform workers in Europe*.

³⁰ Janine Berg et al., *Digital labour platforms and the future of work: Towards decent work in the online world*.

³¹ Jon Messenger, ed. *Telework in the 21st Century: An evolutionary perspective* (ILO, 2019).



Note: For Austria, > 50% refers to those teleworking for more than 50 per cent of the time and < 50% refers to those teleworking for less than 50 per cent of the time (but who still telework for at least one hour per week from home).

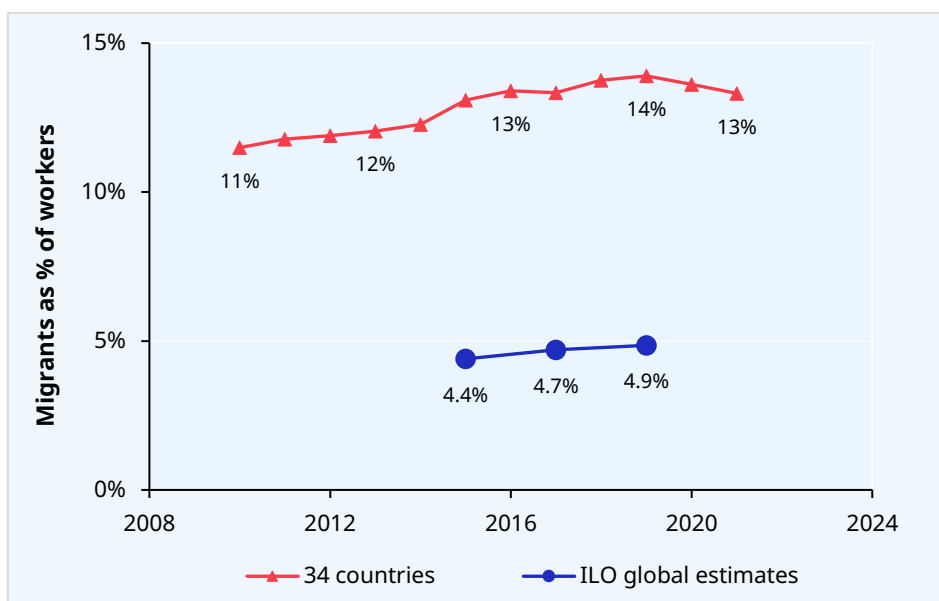
Source: UK Labour Force Survey, Austria Labour Force Survey, Colombia Great Integrated Household Survey (GEIH), Chile National Employment Survey (ENE). Microdata.

1.3. Groups that tend to be more exposed to inadequate social protection

1.3.1. Migrants

35. ILO global estimates show that the number of migrant workers as a percentage of all workers increased from 4.4 per cent of workers in 2015 to 4.9 per cent in 2019 (figure 8). This amounts to an increase from 150 million migrant workers in 2015 to 169 million in 2019. Among 34 countries that regularly ask about migrant status in their labour force surveys, there has been a much larger increase in the share of migrants in employment, but this sample is biased towards countries in Europe and the Americas.
36. The gender composition of the migrant workforce worldwide has also changed slightly: the proportion of women among all migrant workers fell from 44 per cent in 2015 to 41 per cent in 2019.

► **Figure 8. Migrant workers as a percentage of all workers, 2010–22**



Source: ILO calculations based on ILOSTAT data for 34 countries and ILO, *ILO Global Estimates on International Migrant Workers: Results and Methodology – Third edition*, 2021.

1.3.2. Workers with disabilities

37. According to available statistics on workers with disabilities, employment to population ratios are significantly lower among people with disabilities (36 per cent compared to 60 per cent among people with no disabilities). This can be attributed to the lack of preparedness of workplaces, discrimination, and legislation and policy or lack thereof. Likewise, workers with disabilities earn 12 per cent, 14 per cent and 16 per cent less than workers with no disabilities in Spain, the United States of America and Chile, respectively.³² Workers with disabilities are more likely to be in self-employment than those with no disabilities (47 per cent compared to 40 per cent)³³ and more likely to be in informal employment (70 per cent as opposed to 58 per cent). While in high-income countries 21 per cent of workers with disabilities are in informal employment compared to 12 per cent of workers with no disabilities, in developing countries the numbers are 91 per cent and 80 per cent, respectively.³⁴

1.3.3. Domestic workers

38. Of the 75.6 million domestic workers worldwide, 61.4 million – or 81.2 per cent – are informally employed, which is a strong indicator of how few domestic workers enjoy rights and protection in practice (figure 9). The share of informal employment among domestic workers is twice the share of that among other employees (39.7 per cent) and significantly higher than the overall share of informal employment among non-domestic workers, independent of their employment status (60.1 per cent). Domestic workers in informal employment are more likely to work both short and

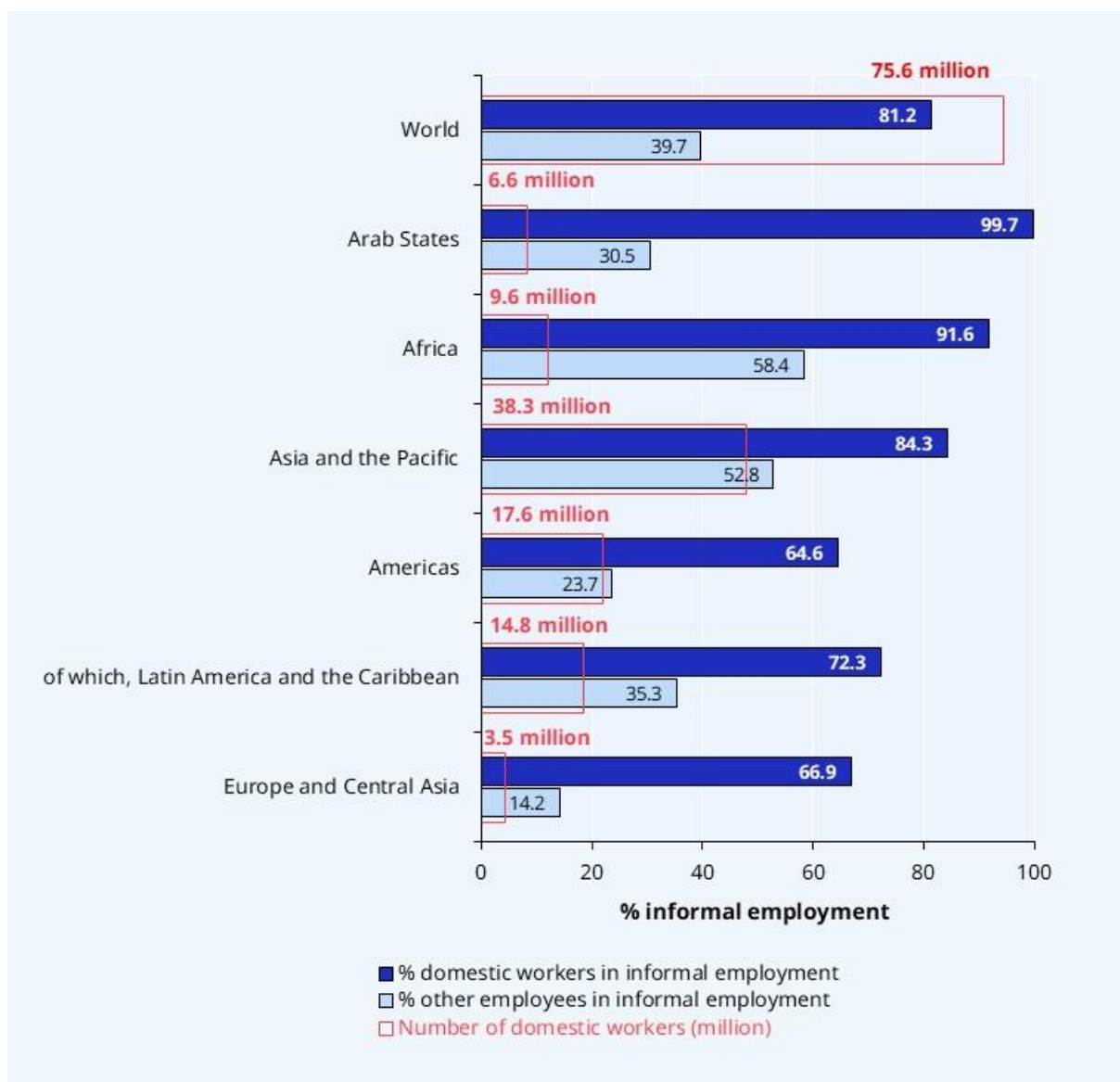
³² UN, *Disability and Development Report: Realizing the Sustainable Development Goals by, for and with persons with disabilities*, 2018, 2019. Earnings gaps are not controlled for age, education or other variables.

³³ ILOSTAT. These numbers come from 90 countries which represent approximately 29 per cent of world employment, which are those whose labour force surveys have minimally comparable disability data.

³⁴ ILOSTAT. These numbers come from 29 countries which represent 19 per cent of world employment, which are those whose labour force surveys have minimally comparable labour force survey data.

long hours compared to domestic workers in formal employment, and earn on average 37.6 per cent of the monthly wages of formal employees.³⁵

► **Figure 9. Total number of domestic workers and share of informal employment among domestic workers and non-domestic workers, by region, 2019 (percentage)**



Source: ILO, *Making decent work a reality for domestic workers: Progress and prospects ten years after the adoption of the Domestic Workers' Convention, 2011 (No. 189)*, 2021.

1.3.4. Home-based workers

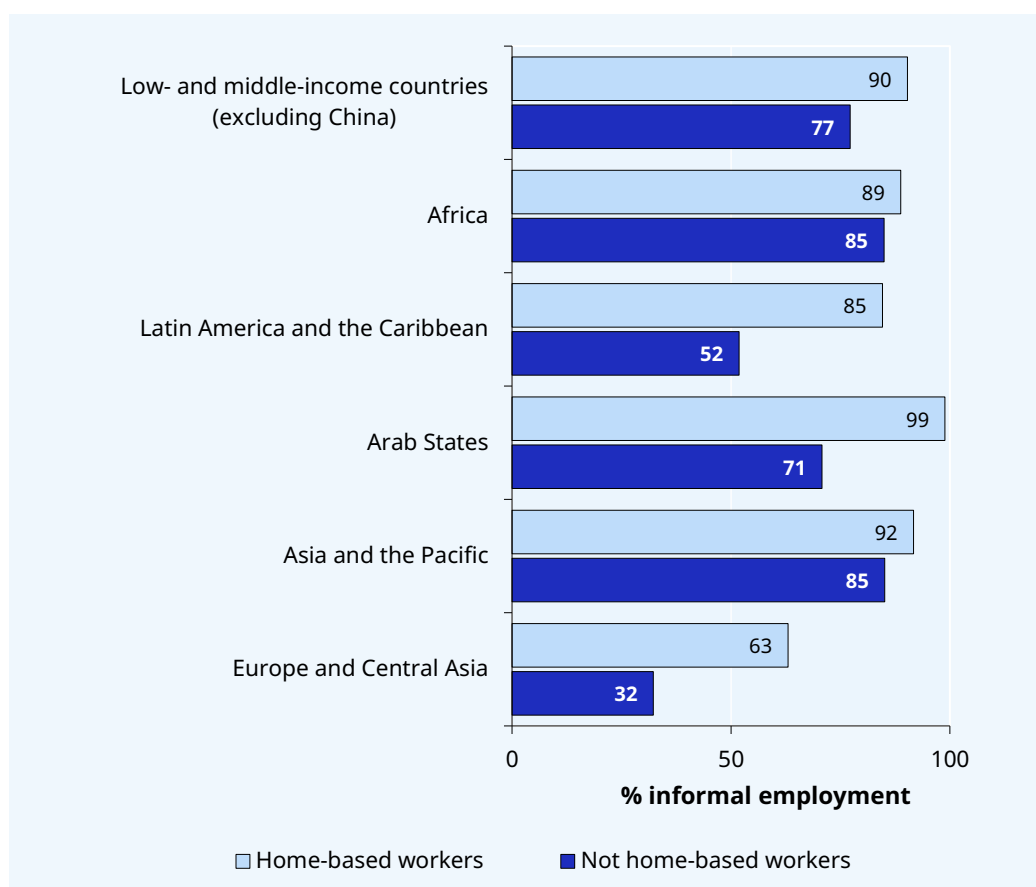
39. Working from home has long been an important feature of the world of work. Home-based industrial homeworkers who are paid piece-rate are very poorly paid. Industrial homeworkers suffer an earnings penalty, even when the earnings gap is analysed statistically to control for

³⁵ ILO, *Making decent work a reality for domestic workers: Progress and prospects ten years after the adoption of the Domestic Workers' Convention, 2011 (No. 189)*, 2021. The domestic worker pay gap is uncontrolled.

characteristics such as education, age and occupation.³⁶ Days with little or no work may be followed by periods of intense work. Furthermore, home-based workers face significant OSH challenges, often due to the workplace not being adapted to the activities that take place there.³⁷

40. In 2019, most of the 260 million home-based workers were women (56 per cent). In low- and middle-income countries, up to 90 per cent of home-based workers worked informally, while women home-based workers were more exposed to informality than men (88 per cent) on average and in all regions (figure 10).

Figure 10. Share of home-based workers in informal employment in low- and middle-income countries (excluding China), by region, 2019 (percentage)



Source: ILO, *Working from home: From invisibility to decent work*, 2021.

1.4. Dimensions of labour protection

1.4.1. Wage policies

Minimum wages

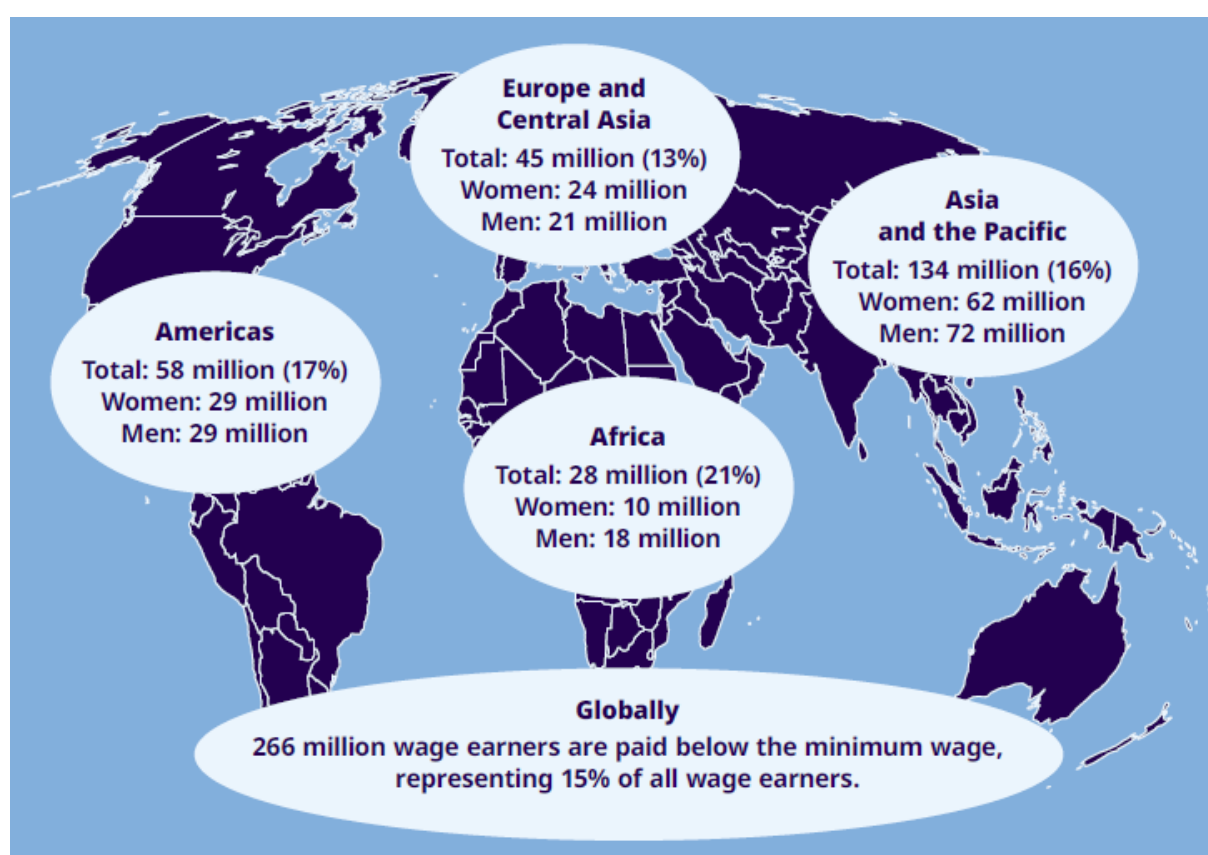
41. Minimum wages have existed since 1894, when New Zealand established the first nationwide minimum wage. Minimum wages, either statutory or negotiated, are used by governments and the social partners to provide protection for wage earners against unduly low wages and as one

³⁶ Homeworkers are a subset of home-based workers. See ILO, *Working from home: From invisibility to decent work*, 2021.

³⁷ ILO, *Working from home: From invisibility to decent work*, 2021.

element in a policy designed to overcome poverty. In recent years, various countries have adopted minimum wages and the large majority of countries now have a minimum wage system in place. The ILO has estimated that minimum wage policies are in place in 90 per cent of countries around the world, including all European and Central Asian countries, most countries in the Americas, and a large majority of countries in Africa and Asia (figure 11). Minimum wage systems differ widely across countries: globally, around half of the countries that have a statutory minimum wage have a single national minimum wage rate, while the other half have more complex systems with multiple rates, determined by sector of activity, occupation, age of the employee or geographical region.³⁸

► **Figure 11. Number of wage earners paid less than the hourly minimum wage, globally and by region, 2019**



Note: The percentages in parentheses indicate the proportion of wage workers in each region who earn less than the minimum wage. The global estimates include results for the Arab States in which approximately 1 million wage earners are estimated to receive less than the minimum wage. However, results for the Arab States are not shown because there are not enough data to produce reliable estimates for that region.

Source: ILO, *Global Wage Report 2020–21*.

42. At the same time, not all wage earners are effectively protected against unduly low pay. First, in about 10 per cent of countries, there is no minimum wage at all, leaving 57 million wage earners without protection.³⁹ Second, many countries exclude certain categories of workers from the legal minimum wage coverage. For example, about one in five countries where statutory

³⁸ ILO, *Global Wage Report 2020–21: Wages and minimum wages in the time of COVID-19*, 2020.

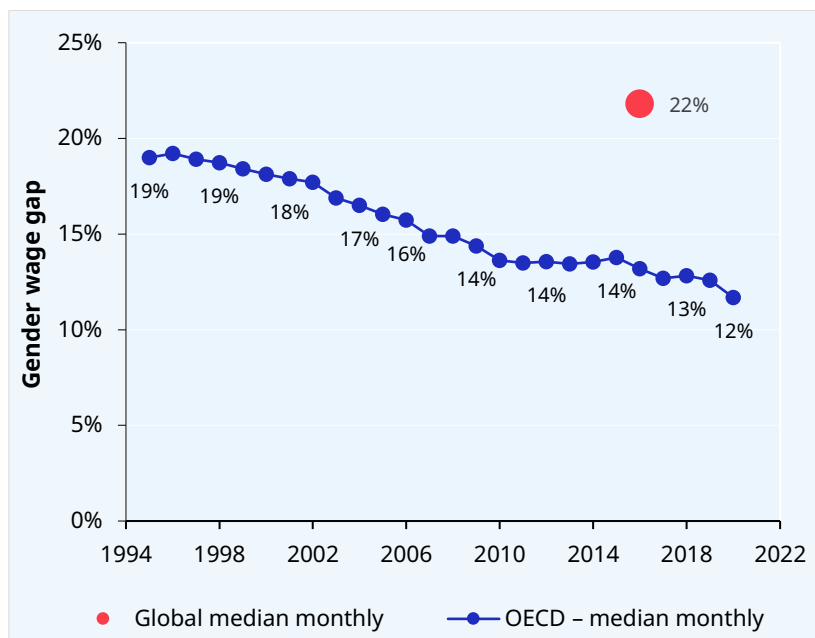
³⁹ This is the case, for example, in Bahrain, Ethiopia, Saudi Arabia, the United Arab Emirates and Yemen.

minimum wages exist exclude either agricultural workers or domestic workers, or both, from minimum wage laws.⁴⁰ Third, minimum wages may be set at inadequate levels, which is typically the case when rates remain unadjusted for many years. ILO estimates show that, over the period 2010–19, only 54 per cent of countries adjusted their rates at least every two years. Lastly, non-compliance – particularly in the informal economy – remains a major issue. Globally, it was estimated that 266 million wage workers (15 per cent of all wage earners) earn less than existing minimum wages, mostly because of non-compliance.

The gender pay gap

43. Across the world, women continue to earn less than men, on average. Figure 12 shows that, although the pay gap in countries of the Organisation for Economic Co-operation and Development (OECD) has slowly fallen over the last two and a half decades, women are still paid about 12 per cent less than men. While no time series data are available on the subject, global estimates suggest that the worldwide gender pay gap is considerably higher than the gap in the OECD countries, at close to 22 per cent, with a wide variation across countries.⁴¹ Among high-income countries, the gender pay gap is the widest at the upper end of the wage distribution. In contrast, in low- and middle-income countries, it is at the low end of the wage distribution (where women are proportionally over-represented) that the gender pay gap is wider. There are also pay gaps between different groups of workers, such as between migrant workers and nationals, and between indigenous peoples and other workers. It has been estimated, for example, that, in high-income countries, migrants earn on average 12.6 per cent less than national workers.⁴²

► Figure 12. Gender pay gap, 1994–2022 (percentage)



Sources: ILO, *Global Wage Report 2018/19: What lies behind gender pay gaps*, 2018; and OECD, “Gender wage gap”.

⁴⁰ ILO, *Global Wage Report 2020–21*.

⁴¹ ILO, *Global Wage Report 2018/19: What lies behind gender pay gaps*, 2018; and OECD, “Gender wage gap”.

⁴² Silas Amo-Agyei, “The migrant pay gap: Understanding wage differences between migrants and nationals” (ILO, 2020).

44. While many factors can explain pay gaps – including differences in levels of education and other personal and labour market characteristics – in most countries, pay gaps are due in part to the persistence of discrimination in the labour market. This includes a lack of equal opportunity for men and women in accessing better paid jobs and the fact that lower wages are paid to women for work of equal value to that performed by men.

Wage bargaining

45. Wages are one of the main subjects of collective bargaining.⁴³ Collective bargaining may set wage floors as well as wages above those floors where economic factors allow, and wage increases that may ensure that workers get a fair share of productivity gains while not impairing the capacity of employers to operate profitably. This is particularly important in the light of the fact that, across high-income countries, average wage growth has lagged behind productivity growth since the turn of the century (see figure 13), leading to a decline in the share of labour compensation in national income. Collective bargaining can also contribute to ensuring equal pay for work of equal value, pay transparency, and quality skills, training and lifelong learning.⁴⁴

► **Figure 13. Trends in average real wages and labour productivity in 52 high-income countries, 1999–2022**



Note: Labour productivity is measured as gross domestic product per worker. Both the real wage and productivity indices are calculated as weighted averages using countries' populations as weights so that larger countries have a greater impact at each point estimate. Data for 2022 are based on the first and second quarters of the year.

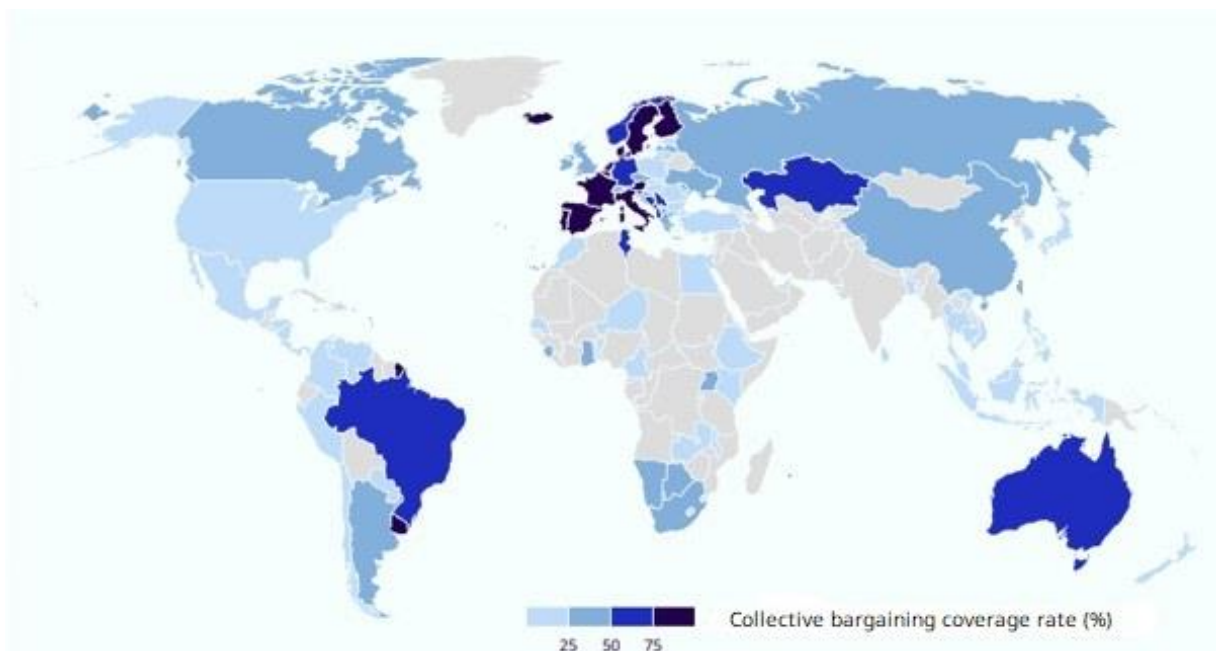
Source: ILO, *Global Wage Report 2020–21*.

⁴³ The majority (95 per cent) of collective agreements analysed for the preparation of the *Social Dialogue Report 2022* included provisions on wages.

⁴⁴ See ILO, *Conclusions concerning inequalities and the world of work*, 2021.

46. Since worldwide time series data specifically on wage bargaining are not available, figure 14 provides an overview of collective bargaining coverage rates around the world. The collective bargaining coverage rate is the share of employees who have their pay and working conditions determined by one or more collective agreements. According to ILO estimates, over one third (35.2 per cent) of employees in 98 countries have their pay and working conditions regulated by one or more collective agreements.⁴⁵ Furthermore, the ILO has identified significant variation across the countries in the sample for which data are available up to 2020: the collective bargaining coverage rate ranged from above 75 per cent in 14 high-income countries, including many European countries and Uruguay, to below 25 per cent in 48 other countries. Substantial variation of the collective bargaining coverage rate was also found across regions and across countries of different income levels.

► **Figure 14. Collective bargaining coverage around the world (percentage)**



Note: The ILO's *Social Dialogue Report 2022* has computed a weighted average of the collective bargaining coverage rate for a set of 98 countries for which data on collective bargaining coverage were available up to 2020. According to the report, "this takes into account the total number of employees in different countries to reflect the country's size. The unadjusted global employees-weighted average at the point in time t was obtained by dividing the sum of the number of employees covered in country j by the sum of the number of employees in country j , both at the point in time t ". The report also mentions that "although relevant data are now available for more than half of the ILO Member States, such information is not available for a number of countries in Africa and Asia."

Source: ILO, *Social Dialogue Report 2022*.

1.4.2. Working time and work organization

47. Since 1919, working time has been a key labour protection issue for the ILO.⁴⁶ Limiting daily and weekly working hours was considered so important that the very first ILO Convention, the Hours of Work (Industry) Convention, 1919 (No. 1), was on that subject. In the ensuing decades, working hours have gone down for a variety of reasons but, in recent years, data suggest that certain working hour trends may require further attention from social actors.

⁴⁵ ILO, *Social Dialogue Report 2022*.

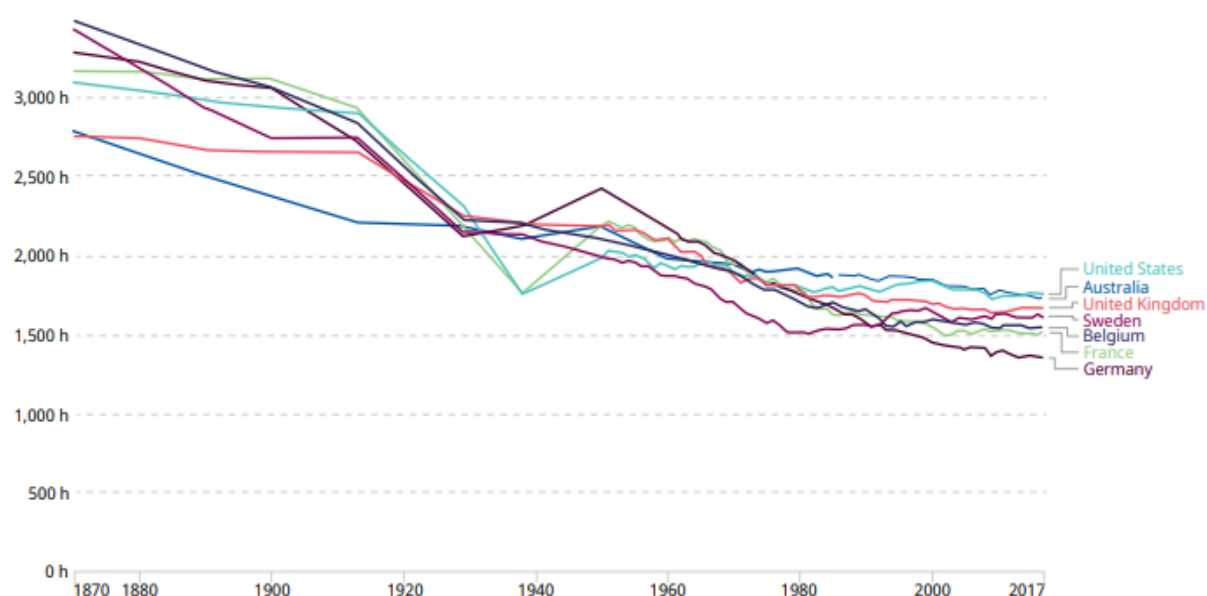
⁴⁶ Much of the information in this section is from ILO, *Working Time and Work-Life Balance Around the World*, 2022.

48. Working time cannot be understood independently from culture and institutions. Labour markets structured on male breadwinner models and a gendered division of unpaid care work appear to have contributed to developments in two recent working hour trends: long working hours and short hours or part-time work.

Long working hours and part-time hours

49. Analysis of historical trends in working hours is difficult due to the inconsistencies in labour force surveys in some countries over the years. Figure 15 shows longitudinal average working hours in seven developed countries, demonstrating a gradual and significant decrease in average working time. In 2019, the average work week was 43.9 hours (46.2 for men and 40.5 for women).

► **Figure 15. Longitudinal trends in average annual working hours in selected developed countries**



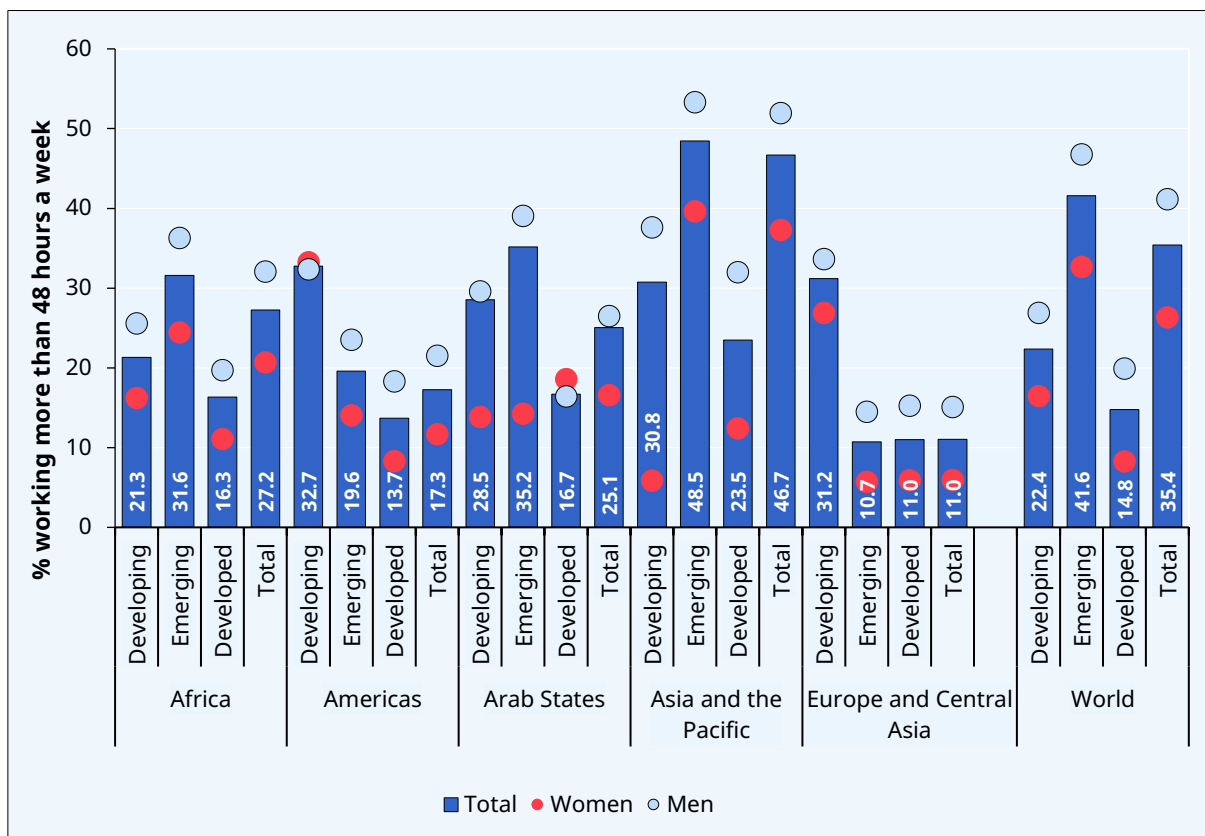
Note: Data show the average working hours per worker over an entire year. Before 1950, the data correspond only to full-time production workers (non-agricultural activities). Starting in 1950, estimates cover total hours worked in the economy as measured primarily from National Accounts data. Data are plotted from Michael Huberman and Chris Minns, "The times they are not changin': Days and hours of work in Old and New Worlds, 1870–2000", *Explorations in Economic History* 44, Issue 4 (2007) and coverage is extended using Penn World Table version 9.1 (2019), which uses the same underlying source. Comparisons between countries are limited due to differences in measurement.

Source: ILO, *Working Time and Work-Life Balance Around the World*, 2022.

50. Long hours of work can be defined as regularly working more than 48 hours per week.⁴⁷ ILO analysis shows that approximately one third of the world's workers (35.4 per cent) worked more than 48 hours per week in 2019 (figure 16). The region with the smallest proportion of workers working long hours is Europe and Central Asia, with 11 per cent of workers working long hours in 2019, and the region with the highest proportion is Asia and the Pacific, where that figure is over 40 per cent.

⁴⁷ This definition is consistent with the relevant international labour standards (Convention No. 1 and the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)), which limit normal working hours to 48 per week. It is also consistent with the relevant literature on the negative effects of long hours of work on OSH, work-life balance, and productivity and performance.

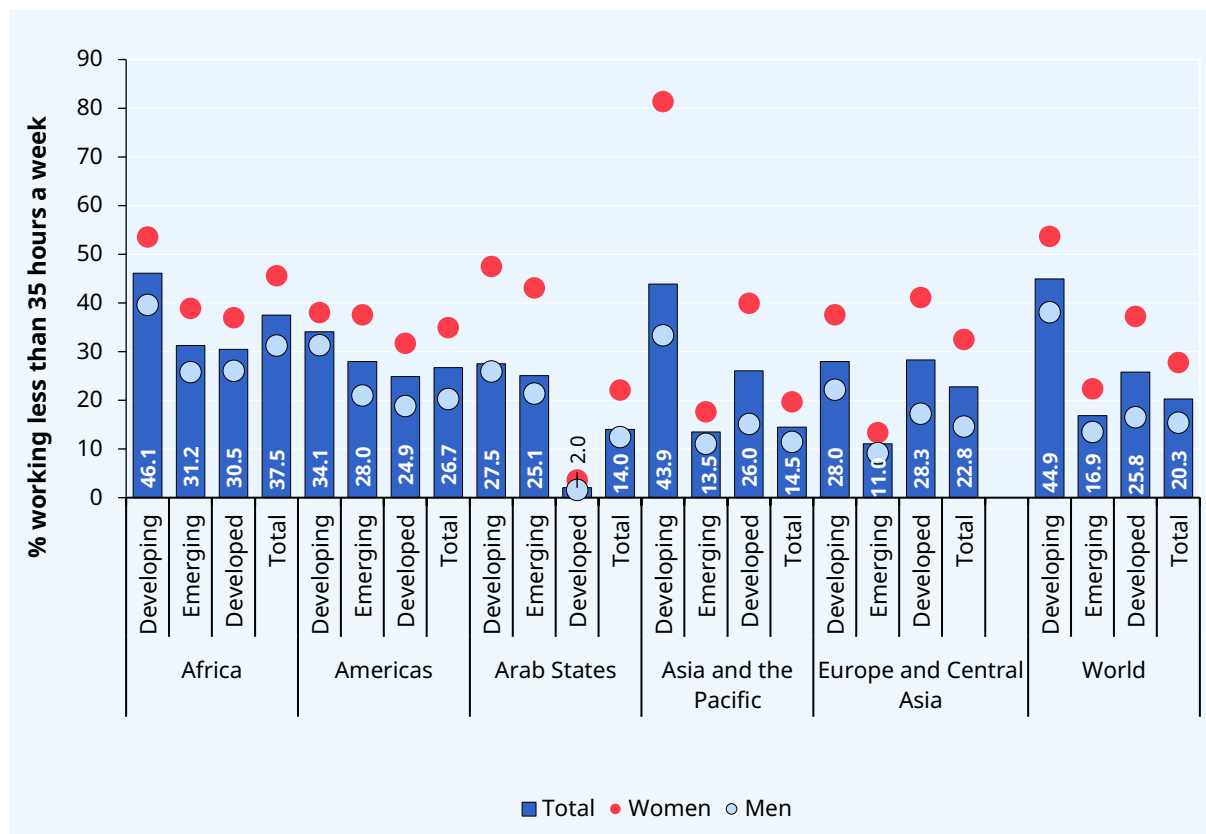
► **Figure 16. Workers working more than 48 hours per week, by sex, major geographic region and level of development, 2019**
(as a percentage of total employment)



Source: ILO, *Working Time and Work-Life Balance Around the World*, 2022.

51. Part-time work has been viewed as means for some workers, including younger workers, older workers and women with family responsibilities, to access paid work. According to an ILO statistical definition, part-time employment means working less than 35 hours per week. ILO analysis indicates that 44.9 per cent of workers in developing countries work part-time, but in emerging countries the rate is 16.9 per cent. As figure 17 shows, women are almost twice as likely to work less than 35 hours per week than men.

► **Figure 17. Workers working less than 35 hours per week by sex, major geographic region and level of development, 2019**
(as a percentage of total employment)



Source: ILO, *Working Time and Work-Life Balance Around the World*, 2022.

Working hour mismatches and work-life balance

52. A working hour mismatch occurs when someone is not working their desired amount of hours, and it can take two forms: overemployment (the actual hours of work exceed those desired by a worker) and underemployment (where the actual hours of work are fewer than those desired by a worker). ILO analysis of data on 37 countries indicates a global rate of overemployment of 19 per cent and underemployment of 9 per cent.⁴⁸ The analysis also indicates gender differences in mismatches. Men's labour force participation rates and the number of hours they work per week are both typically higher than women's, but women have both higher rates of overemployment and higher rates of underemployment than men. The average underemployment rate for women is about 11 per cent, while the average overemployment rate for women is about 22.6 per cent. For men, the rates are 6 per cent and just under 16 per cent, respectively.

Rest periods (including leave)

53. Rest periods allow workers to recover from the mental and physical demands of work. If structured properly, rest periods can improve OSH and firm productivity.⁴⁹ There are four types of rest periods, which are described as follows: (i) workday breaks are taken during the workday

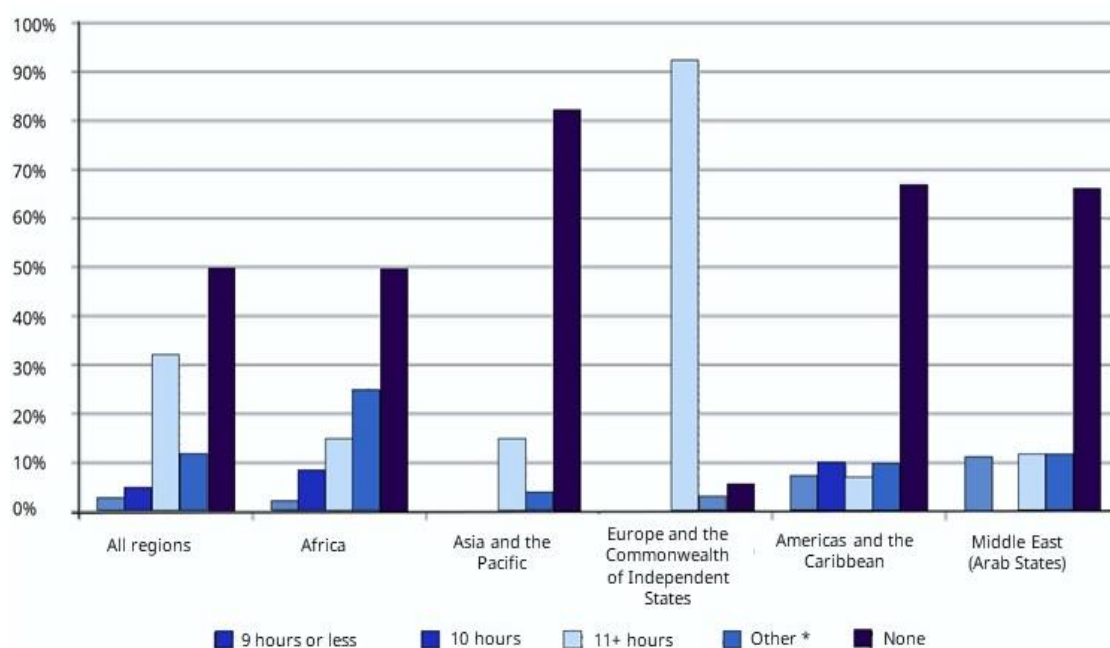
⁴⁸ Analysis used ILO statistical definitions of full-time and part-time work.

⁴⁹ Naj Ghosheh, "Remembering rest periods in law: Another tool to limit excessive working hours", Conditions of Work and Employment Series No. 78 (ILO, 2016).

to eat or rest; (ii) daily rest is the uninterrupted rest period between two workdays; (iii) weekly rest is the day or consecutive days away from work within a seven-day period; (iv) and annual leave which consists of consecutive days or weeks off work every year.⁵⁰

54. The availability of rest periods depends on regulations, collective agreements and workplace rules. However, while some types of rest (such as weekly rest and annual leave) are generally addressed in regulations, some types of rest are not completely addressed (such as workday breaks and daily rest). If not included in national legislation, collective agreements or workplace rules, access to rest may be limited. Figure 18 shows that slightly less than half of all countries do not legally specify a daily rest period. A lack of rest cumulatively can have negative health and well-being effects on workers and result in lost productivity for enterprises. In this context, ensuring proper rest periods is an important form of labour protection to be addressed by social actors.

► **Figure 18. Daily rest periods in national labour legislation, by region**
(percentage of countries)



* "Other" means that protection is not universal, but extended to specific categories (such as shift workers, women and young people).

Source: Naj Ghosheh, "Remembering rest periods in law: Another tool to limit excessive working hours", Conditions of Work and Employment Series No. 78 (ILO, 2016).

1.4.3. Maternity protection

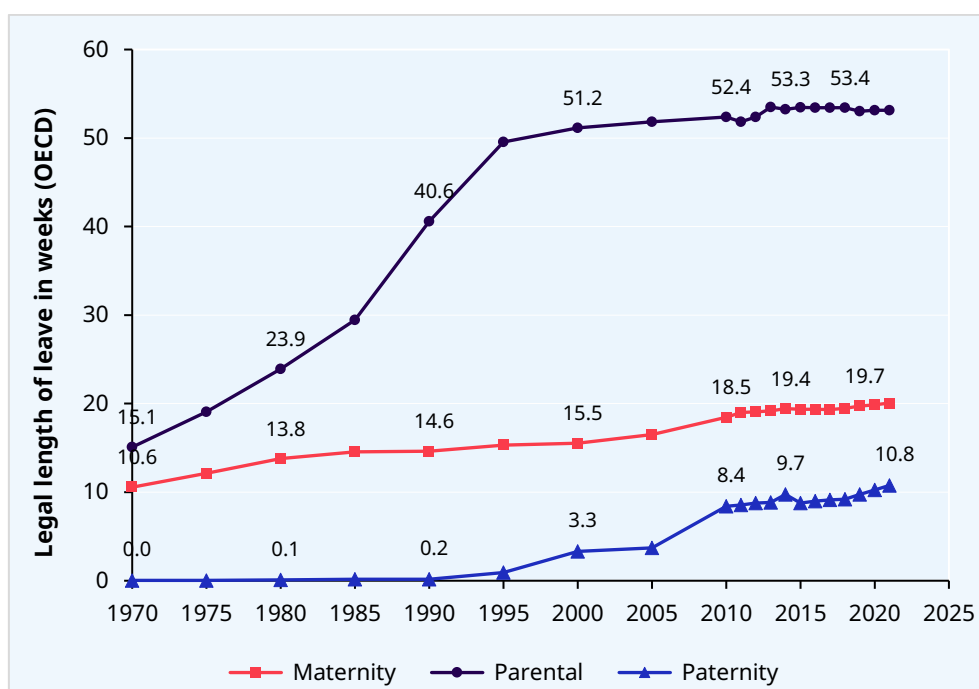
55. Paid maternity leave with adequate maternal and child healthcare form the nucleus of labour protection linked to maternity, family responsibilities and work-life balance, which can be placed under the label of care policies. This group of policies, of course, goes much further than maternity protection and also includes employment protection, guarantees of return to the same job with the same pay, health protection at the workplace for pregnant and nursing women,

⁵⁰ ILO, "Rest periods: Definitions and dimensions", INWORK Fact Sheet, 2016.

paternity leave, parental leave after maternity and paternity leave have been exhausted so that parents can continue to care for children, adequate childcare services and arrangements for guaranteeing long-term care to frail older persons and others who cannot take care of themselves.⁵¹

56. There are no global data on the level of exclusion from access to care services. In any case, care policies are in constant evolution and today's aspiration may well become tomorrow's reality. Figure 19 shows trends in respect of the length of maternity, paternity and parental leave in OECD countries over the last 50 years or so.

► **Figure 19. Legal length of maternity, paternity and parental leave in 33 OECD countries, 1970–2022 (unweighted average)**



Source: OECD. Stat.

57. Although it covers only 33 OECD countries, figure 19 shows three things. The first is that paid maternity leave, albeit a well-established right in almost all OECD countries, has nevertheless seen a substantive increase in duration since the 1970s (with the exception of the last decade). The second is that parental leave after maternity and paternity leave have been exhausted grew from the 1970s to the 1990s by a factor of more than three. The third is that paternity leave was essentially non-existent prior to the 1990s, but since then has seen significant expansion in OECD countries.

1.4.4. Occupational safety and health

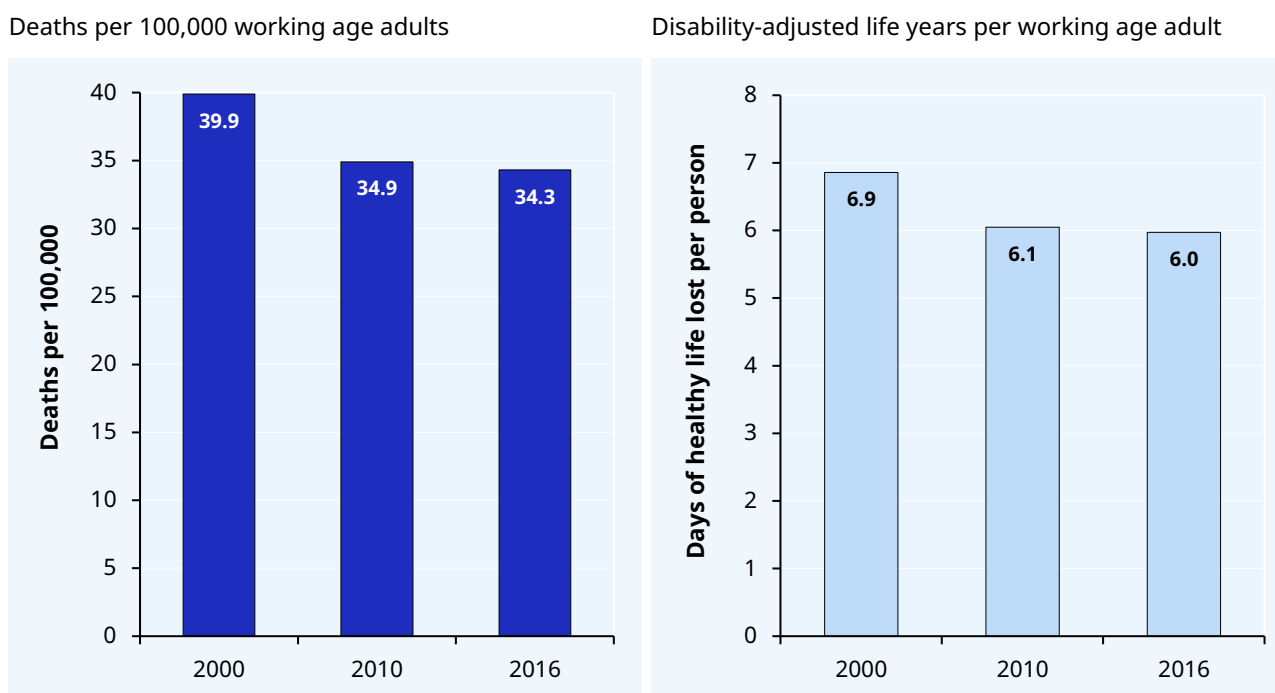
Work-related burden of disease and injury

58. While it is difficult to know with precision how many people die due to risk factors in the workplace, the modelled estimates of the ILO and the World Health Organization (WHO) put the figure at

⁵¹ ILO, *Care at work: Investing in care leave and services for a more gender equal world of work*, 2022.

close to 1.9 million workers every year.⁵² When the age of the worker and their life expectancy are taken into consideration, this corresponds to six days of healthy life lost per adult. Figure 20 shows the estimates of deaths per 100,000 workers and the days of life lost per working age adult. The mortality rate lies between 39.9 and 34.3 per 100,000 working age adults, depending on the year. Nevertheless, the trend is downward. The disease burden also fell, although not much, between 2000 and 2016.

► **Figure 20. Work-related burden of disease and injury: Deaths per 100,000 and disability-adjusted life years per person**



Note: Disability-adjusted life years for a health condition are the sum of the years of life lost to due to premature mortality and the years lived with a disability due to the health condition in a population. The estimates above are mortality and morbidity attributable to exposure to occupational risk factors, and not a result of direct measurement from vital or health statistics.

Source: ILO and WHO, *WHO/ILO joint estimates of the work-related burden of disease and injury, 2000–2016: Global monitoring report, 2021*.

59. These work-related deaths are unequally distributed. The male mortality rate (51.4 per 100,000 working age adults) is much higher than the female rate (17.2 per 100,000). Furthermore, older age groups carry a much greater work-related burden of disease than younger ones: the rate for the age group 15–19 years was 4.3 deaths per 100,000 workers as opposed to 100 per 100,000 for workers aged 65–69. In many cases, older workers die after a lifetime of exposure to toxic substances. There are also geographical inequalities, with countries whose labour productivity is higher having somewhat lower work-related mortality.⁵³ Finally, a crucial aspect of safety at work is safety from violence and harassment.

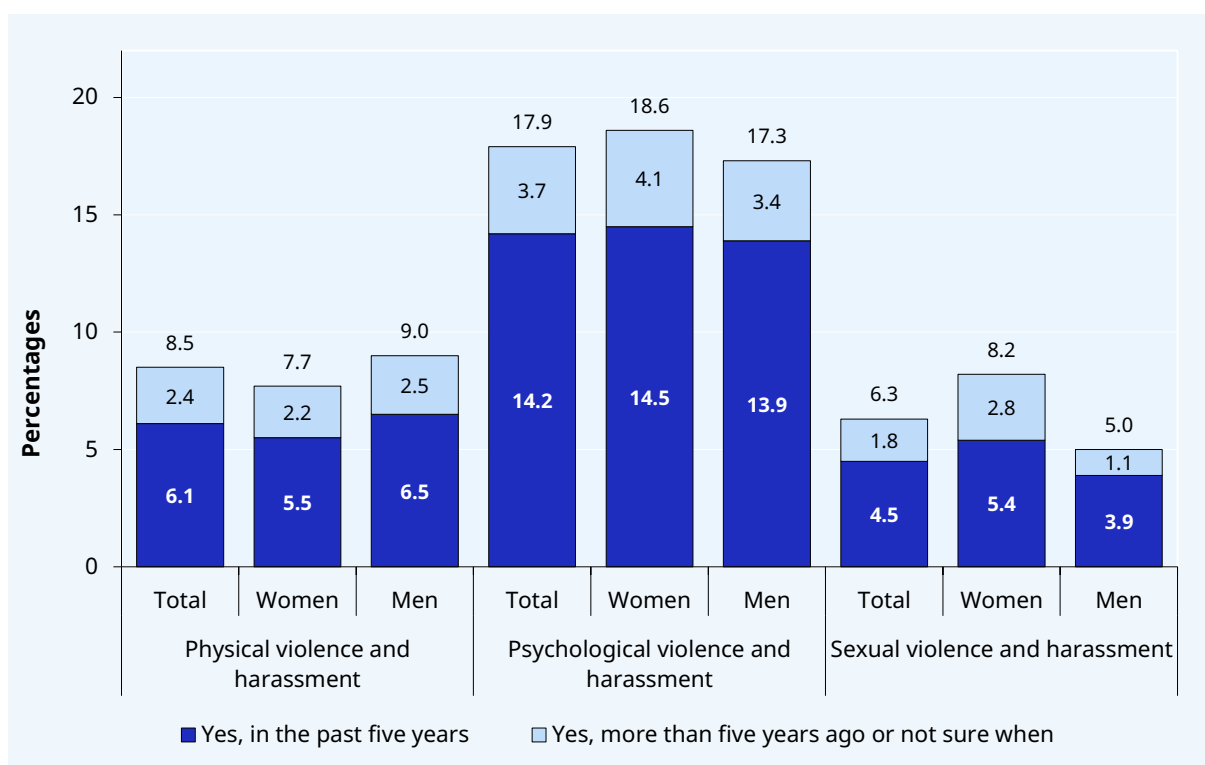
⁵² ILO and WHO, *WHO/ILO joint estimates of the work-related burden of disease and injury, 2000–2016: Global monitoring report, 2021*.

⁵³ ILO and WHO, *WHO/ILO joint estimates of the work-related burden of disease and injury, 2000–2016*.

Right to be free from violence and harassment, including gender-based violence and harassment

60. A recent survey found that, in 2021, more than one in five persons in employment (22.8 per cent, or 743 million persons) had experienced at least one form of violence and harassment at work during their working life, either physical, psychological or sexual (figure 21). Among people who had experienced it, about one third (31.8 per cent) said they had experienced more than one form, with 6.3 per cent having faced all three forms in their working life. Psychological violence and harassment at work was the most common form of violence and harassment reported by both men and women. Some 8.5 per cent of persons in employment (277 million people) had experienced physical violence and harassment at work in their working life, with men being more likely than women to experiencing it. Furthermore, 6.3 per cent of persons in employment (205 million people) had experienced sexual violence and harassment at work in their working life, with women being particularly exposed. The data around sexual violence and harassment demonstrate the largest gender difference by far among the three forms of violence and harassment. According to the data, more than three in five victims of violence and harassment at work said that it had happened to them multiple times, and for the majority of them, the last incident had taken place within the previous five years.

► **Figure 21. Share of persons in employment worldwide who have experienced physical, psychological or sexual violence and harassment at work and last time experienced, by sex, 2021 (percentage)**



Source: ILO, Lloyd's Register Foundation and Gallup: *Experiences of violence and harassment at work: A global first survey, 2022.*

61. The survey also showed that the risk of experiencing violence and harassment at work is not equally distributed across different demographic groups, and some groups, including young people, migrant workers and wage and salaried women and men, were most likely to be affected by different types of violence and harassment. Moreover, some individuals, especially those facing multiple and intersecting forms of discrimination, experienced higher prevalence rates.

Interestingly, persons who had experienced discrimination at some point in their life on the basis of gender, disability status, nationality or ethnicity, skin colour or religion were more likely to have experienced violence and harassment at work than those who had not faced such discrimination. The survey confirmed that talking about personal experiences of violence and harassment is challenging. Only slightly more than half (54.4 per cent) of victims had shared their experience with someone, and often only after they had experienced more than one form of violence and harassment.

1.5. Conclusions that can be drawn from this chapter

62. The data presented in this chapter indicate that wage employment – which is historically most closely bound with labour protection – represents an increased share of persons at work and today accounts for 53 per cent of all employment worldwide. The chapter also confirms that specific forms of employment and work arrangements, such as temporary work, platform work and telework – which are the subject of debates in respect of labour protection – have also become increasingly important. The chapter also indicates that, even though progress has been made in respect of the different dimensions of labour protection, including in respect of wage policies, working time, maternity protection and OSH, important challenges remain in respect of informality and groups that tend to be the subject of discrimination, such as migrant workers and workers with disabilities, or specific occupational groups such as domestic and home-based workers.

► Chapter 2

Coverage and effectiveness of labour protection: Policy adaptations, innovations and outstanding challenges

63. Since the recurrent discussion on labour protection in 2015, ILO Member States have adapted policies to extend protection to workers who were previously excluded from its scope or to increase the level of protection offered. They have also continued to adapt compliance mechanisms to ensure increased effectiveness. In addition, the social partners have used collective bargaining to make progress in certain areas, in particular with regard to wages. This chapter reviews developments made in respect of the different dimensions of labour protection, including the forms of work organization and work arrangements that merit particular attention in the contemporary world of work. It also reviews developments concerning the groups of workers for whom ensuring adequate labour protection is particularly challenging, including migrant workers and domestic workers. Progress is, however, uneven: some workers remain excluded from the scope of relevant provisions, there continue to be deficits in compliance and levels of protection are often not adequate.

2.1. Wage policies

2.1.1. Minimum wages and living wages

- 64.** Member States increasingly rely on minimum wages, either statutory or negotiated, to protect wage workers from unduly low pay. Well-designed minimum wage systems with broad legal coverage and adequate rates that take into account the needs of workers and their families, and economic factors, contribute to the reduction of working poverty and income inequalities.
- 65.** In the EU, a 2022 directive on adequate minimum wages requires EU Member States with statutory minimum wages to establish the necessary procedures to set and update these minimum wages on the basis of clear criteria and with the participation of the social partners. Furthermore, EU Member States in which collective bargaining coverage is less than 80 per cent must design an action plan to promote collective bargaining. The directive also aims to enhance the effective access of workers to minimum wage protection.⁵⁴
- 66.** Statutory minimum wages have been introduced in recent years in a number of countries, including Cyprus, Egypt, Germany, Maldives and South Africa. Other countries, such as India, have extended the coverage of their minimum wage system. Several countries, including Bangladesh and Viet Nam, have improved the evidence base for minimum wage setting. Although minimum wage rates have increased in most countries over the past ten years, at least in nominal terms, in many countries – particularly those with large informal economies – implementation remains a major challenge.⁵⁵
- 67.** Some protection gaps relate to the scope of application. For example, in Malaysia, the Minimum Wages Order of 2022 does not cover domestic workers. Furthermore, minimum wage rates are

⁵⁴ EU, *Directive 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union*, 2022.

⁵⁵ ILO, *Global Wage Report 2020–21*.

sometimes lower for migrant workers because in-kind payments are taken into consideration. As the Committee of Experts on the Application of Conventions and Recommendations has pointed out, in such cases, it is necessary to ensure that the value attributed to in-kind benefits is fair and reasonable.⁵⁶

- 68.** The call for an adequate living wage that enable workers and their families to afford a decent standard of living has grown louder in recent years. In the United Kingdom of Great Britain and Northern Ireland, the statutory minimum wage was renamed the “national living wage” in 2015, and its rate was progressively raised. An increasing number of multinational enterprises have announced their intention to ensure that an adequate living wage is paid throughout their supply chains or have joined multi-stakeholder initiatives that promote the voluntary payment of living wages.⁵⁷

2.1.2. Wage bargaining

- 69.** Minimum wage fixing through collective bargaining is compatible with the ILO Minimum Wage Fixing Convention, 1970 (No. 131), provided that the resulting collective agreements are legally binding. A number of countries, including Denmark, Finland, Norway and Sweden, have adopted this approach to minimum wage fixing. In other countries, statutory minimum wages and collective bargaining complement each other, with wages above the statutory minimum being negotiated through collective bargaining. Provisions regulating wages were identified in 95 per cent of collective agreements analysed recently by the ILO.⁵⁸
- 70.** Collective bargaining may take place at different levels and may address various issues. In Belgium, a 2019 collective agreement for the cleaning sector authorizes piece-rate pay, provided that employers undertake to assign a sufficient volume of work to workers. In Namibia, an agricultural sector minimum wage increase was successfully negotiated in 2021. In Senegal, new wage scales for the private sector entered into force in 2020. In Spain, the 2017 collective agreement for the construction sector establishes a bipartite commission which oversees the definition and approval of the wage scales.
- 71.** Wage bargaining has also helped to mitigate the effects of crises such as the COVID-19 pandemic. Throughout 2020 and 2021, collective agreements were reached across different countries in the areas of healthcare, transport, food retail and care for the elderly that included bonuses and wage increases to reward front-line workers in the COVID-19 response.⁵⁹ In Austria, France and Germany, collective agreements have included provisions on wage subsidy schemes or short-time benefits.⁶⁰ In South Africa, a 2020 collective agreement concluded by the National Bargaining Council for the Clothing Manufacturing Industry guaranteed workers full pay during the lockdown period. In Tunisia, an agreement by the main social partners and the Ministry of Social Affairs enabled the payment of wages during COVID-19-related closures in several sectors.⁶¹
- 72.** Efforts have been made to extend labour protection to groups of workers – especially women and migrant workers – who are over-represented in low-pay occupations. In Argentina, the tripartite National Commission on Private Household Labour, established in 2018, defines working

⁵⁶ ILO, *Promoting fair migration: General Survey concerning the migrant workers instruments*, International Labour Conference, 105th Session, 2016.

⁵⁷ ILO, “Setting adequate wages: The question of living wages”, ILO brief, October 2022.

⁵⁸ ILO, *Social Dialogue Report 2022*.

⁵⁹ ILO, *Social Dialogue Report 2022*.

⁶⁰ ILO, “Country policy responses”.

⁶¹ ILO, “Labour relations and COVID-19: Negotiated income support and job security in Tunisia”, Background note, October 2020.

conditions, including hourly and monthly wages, for domestic workers based on the principle of equal remuneration between men and women. In Jordan, migrant garment workers are covered by the collective agreement for the garment industry, although questions remain as regards their right to vote and to run for trade union elections, and as regards the determination of the value of the in-kind component of the minimum wage.⁶²

2.1.3. Protection of wages

73. The Protection of Wages Convention (No. 95) and Recommendation (No. 85), 1949, and the Protection of Workers' Claims (Employer's Insolvency) Convention (No. 173) and Recommendation (No. 180), 1992, contain provisions covering a wide range of issues relating to the protection of wages, including provisions to guarantee: the full and timely payment of wages in legal tender; the fair and reasonable value of partial payments in kind; the freedom of workers to dispose of their wages; the prohibition of unlawful or abusive deductions; the duty of information; and the protection of wage claims in the event of employer insolvency.
74. Recent legislative initiatives to extend wage protection include a regulation introduced in China in 2019 guaranteeing the payment of wages to rural migrant workers. Several countries of the Cooperation Council for the Arab States of the Gulf have put in place a wage protection system, which is an electronic salary transfer system requiring employers to pay wages via financial institutions. However, migrant domestic workers are excluded from this system.⁶³ In 2022, a law was adopted in Ireland prohibiting employers from using tips to make up an employee's basic wage. Countries that have introduced wage protection provisions for migrant workers in bilateral labour agreements include Cambodia, Ethiopia, India, Mauritius, Nepal and Uganda. Similarly, wage protection provisions for migrant domestic workers have been included in labour agreements in Indonesia, Jordan, Kuwait, Malaysia, Philippines and Sri Lanka.
75. In several countries, laws seeking to prevent employers from failing to comply with their obligations concerning the payment of wages and related benefits have been adopted or amended in recent years. In Norway, a new law on combating work-related crime was adopted in 2022, making an employer's failure to comply with their payment obligations a criminal offence. In the United States of America, in 2021, legislation was passed in the State of Illinois increasing the penalties in case of the underpayment of wages.
76. Several recent pieces of legislation ensure the protection of workers' wage claims. For instance, in Belgium, workers' remuneration owed to them because of the termination of their employment relationship is now admitted as a preferential claim, irrespective of whether the termination occurred before or after a declaration of bankruptcy.⁶⁴ In India, the Insolvency and Bankruptcy Code of 2016 gives very high priority to wage claims.⁶⁵
77. Advancing the digital payment of wages has been a priority in multiple countries, notably in response to the COVID-19 pandemic. In the Philippines, the Department of Labor and Employment encourages private enterprises to pay wages digitally and in a timely manner. Furthermore, the rapid growth across all ILO regions of earned wage access programmes, which offer workers access to their accrued wages prior to payday, also poses regulatory challenges, especially in respect of protecting low-paid workers against predatory lenders. In the United

⁶² ILO, *Industrial relations in the ready-made garment sector in Jordan*, 2022.

⁶³ ILO, "Minimum wages and wage protection in the Arab States: Ensuring a just system for national and migrant workers", Note for policymakers.

⁶⁴ ILO, *Direct request of the CEACR: Belgium*, 2019.

⁶⁵ ILO, "Protection of workers' wage claims in enterprise insolvency", Factsheet, May 2020.

States of America, the Consumer Financial Protection Bureau issued an advisory opinion in 2020 establishing that providers of such programmes must enter into a contract with employers and must not charge or collect any fee from workers.

2.1.4. Equal pay policies

- 78.** Countries have taken multi-pronged action to address the gender pay gap. This includes efforts to align legislative frameworks with the Equal Remuneration Convention, 1951 (No. 100), particularly with respect to the inclusion of the principle of equal remuneration for men and women for work of equal value, as in Mongolia, Thailand and Zambia. Other countries have adopted legislation and guidance on how to evaluate jobs. In Peru, in 2018, the Government issued official guidance on how to evaluate jobs and implement the index of categories and duties. Moreover, in 2021, it adopted new regulations prohibiting discrimination in remuneration between men and women working in the agricultural sector and requiring employers to evaluate and group together jobs in indices of categories and duties through the application of objective criteria. In Portugal, the law has recently been amended to explain what “work of equal value” means, to facilitate the practical application of the law. Several countries, including Germany, Spain and the United Kingdom, have introduced the auditing of pay gaps in medium and large enterprises. Furthermore, some laws contain equal pay provisions with respect to grounds beyond sex or gender. In Brazil, for example, the law guarantees the right to equal remuneration for work of equal value, without discrimination on the grounds of sex, ethnicity, nationality or age.
- 79.** Other measures include strengthened requirements for employers, which include carrying out pay surveys and elaborating action plans, such as in Sweden. Some countries have launched labour inspection campaigns specific to equal pay (Spain) or have promoted public procurement with actors that respect equal pay (Switzerland). In Canada, Germany, Iceland, Ireland, Israel and the United Kingdom, recent pay transparency legislation encompasses periodic pay disclosure, regular gender pay gap reports or audits, and workers’ right to access pay data.⁶⁶ In 2022, political agreement was reached on the proposed directive on pay transparency measures in the EU.⁶⁷
- 80.** Collective agreements have also proven to be a catalyst for reducing gender pay inequalities, although the inclusion of gender pay clauses in collective agreements varies across countries.⁶⁸ For example, in New Zealand’s care sector, the Pay Equity Agreement of 2017 gave 55,000 care and support workers, predominantly women, pay rises of between 15 and 50 per cent.⁶⁹

2.1.5. Concluding remarks on wage policies

- 81.** Adequate minimum wage and wage bargaining systems are key policy instruments to reduce in-work poverty and inequality. They can also help mitigate the effects of crises. Furthermore, as contributory social security benefits are a direct function of the level of wage, a higher wage may guarantee more adequate social security protection. Protection gaps nonetheless remain, notably as regards exclusion from the scope of application of relevant provisions for groups of workers particularly at risk of decent work deficits, including domestic workers, or at risk of lower minimum wage rates, including migrant workers. Enhancing the inclusiveness of collective bargaining is essential in order to extend labour protection for groups of workers – particularly

⁶⁶ ILO, *Pay transparency legislation: Implications for employers’ and workers’ organizations*, 2022.

⁶⁷ European Commission, “Commission welcomes the political agreement on new EU rules for pay transparency”, Press release, 15 December 2022.

⁶⁸ ILO, *Pay transparency legislation: Implications for employers’ and workers’ organizations*.

⁶⁹ ILO, *Social Dialogue Report 2022*.

women and migrant workers – who are over-represented in low-pay occupations. In general terms, progress in reducing the gender pay gap in recent years has been poor. This gap stems from a combination of factors, including horizontal and vertical industrial and occupational segmentation, the undervaluation of work in highly feminized sectors and occupations, and discrimination, such as stereotyping, prejudice, the unequal distribution of unpaid care work and the care penalty.⁷⁰ This gender pay gap is exacerbated when different grounds of discrimination intersect. Attention also needs to be paid to measures to ensure the effective payment of wages in line with Convention No. 95. In some countries, for instance, questions have arisen concerning the payment of wages in cryptocurrencies.⁷¹ The exclusion of migrant domestic workers from wage protection systems is also a subject of concern.

2.2. Working time and work organization

2.2.1. Work hours and rest periods

82. In recent years, there has been renewed interest in reducing hours of work, which not only has a positive impact on the well-being of workers but may also lead to productivity gains due to reduced fatigue and improvement in employee attitudes and morale.⁷² In Iceland, based on the positive outcomes of two large-scale trials of reduced working weeks of 35–36 hours, collective agreements were signed that gave 86 per cent of the Icelandic workforce a reduced workweek or the right to shorten their hours. In Malaysia, maximum weekly working hours were reduced from 48 to 45 hours in 2022. Shorter working weeks were pilot tested in Spain and the United Kingdom.
83. Ensuring minimum rest periods has also been a concern in the light of recent developments in this area, particularly in the context of teleworking, leading to the introduction of a “right to disconnect”.

2.2.2. Working-time arrangements

84. Flexible work schedules may benefit employers as well as workers. In Belgium, a law adopted in 2022 allows full-time employees to request to switch to a compressed four-day workweek scheme. A refusal by the employer must be justified in writing.
85. Night work is another important working time issue. In India, the government of Uttar Pradesh issued a new order in 2022 stating that women workers could not be bound to work in factories during the night and that any such work must be on a voluntary basis, subject to certain conditions, including the provision of free transportation and measures to prevent sexual harassment.
86. On-call work is a type of working time arrangement designed to vary the number of hours or days worked based on business needs, often with no guaranteed number of hours and with unpredictable work schedules. An EU directive of 2019 on transparent and predictable working conditions seeks to prevent the abuse of zero-hour contracts and provides certain rights to employees with an entirely or largely unpredictable work pattern. After 26 weeks of employment, employees can request a more predictable work pattern and working conditions, and employers

⁷⁰ ILO, *A quantum leap for gender equality: For a better future of work for all*, 2019.

⁷¹ According to the International Monetary Fund (IMF), the adoption of a cryptocurrency as legal tender, as was done in El Salvador in 2021, “entails large risks for financial and market integrity, financial stability, and consumer protection” and “can create contingent liabilities.” IMF, “IMF Executive Board Concludes 2021 Article IV Consultation with El Salvador”, Press release No. 22/13, 25 January 2022.

⁷² ILO, *Decent working time: New trends, new issues*, 2006.

must respond in writing within a prescribed time frame.⁷³ In Canada, employees in Ontario may refuse shifts (with certain exceptions), when advance notice is less than 96 hours. Furthermore, they must be paid for three hours of work if they regularly work for more than three hours a day and if the shift is cut short. In the Netherlands, on-call workers now have more rights with regard to advance notice of work schedules and pay in case of shift cancellation and are entitled to a fixed number of working hours after 12 months of service. In Norway, zero-hour contracts are now banned.

2.2.3. Quality part-time work

87. Part-time work has been viewed as a means for some groups of workers, including students, older workers and women with family responsibilities, to participate in the labour force. Developing good quality part-time employment requires granting part-time workers equal treatment with comparable full-time workers, in line with the Part-Time Work Convention, 1994 (No. 175). It also implies facilitating access to productive and freely chosen part-time work and ensuring that the transfer from full-time to part-time work or vice versa is voluntary.
88. In Germany, employees are entitled to work part-time on a temporary basis and to subsequently return to full-time employment. Some countries, including Malaysia and the Netherlands, have introduced a statutory right to request flexible working arrangements. In Norway, under certain conditions, part-time employees have the right to increase their working hours, rather than the employer hiring a new employee. Saudi Arabia and the United Arab Emirates also recently introduced regulations on part-time work.

2.2.4. Telework and hybrid working

89. Before 2020, telework was expected to grow in usage as the cost of ICTs and broadband communications became cheaper, but its regular use was limited mainly to certain occupations and sectors. The COVID-19 pandemic changed this situation: to limit the spread of the virus, maintain business continuity and keep workers employed, policymakers and employers massively implemented telework. Rates of telework will likely remain significantly higher than they were before the outbreak of the pandemic. This will likely involve a hybrid form of teleworking – working only part of the time remotely. Many countries have recently adopted or amended legislation or policies on telework, including Angola, Chile, China, Côte d'Ivoire, El Salvador, Mauritius, Mexico, the Philippines and Spain. In Luxembourg, the interprofessional agreement on telework was updated in 2020 and made legally binding for all companies in the private sector. In Singapore, a tripartite statement was issued in 2022, encouraging companies to promote flexible work arrangements as a permanent feature of the workplace.

2.2.5. Preserving work–life balance in a world with increased ICT connectivity

90. Hours of work and work schedules are key factors in determining how well workers can balance their paid work with their personal lives, including their family responsibilities. Initiatives reflecting a new policy approach, known as the “right to disconnect”, have been taken in a small number of countries to respond to the blurring of boundaries between paid working time and those times normally reserved for personal life, which is a result of the development of the use of ICTs.⁷⁴ France was a pioneer in this regard, introducing in 2017 an obligation for employers in

⁷³ EU, *Directive 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union*, 2019.

⁷⁴ ILO, *Teleworking arrangements during the COVID-19 crisis and beyond*, 2021.

every company with 50 or more employees to enter into negotiations over the use of ICTs, with a view to ensuring respect for workers' rest periods and their personal and family lives. In Argentina, a law on teleworking of 2020 prohibits employers from sending their employees communications during off-hours and provides that employees who disconnect from work communications outside of their hours of work or during leave periods cannot be subject to a sanction. In Canada, employers in Ontario with more than 25 employees must establish a written policy regarding employees' right to disconnect from the workplace. In Portugal, employers with ten or more employees must refrain from contacting them during their rest periods, except in situations of force majeure. Legal provisions on disconnection also exist in Belgium and Spain, and draft legislation is being developed in Kenya.

2.2.6. Concluding remarks on working time and work organization

91. While the regulation of maximum working hours and minimum periods of rest remain important in all countries, regardless of their economic development, attention needs to be paid to the impact of certain working-time arrangements such as on-call work on job quality. Innovative policies, such as minimum hours guarantees or minimum advance notice, are promising ways to address income insecurity and work schedule unpredictability potentially associated with such arrangements.
92. The development of technology, in particular ICTs, allows workers to work anytime, anywhere.⁷⁵ This allowed for the dramatic increase of telework during the COVID-19 pandemic, which helped preserve business continuity while protecting workers' income and health at the same time. Early evidence confirms, however, that existing gender inequalities and challenges faced by women were aggravated by mandatory, full-time teleworking, especially in the context of school and childcare facility closures, as women continue to shoulder the lion's share of housework and family responsibilities. In the coming years, it will be necessary to determine how to promote decent and productive hybrid forms of teleworking for a much larger portion of the workforce than prior to the pandemic. Furthermore, regardless of the place of work, the issue of constant availability for work due to ICT connectivity also needs to be addressed, for instance through what is usually called the "right to disconnect".

2.3. Maternity protection

93. Maternity protection comprises core social security rights, notably cash and medical benefits, and labour protection elements, such as employment protection and non-discrimination, OSH protection, measures to facilitate nursing, adoption leave and other related types of leave, and the right to return to work after maternity leave.⁷⁶ An ILO survey conducted in 2021 showed that, in recent years, there has been some progress in terms of adherence to the requirements of the Maternity Protection Convention (No. 183) and Recommendation (No. 191), 2000. Nevertheless, coverage of maternity leave provisions for some categories of workers, including domestic workers, migrant workers and informal economy workers, remained particularly low. In the case of migrant workers, social security agreements and the payment of maternity benefits abroad are particularly important, since some countries require migrant workers who are pregnant or no longer employed to leave the country.
94. In 2021, the duration of maternity leave was at least 14 weeks in 120 countries, in line with Convention No. 183, and at least 18 weeks in 52 countries, in line with Recommendation No. 191.

⁷⁵ ILO and Eurofound, *Working anytime, anywhere: The effects on the world of work*, 2017.

⁷⁶ This section draws on ILO, *Care at work: Investing in care leave and services for a more gender equal world of work*, 2022.

Recent reforms have been introduced in some countries to increase the duration of maternity leave, including in Ethiopia (from 13 to 17 weeks); Iraq (from 9 to 14 weeks); Paraguay (from 12 to 18 weeks); and the Philippines (from 9 to 19 weeks). Globally, in 2021, 123 countries offered some form of fully paid maternity leave. Only 52 countries offered equal maternity leave rights to adoptive parents.

95. In some countries, a right to leave has been introduced in the case of special circumstances, such as in vitro fertilization and other assisted reproductive technology treatments, surrogacy, stillbirth or miscarriage. In a number of countries, legislation, collective agreements and workplace policies include language to ensure that parental leave allowances are inclusive of all families.⁷⁷ New Zealand has introduced a paid bereavement leave of three days for mothers who suffer a miscarriage and their partners. In South Africa, an employee who has a miscarriage during the third trimester of pregnancy or who bears a stillborn child is entitled to a six-week period of maternity leave.
96. Improvements have been registered in terms of the recognition of men's role in caregiving through paternity and parental leave. In 2021, while 115 out of the 185 countries surveyed offered a right to paternity leave, across the world, paternity leave remains short: nine days as a global average, with significant regional variations.
97. Employment protection and non-discrimination are essential to make the right to maternity leave a reality across the world. In 2021, most countries mandate protection against unlawful dismissal related to maternity although not always over the full maternity period. In 2021, 89 countries guaranteed the right to return to the same or equivalent position after maternity leave. The discriminatory practice of mandatory pregnancy testing for securing and retaining employment continues to be reported and predominantly affects certain categories of workers, such as migrant workers, domestic workers and workers in the garment sector. Since 2011, 24 countries, including the Lao People's Democratic Republic, Norway and Panama, included an explicit prohibition of such pregnancy testing in their legislation.
98. Challenges arise concerning the source of funding for maternity leave. When the employer is solely responsible for the payment of maternity leave cash benefits, this may act as a disincentive for the recruitment, retention and advancement of women. Over the last ten years, a number of countries, including the Democratic Republic of the Congo, the Dominican Republic, Egypt, Haiti, Pakistan and Thailand, have moved away from employer liability or mixed schemes to a system under which maternity leave cash benefits are provided through social insurance only.
99. There are only 40 countries where employers are obliged to protect pregnant or nursing women against dangerous or unhealthy work. In the last decade, only 11 countries, including Congo, Niger and Zambia, have introduced new legal restrictions against dangerous or unhealthy work being performed by pregnant or nursing women, while 21 countries, including Albania, Germany and Sao Tome and Principe, have introduced new protective measures for these workers.
100. Regarding measures to facilitate nursing or feeding, by 2021, 138 countries provided a right to time and income security for breastfeeding. Since 2011, seven countries, including the Republic of Moldova and Zambia, have introduced paid nursing breaks.

2.3.1. Concluding remarks on maternity protection

101. Despite the adoption of new policy measures on maternity protection in various countries, major gaps in terms of availability, adequacy and access to these policies remain. Coverage of maternity

⁷⁷ ILO, *Social Dialogue Report 2022*.

leave provisions for some categories of workers also remains particularly low. The way forward is to invest in transformative care policy packages, with a guarantee of a right to maternity protection to all women. Social dialogue, including collective bargaining, and workplace policies can play a key role in improving maternity protection, including leave provisions without gender discrimination and including in case of special circumstances.

2.4. Occupational safety and health

2.4.1. General policy trends

- 102.** The COVID-19 crisis increased awareness of the need to develop legislation and guidance to respond to biological threats.⁷⁸ It also led to strengthened tripartite social dialogue, for example through the creation of special tripartite working groups in Australia and sectoral tripartite teams in Kenya, or through the decision to have national tripartite bodies as the main setting for developing COVID-19 protocols in France and Italy. Through collective bargaining and in consultation with OSH committees, the social partners also contributed to containing the spread of COVID-19 by agreeing on health and safety protocols, the principles of physical distancing and hygiene rules and by negotiating and facilitating telework, shift work and staggered working hours.⁷⁹ As teleworking and hybrid work arrangements have become commonplace in many industries, policies taking into account ergonomics, the physical environment and psychosocial risks and proper means to address them have been developed.
- 103.** Climate change is also having a profound impact on OSH, including as a cause of heat stress and exposure to chemicals, affecting mostly vulnerable workers, including migrant workers in agriculture and construction. Policies have been developed, for example in Qatar and in other Gulf countries, to establish maximum temperatures to which workers may be exposed. Regulations and guidance have also been developed in Australia, China, Germany, Spain and the United States of America.
- 104.** The emergence of new technology has relieved workers of some hazardous operations and has improved protection against hazards in many instances (for example, with smart wearables). On the other hand, the use of digitalization and artificial intelligence creates challenges, with possible detrimental effects on OSH. The 2020 European Social Partners Framework Agreement on Digitalisation sets out a commitment to optimize the benefits and deal with the challenges of digitalization in the world of work, which demands a guaranteed control of humans over machines and artificial intelligence in the workplace. More than 60 countries have developed policies and legislation on artificial intelligence,⁸⁰ but OSH still tends to not to be prominently addressed except in countries like Austria, Croatia and the Netherlands.⁸¹ Other transformations in the world of work, such as the development of platform work, have affected OSH, especially in the psychosocial sphere.⁸²

⁷⁸ In March 2021, the ILO Governing Body adopted technical guidelines on biological hazards. See: ILO, *Report of the Director-General: Third supplementary report: Report of the Meeting of Experts for the tripartite validation of the technical guidelines on biological hazards*, GB.346/INS/17/3, 2022.

⁷⁹ ILO, "Employers and workers negotiating measures to prevent the spread of COVID-19, protect livelihoods and support recovery: A review of practice", ILO brief, July 2020.

⁸⁰ OECD, "National AI policies & strategies".

⁸¹ European Agency for Safety and Health at Work, *Advanced robotics, artificial intelligence and the automation of tasks: definitions, uses, policies and strategies and occupational safety and health*, 2022.

⁸² ILO, *Decent work in the platform economy*, MEDWPE/2022, 2022.

- 105.** Despite most countries having legislation addressing workers' mental health, in 2020 only 35 per cent had a national programme covering work-related mental health promotion and prevention, and further policy action is thus required in this field.⁸³
- 106.** Concerning specific occupational hazards, countries continued to implement innovative policies to reduce exposure to dangerous chemicals and e-waste. Around 67 countries now have laws addressing e-waste management, but they primarily focus on environmental protection.⁸⁴ Many countries, such as Australia, the Bahamas, Kenya, Malawi, Oman and the Philippines have also included provisions on biological hazards in their national OSH policies or programmes.

2.4.2. Preventing violence and harassment in the world of work

- 107.** In recent years, there has been mounting awareness of, and calls for, urgent action to address violence and harassment in the world of work. At the international level, this culminated with the adoption of the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019. The Convention recognizes that violence and harassment in the world of work affects a person's health, dignity, and family and social environment and acknowledges that ensuring equality and non-discrimination together with safety and health at work through the adoption of an inclusive, integrated and gender-responsive approach is essential to ending violence and harassment in the world of work.
- 108.** In several countries, notably Mongolia and Romania, the right to be free from violence and harassment has been explicitly recognized in work-related legislation. Provisions recognizing this right can also be found in an increasing number of collective agreements, such as the new collective agreement for the shipping industry signed in 2020 in Italy, and the Interprofessional Collective Agreement signed in 2019 in Senegal.
- 109.** In recent years, many countries have introduced provisions in work-related legislation, including OSH and anti-discrimination laws, aimed at defining violence and harassment, including gender-based violence and harassment. In Canada, the definition of "harassment and violence" includes "any action, conduct or comment, including of a sexual nature that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment", while the Republic of Korea defines "workplace harassment" as "an act of an employer (or business owner) or employee (or worker) that causes physical or mental suffering or worsens the working environment of another employee/worker by taking advantage of his/her status or relationship within the workplace beyond the appropriate scope of work." Some countries have also granted protection against violence and harassment beyond the traditional physical workplace, including in any "place where the worker is undertaking work at a different location, such as a client's home or contractor's home or work" (Australia) or online (Philippines and Singapore). Progress has been made to ensure protection to a variety of individuals, regardless of their contractual status, including unpaid student internships (Canada) and trainees (Gabon), and in sectors traditionally excluded from the scope of protection of labour law, such as domestic work (India and Mexico).
- 110.** The need for greater attention to be paid to the prevention of violence and harassment through OSH measures has been the focus of many legislative reforms in several countries. In Australia, for example, a guide published by Safe Work Australia characterizes sexual harassment as a

⁸³ WHO, *Mental health atlas 2020*, 2021.

⁸⁴ C.P. Baldé et al., *The Global E-waste Monitor – 2017: Quantities, Flows, and Resources* (UN University and the International Telecommunication Union, 2017); and ILO, *Decent work in the management of electrical and electronic waste (e-waste)*, GDFEEW/2019, 2019.

workplace hazard. Peru and the United Kingdom require a sexual harassment risk assessment, while France requires employers to have internal regulations stating, among others, “the provisions relating to moral and sexual harassment and sexist behaviour”. Specific legislation and regulations have been introduced, including through collective agreements, to address the specific needs, including in terms of prevention measures, of sectors, occupations and work arrangements more at risk, such as domestic work (Paraguay and Viet Nam), the health sector (China and Pakistan) or education (Republic of Moldova).

111. Domestic violence is a complex societal and economic issue, which can negatively affect the safety, health and productivity of not only the victim but the wider workforce. Moreover, when domestic and work settings overlap, violence may arise from or be exacerbated by work-related activities. For this reason, it represents an even more relevant risk for some categories of workers, such as domestic, home-based or contributing family workers, many of whom are women and many of whom are working informally. A growing number of countries have introduced leave, whether paid or unpaid, for workers who are victims of domestic violence (Canada, New Zealand and Peru). Some have envisaged employers’ duties to take preventive measures to protect the employee or other workers or included domestic violence within the management of OSH (Canada). Collective agreements have been a vehicle to increase protection. For instance, in Brazil, the collective agreement signed in 2020 for the banking sector establishes the duty of employers to establish support measures, such as the transfer of the victim of violence to another workplace.

2.4.3. Concluding remarks on occupational safety and health

112. In recent years, the world of work has continued to face critical challenges related to the protection of life and health. In 2021, the ILO and the WHO estimated that almost 2 million people die every year because of exposure to occupational risk factors, with work-related diseases accounting for 81 per cent of all work-related deaths.⁸⁵ Workers continued to be exposed to traditional risks in hazardous sectors like construction, mining, health and agriculture, but new challenges, related notably to technological innovation and psychosocial hazards, are developing. COVID-19 also further exposed workers to new risks: as many as 20–30 per cent of infections were attributed to workplaces.⁸⁶ The closure of workplaces, job losses and mandatory remote work have also had a heavy toll on mental health.
113. Important challenges remain to ensure OSH in the informal economy and in the lower tiers of supply chains, although some Member States have adopted due diligence legislation to address human rights risks in business activities.⁸⁷ In many countries, workers in public administration may also be less protected than those in the private sector, as OSH legislation may not apply to them or because of deficits in implementation.
114. Violence and harassment in the world of work is a major challenge to labour protection that relates to equality as well as to OSH. Policy responses need to rely on these two pillars and address situations arising not only in traditional workplaces but also in the broader world of work, including through cyberbullying, and protect all those within the scope of Convention No. 190.

⁸⁵ ILO and WHO, *Global Monitoring Report: WHO/ILO Joint Estimates of the Work-related Burden of Disease and Injury, 2000–2016*, 2021.

⁸⁶ ILO and WHO, *Preventing and mitigating COVID-19 at work*, 2021.

⁸⁷ ILO, *Achieving decent work in global supply chains*, TMDWSC/2020, 2020.

2.5. The protection of workers' personal data and right to privacy

- 115.** Employers collect personal data on job applicants and workers for a number of legitimate reasons, including to help select new recruits, process the payment of wages, identify training needs, prevent occupational accidents and provide quality customer service. Government agencies also require employers to transmit some of their workers' personal data, notably for tax purposes and to ensure the collection of social security contributions. The employer's authority, and duty in certain cases, to collect and process workers' personal data needs to be balanced with workers' right to privacy, which can be summarily defined as the right to be left alone or to be free from unwarranted intrusion. The concern can be particularly high concerning sensitive data, notably in the case of drug testing or personality tests. Furthermore, advances in technology raise new issues regarding the protection of privacy. The digital monitoring of workers increased with the massive development of telework during the COVID-19 pandemic. A growing number of tools and software are used to track workers' activity in real time when they work remotely, including tools that track keyboard strokes or mouse movements.
- 116.** Algorithmic management, or the use of algorithms to help employers perform management functions, is an important feature of work in the platform economy that has progressively been extended to more traditional types of activity and also relies massively on the use of personal data. In the context of the platform economy, it usually refers to "the greater or lesser extent of control exerted by digital labour platforms through automated means over the assignment, performance, evaluation, ranking, review of, and other actions concerning, the services provided by people working through platforms".⁸⁸ The impact of algorithm-based decisions renders their governance particularly important to ensure fairness and transparency, and prevent discriminatory biases. This involves, among other things, the right of workers to a human review of contested decisions.
- 117.** In addition to the ILO code of practice on the protection of workers' personal data of 1996, relevant international instruments have been adopted by the OECD, the EU, the Association of Southeast Asian Nations (ASEAN), the African Union (not yet in force); and the Ibero-American States.⁸⁹
- 118.** Numerous countries, including Brazil, China and South Africa, have recently adopted or updated their legal frameworks, sometimes with specific provisions on data protection in an employment context. In Belgium, two national collective agreements regulate camera surveillance and the monitoring of electronic communications in the workplace. The National Privacy Commission of the Philippines issued an advisory opinion in 2019 on the need to obtain the consent of job applicants and employees for the collection and processing of their personal data, and their right to withdraw such consent. Regulation may also be developed through collective bargaining.
- 119.** Some initiatives seek to regulate specifically the use of algorithms in a work-related context. In Spain, the Riders' Law of 2021, which applies to food delivery riders working for digital platforms, requires businesses to inform the works council on the parameters, rules and instructions on

⁸⁸ European Commission, *First phase consultation of social partners under Article 154 TFEU on possible action addressing the challenges related to working conditions in platform work*, 2021.

⁸⁹ OECD, *Recommendation of the Council concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data*; EU, *Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)*; ASEAN, *ASEAN Data Management Framework: Data governance and protection throughout the data lifecycle*, 2021; African Union, *African Union Convention on Cyber Security and Personal Data Protection*, 2014; and Ibero-American Data Protection Network (RIPD), "Reglamento de la Red Iberoamericana de protección de datos".

which algorithms or artificial intelligence systems are based that affect decision-making that may have an impact on working conditions and access to and maintenance of employment, including profiling. In the United States of America, the Artificial Intelligence Video Interview Act of Illinois imposes information and consent requirements when employers ask job applicants to record video interviews and use artificial intelligence to evaluate them. In Canada (Quebec), the Act to modernize legislative provisions as regards the protection of personal information of 2021 includes requirements to be met by enterprises when they use personal information to take decisions based exclusively on an automated processing of personal information.

2.6. Employment protection

120. Employment protection legislation⁹⁰ regulates employment termination at the initiative of the employer. Pursuant to the Termination of Employment Convention, 1982 (No. 158), the employment of a worker must not be terminated unless there is a valid reason for such termination connected with the capacity or conduct of the worker or based on operational requirements. Convention No. 158 also requires that adequate safeguards shall be provided against recourse to fixed-term contracts the aim of which is to avoid the protection resulting from the Convention. In this section, employment protection is discussed in a broader sense, which also include job retention schemes used in periods of crisis.

2.6.1. Individual and collective dismissals

121. Several countries have recently extended their legal list of prohibited grounds for dismissal, including Canada (genetic characteristics), Georgia (introduction of an open-ended list of prohibited grounds) and Zambia (colour and family responsibilities). Other countries have extended the categories of workers enjoying special protection against dismissal, including Cambodia, which now offers protection to trade union representatives, and France, which has extended protection for women during a certain period after maternity leave and offers protection to all employees following the birth of their child. In addition, dismissal procedures have been amended in some countries. In Belgium, new provisions have been introduced to support employees after dismissal and increase their employability. In Mexico, a comprehensive labour reform was enacted in 2022, particularly concerning avenues for redress in case of unfair dismissals. In Montenegro, consultation with trade unions or workers' representatives is now mandatory in cases of collective dismissal.

122. A number of countries placed temporary limits on both individual and collective dismissals to mitigate the employment losses generated by the COVID-19 pandemic. During the pandemic, dismissals were temporarily prohibited in Colombia and the Bolivarian Republic of Venezuela. In Kenya, pursuant to a tripartite memorandum of understanding signed in 2020, the residency status and work permits of migrant workers who lost their jobs as a result of COVID-19 were maintained for the stipulated time period, with no change in their migration status.

2.6.2. Job retention schemes during the COVID-19 pandemic

123. Numerous governments implemented measures to mitigate the impact of the COVID-19 pandemic on employment through job retention schemes. In many countries, such schemes rely on employment insurance funds and thus combine labour and social protection. Following the

⁹⁰ For more information see the [ILO EPLex database](#).

implementation of these temporary measures, some countries started considering introducing or expanding the scope of unemployment insurance in the post-crisis context.

- 124.** Work-sharing – also called short-time work – is a collective reduction of working time intended to spread a reduced volume of work over the same or a similar number of workers to avoid or reduce lay-offs and maintain business operations. Its use during the global financial crisis of 2009–10 served as a model for dealing with the economic effects of the COVID-19 pandemic in many countries. Of the 34 OECD countries, 23 were able to use an existing work-sharing scheme or another form of job retention during the pandemic, while, in others, including Australia, New Zealand, the Netherlands and Poland, such schemes were newly introduced with the onset of the crisis.⁹¹ In some cases, as in the German metal and electrical industry, such schemes were introduced by collective agreements.⁹²
- 125.** The implementation of wage subsidies went beyond countries with work-sharing schemes during the COVID-19 crisis, taking many different forms and modalities.⁹³ In general, they were grants from the State paid to enterprises adversely affected by the pandemic and whose workers saw their working time reduced or were unable to carry out their work altogether. Temporary wage subsidy programmes were put in place in Argentina, Botswana, Brazil, Malaysia and – in a more limited way – in Bangladesh and Ethiopia, supporting some enterprises and workers in sectors such as the garment industry.

2.6.3. The regulation of temporary employment

- 126.** Temporary employment may be used for a variety of reasons, notably to replace temporarily absent workers, to respond to seasonal spikes in demand or to evaluate newly hired employees before offering them a permanent contract. It may also serve as a buffer to counter economic shocks. Furthermore, it may help workers enter or re-enter the labour market. Some firms nonetheless use temporary employment intensively (50 per cent or more of their workforce) not to respond to the above needs, but as an organizational strategy.⁹⁴ A number of countries have adopted laws or policies to regulate the use of temporary contracts and prevent abuses.
- 127.** Several countries have introduced stricter legislation on the use of temporary contracts. In Norway, the possibility to hire temporary employees for up to 12 months without justification was removed in 2022. Temporary contracts are now authorized only in the circumstances listed in the law, such as when the work is of a temporary nature, or to temporarily replace staff.
- 128.** Furthermore, limits may be placed on the number of renewals or on the total duration of fixed-term contracts. In Cambodia, the duration of an initial fixed-term contract was limited to two years in 2019. Renewals are authorized provided they do not exceed two years in addition to the initial contract. In Indonesia, although the maximum total duration of a fixed-term contract (the initial contract plus any renewals) was raised in 2021 from three to five years, the employer's obligation to compensate the fixed-term employee upon termination of the work relationship was expanded. In the Republic of Moldova, a limit of three successive fixed-term contracts of a total duration not exceeding 60 months was introduced in 2022. In the Netherlands, the Balanced Labour Market Act of 2019 seeks to narrow the gap between flexible employment, including

⁹¹ ILO, *Working Time and Work-Life Balance Around the World*, 2022; and Werner Eichhorst et al., *Job retention schemes during COVID-19: A review of policy responses* (ILO, 2022).

⁹² ILO, *Negotiating COVID-19 related collective agreements in the German metal and electrical industry*, 2020.

⁹³ ILO, *Temporary Wage Subsidies*, 2020; and ILO, "Unemployment protection in the COVID-19 crisis: Country responses and policy considerations", ILO brief, September 2020.

⁹⁴ ILO, *Non-standard employment around the world: Understanding challenges, shaping prospects*, 2016.

temporary work, and permanent employment. It notably extends the maximum length of consecutive fixed-term contracts from two to three years. However, the maximum number of contracts over this period (three) remains unchanged. Different rules may be set by collective agreement.

129. The general presumption that an employment contract is for an indefinite period was reintroduced in Spain at the end of 2021 after its abolition in 2012, in the context of a broad reform of labour legislation. The use of temporary contracts is restricted to certain situations and additional rules, such as maximum percentages of temporary contracts, may be set by collective agreement. Furthermore, the scope of discontinuous permanent contracts, which are open-ended contracts under which employees work only during certain periods of time, was expanded.
130. Regulation may seek to ensure that workers under temporary contracts do not receive less favourable treatment than permanent employees as regards labour and social protection. In India, the Industrial Relations Code of 2020 prohibits discrimination between temporary and permanent employees. The Bombay High Court recently held that the conclusion of successive temporary contracts with short breaks between them, thus depriving the workers concerned from certain employment benefits, constituted unfair labour practices.
131. Laws and regulations on casual work have also been adopted in certain countries. In Australia, the Fair Work Act now requires employers to offer their casual employees, under certain conditions, conversion to regular fixed-term employment after 12 months of service. In Uganda, the Employment (Amendment) Bill 2022 seeks to convert casual employment into term employment, with all labour rights and benefits, after four months of continuous service.

2.6.4. Concluding remarks on employment protection

132. The regulation of individual or collective dismissals can strengthen employment protection in different ways, notably through the prevention of discriminatory dismissals and the introduction of procedural guarantees. Temporary limits on dismissals and job retention schemes have played an important role in the protection of workers' employment and income security during crises, including the recent COVID-19 crisis. However, general relief measures did not always extend to all workers. Governments of ASEAN countries of destination, for example, have been largely excluding migrant workers from job retention, income relief and wage subsidy schemes.⁹⁵
133. While temporary employment may respond to legitimate business needs and can help certain categories of persons, including women and young people, to enter or re-enter the labour market, regulation and its effective implementation are required to prevent abuses such as excessive renewals of fixed-term contracts. Initiatives to regulate casual work may also contribute to efforts for formalizing the informal economy.

2.7. Inclusive labour protection

134. The scope of measures adopted to ensure adequate labour protection is of paramount importance to ensure that they are inclusive and leave no one behind. Labour protection should not be limited to wage employment and should reach workers in the informal economy as well.

⁹⁵ Asian Development Bank Institute, OECD and ILO, *Labor Migration in Asia: Impacts of the COVID-19 crisis and the Post-pandemic Future*, 2021.

2.7.1. Labour protection: The employment relationship and beyond

- 135.** Legal systems generally establish a major distinction between employees and self-employed workers and extend most labour rights to the former only. Initially, the legal classification of an employee relied essentially on the notion of subordination of a worker to an employer, based on the understanding that employees were subject to the managerial control of their employer in exchange for labour and social protection. As ILO research has shown, however, in recent decades, significant changes in organizational practices and business models have made it necessary to ensure that criteria used in the classification of workers are sufficiently comprehensive and up to date to keep pace with the changing reality of the world of work.⁹⁶
- 136.** The determination of status in employment is the subject of many court decisions across countries, including in cases involving new forms of work, such as work on digital labour platforms.⁹⁷ There is no unanimity when it comes to classifying platform workers as either employees or self-employed.⁹⁸ Legislation in Portugal and Spain provide for the presumption of an employment relationship for some platform workers and a proposed EU directive on improving working conditions in platform work, which is currently the subject of negotiations, also seeks to introduce such a presumption when certain criteria are met.⁹⁹
- 137.** Several countries, including Germany, Israel, Italy, Spain and the United Kingdom, have extended some labour rights to self-employed workers with a weak bargaining position due to their economic dependence on one or a few clients, and have introduced a third, intermediate, legal category comprising workers in dependent self-employment.
- 138.** Freedom of association and the effective recognition of the right to collective bargaining are fundamental principles and rights at work. Some issues have been raised in different countries, notably in the EU, when it comes to the possibility of self-employed workers to bargain collectively when the exercise of such a right is considered to be equivalent to the creation of a cartel engaged in “price-fixing” in violation of antitrust laws.¹⁰⁰ In Australia, the Competition and Consumer Commission has made a class exemption permitting businesses and independent contractors with annual turnover below a certain threshold to engage in collective bargaining with their suppliers or customers. This covers more than 98 per cent of Australian businesses. Some countries, like Ireland, have explicit provisions establishing that the prohibition on entering into price-fixing agreements does not apply to collective bargaining, and agreements in respect of relevant categories of self-employed workers as set out in a specific schedule accompanying the legislation. Following a ruling by the European Court of Justice, a Court of Appeal in the Netherlands concluded that competition law does not preclude the application of collective agreements to self-employed substitutes (for example, musicians substituting for members of an orchestra). In 2022, the European Commission adopted guidelines that clarify the circumstances in which certain solo self-employed people can negotiate collectively to improve their working conditions without breaching EU competition rules. These guidelines protect, among other things,

⁹⁶ ILO, *Non-standard employment around the world: Understanding challenges, shaping prospects*, 2016.

⁹⁷ Valerio De Stefano et al., “Platform work and the employment relationship”, ILO Working Paper 27, 2021.

⁹⁸ ILO, *Decent work in the platform economy*.

⁹⁹ European Commission, *Proposal for a directive of the European Parliament and of the Council on improving working conditions in platform work*, 2021.

¹⁰⁰ On the scope of application of the right to collective bargaining in ILO’s international labour standards, see Felix Hadwiger, “Realizing the opportunities of the platform economy through freedom of association and collective bargaining”, ILO Working Paper 80, 2022, p. 12, box 3.

collective agreements concluded between solo self-employed persons and digital labour platforms.

2.7.2. Labour protection of workers in the informal economy

- 139.** The high incidence of the informal economy is a major challenge to economic development, leads to unfair competition and undermines the achievement of the fundamental principles and rights at work and decent working conditions. Formalization is an important way to ensure adequate and effective labour protection for informal workers.
- 140.** Notwithstanding the high heterogeneity of situations that characterize workers in the informal economy, all such workers share one important characteristic: they are not recognized or sufficiently protected under the relevant regulatory frameworks or do not benefit from their effective implementation.¹⁰¹
- 141.** To address legal gaps, several countries have extended labour and social security laws to categories of workers and enterprises originally excluded, including through specific legislation protecting groups such as domestic workers and homeworkers.¹⁰² Addressing implementation gaps calls for coordinated actions to simplify procedures; incentivize formal employment; enforce compliance; raise awareness of rights and obligations and the benefits of formality; and promote a “culture of formalization” that implies transparency and trust and thus relies on strengthened effectiveness and efficiency of institutions. New technologies can be used to close implementation gaps. Several countries have adopted integrated strategies to facilitate the transition of workers to formality, including Brazil,¹⁰³ Greece¹⁰⁴ and Uruguay.¹⁰⁵
- 142.** Independently of formalization, the fundamental principles and rights at work, including freedom of association and the right to collective bargaining, should be applied to workers in the informal economy. As ILO research has shown, workers’ and employers’ organizations have sought to reach out to workers in the informal economy to enable them to engage effectively in tripartite and bipartite social dialogue, negotiate and implement agreements and influence policies to reduce the decent work deficits they face, and support their transition to formality.¹⁰⁶ In Burkina Faso, the National Council for the Informal Economy was set up in December 2019. Its objective is to ensure the representation of professional organizations of the informal economy to the public authorities and social partners for their full participation in the decision-making process. In Senegal, a collective agreement adapted to the needs of informal economy workers was concluded for the private security sector. Several countries put the issue of informality and formalization on the agenda of national tripartite consultative bodies, including through the establishment of negotiation forums by economic sector (Peru) or consultative bodies established on specific issues such as OSH (Chile).

¹⁰¹ ILO, *Transition from the informal to the formal economy – Theory of Change*, 2021.

¹⁰² ILO, *Working from home: From invisibility to decent work*, 2021.

¹⁰³ See Anoop Satpathy, “BRICS and the World of Work: Formalisation of Labour Market”, Issue paper prepared for the BRICS Employment Working Group under the Indian Presidency, 2021.

¹⁰⁴ ILO, “Supporting the implementation of the roadmap on tackling undeclared work in Greece”.

¹⁰⁵ ILO, *Inequalities and the world of work*, ILC.109/IV(Rev.), 2021.

¹⁰⁶ ILO, *Interactions between workers’ organizations and workers in the informal economy: A Compendium of Practice*, 2019.

2.8. Compliance and enforcement institutions and strategies

2.8.1. Preventive and incentive measures

- 143.** In recent times, awareness-raising campaigns have continued to be used to a large extent to promote compliance with labour protection measures. In Brazil, for example, the labour inspectorate has released almost 500 educational videos on YouTube, covering issues such as preventive measures to address specific risks, forced labour, child labour and labour legislation in general, reaching almost 90,000 subscribers. In Egypt, the National Institute of Occupational Safety and Health launched two campaigns to build a national culture of prevention, with the use of social media. The campaigns obtained significant levels of success and reached communities that would otherwise have been difficult to access. In Latvia, the labour inspectorate introduced a virtual assistant that responds to questions on labour rights around the clock.
- 144.** The scarcity of resources and the practical impossibility of providing direct advice to all businesses has led to a growing focus on tools that stimulate companies, in particular small and medium-sized enterprises, to self-assess their levels of compliance. This was the case in Mexico, which introduced the Occupational Safety and Health Self-management Programme. Many labour inspectorates across the world have self-assessment forms, self-calculating wage apps and similar tools that are digitally available for use via computer or smartphone.

2.8.2. Labour inspection

- 145.** In recent years, some countries have reformed their legislation on labour inspection to align it more closely with international labour standards. Mexico, for example, updated its sanctions for the obstruction of inspection, leading to an estimated 10 per cent increase in the effectiveness of inspection visits. Measures to strengthen the labour inspectorate have started to be applied, notably through the influence of the ILO, for example in Armenia, Georgia, the Republic of Moldova and Ukraine.
- 146.** Many countries have also increased the percentage of proactive inspections addressing specific themes. In Madagascar, the Government adopted, in collaboration with the social partners, strategic inspection plans to promote the transition from informality in formal enterprises. In Senegal, the annual inspection plan includes checking the regularity of the election process for workers' delegates.
- 147.** Growing demands and scarce resources have triggered innovative options for enforcement. In Peru, a mobile team of inspectors investigates compliance in rural worksites and a round-the-clock team is responsible for taking immediate action in cases of serious and imminent danger to life or health. In Singapore, companies are informed in writing by the labour inspectorate of how they compare in terms of compliance with OSH legislation with competitors in the same sector. In Spain, in 2021, a blitz programme of the Labour and Social Security Inspectorate was successful in transforming almost 300,000 irregular temporary labour contracts into long-term employment relationships. In the United States of America, the Voluntary Protection Programs of the Occupational Safety and Health Administration may exempt employers from planned inspection if they have implemented effective safety and health management systems and maintain injury and illness rates below the national sectoral average.
- 148.** Inspection campaigns combining awareness-raising and enforcement have continued to be used. In the EU, through the coordination of the Senior Labour Inspectors' Committee and the European Labour Authority, Member States engage in annual campaigns targeting the same sectors, themes and often using common enforcement methodologies. These also help identify weaknesses in EU legislation that need to be addressed. Similar approaches started to be piloted

in Africa, with Botswana, Eswatini, Lesotho and Zambia focusing on the private security sector. South Africa engages with stakeholders – bargaining councils, the National Prosecuting Authority and sheriffs – in joint advocacy and inspection campaigns. In Viet Nam, from 2016 to 2021, nationwide campaigns focused on construction, electronics, mining and wood processing took place.

- 149.** Collaboration with the social partners has continued to be valued in many countries as a fundamental requirement for success. In Chile, a successful inspection programme was formulated in 2022 as a collaboration between the Labour Inspection Department, the most representative union for the construction sector and the Chilean Chamber of Construction. Countries such as Norway and Portugal have continued to involve workers and employers in permanent labour inspection advisory councils. In Peru, the National Labour Inspection Authority regularly organizes round table talks with workers’ and employers’ organizations to discuss priorities and collaboration.

2.8.3. Access to labour justice: Prevention and resolution of labour disputes

- 150.** The establishment and strengthening of judicial and non-judicial dispute resolution mechanisms, including through negotiations by the social partners, constitutes a critical element of effective labour protection. Improving access to labour justice for all typically requires revising regulatory frameworks, streamlining procedures and reducing costs, and reinforcing the qualifications and capacity of all personnel in courts and in institutions of dispute prevention and resolution. An effective labour dispute resolution institution contributes to the rule of law by facilitating equitable redress for disputes with appropriate enforcement mechanisms in place and by performing its functions impartially, independently, professionally and in a transparent and accountable manner.
- 151.** In the context of the COVID-19 pandemic, some labour dispute resolution institutions have taken innovative measures. In Cambodia, new facilities have been made available, and masks and sanitizers have been provided free of charge to visitors. In Colombia, where such institutions were closed to the public, new virtual facilities have been created to enable the continuation of services.¹⁰⁷
- 152.** Some countries have also sought to make access to justice more physically accessible to migrant workers. For example, the United Arab Emirates introduced mobile labour courts which travel to workers’ accommodation in response to workers’ collective complaints.

2.8.4. Equal opportunities bodies

- 153.** Specialized bodies have been established with a view to better addressing discrimination and promoting equality. These bodies have a diversity of mandates in terms of the scope of their activities – from promotional and advisory to investigatory and decision-making – and in terms of the subjects they can address.¹⁰⁸ In Brazil, a federal government hotline (Disque 100) has extended the scope of its service to cover cases of racism and cases of discrimination against Roma people. In Norway, a clear distinction was made between the decision-making function, which has been entrusted to the Equality and Anti-Discrimination Tribunal, and the promotion and prevention, support and litigation functions, which have been entrusted to the Equality and

¹⁰⁷ ILO, *Report on the rapid assessment survey: The response of labour dispute resolution mechanisms to the COVID-19 pandemic*, 2021.

¹⁰⁸ ILO, *General Survey on the fundamental Conventions concerning rights at work in light of the ILO Declaration on Social Justice for a Fair Globalization*, 2008, International Labour Conference, 101st Session, 2012.

Anti-Discrimination Ombud, thus eliminating the tensions that had emerged when the functions were exercised by one body.¹⁰⁹

- 154.** In some countries, specialized equality bodies and labour inspectorates are closely coordinated to ensure effective protection. In Spain, for example, a protocol of cooperation was signed between the Ministry for Equality and the labour inspectorate to monitor situations involving wage discrimination and reduce the wage gap. However, even when such powers are foreseen, insufficient resources do not always make it possible to apply them fully in practice. For instance, in the EU, the level of resources is named as a major source of concern in general, where most equality bodies consider their resources inadequate.¹¹⁰ Similarly, in Mexico the National Council to Prevent Discrimination has been negatively affected by the limited funds provided, and civil society organizations have requested the Government to step up its efforts to strengthen this body.
- 155.** In terms of subject matter, equality bodies dealing with one specific ground of discrimination have increasingly been merged to address a wider range of grounds, hence creating a potential for tackling intersecting and systemic discrimination. For instance, in Argentina, the National Institute Against Discrimination, Xenophobia and Racism recently extended its mandate to cover weight-based stigma and discrimination.

2.8.5. Harnessing technological progress for improving compliance

- 156.** Successfully leveraging technology helps labour administration and inspection be more strategic, more efficient and, ultimately, more effective.¹¹¹ The social media has emerged as a new digital communication tool, but mobile applications are only starting to be explored in labour administration and inspection. Labour administration practitioners undertaking work in the field are often equipped with portable computers and mobile phones, yet there is still significant scope for greater deployment of mobile devices.
- 157.** A growing number of governments, notably Colombia and Peru, are promoting the application of digital technologies to facilitate formalization.¹¹² Technology is also used to enhance compliance. Data-driven strategic planning has been normalized as a basis for targeted interventions by many labour inspectorates, and the combined use of digital information sources has been central to enforcement in areas such as undeclared work and social fraud. In Singapore, 80 per cent of proactive inspections are data-driven, based on technology, ground intelligence and analytics. In the United Kingdom, the Health and Safety Executive targets sectors and activities where it expects to find the most serious risks or poor standards of risk prevention, using the algorithm-based Find-IT tool to select targets.¹¹³ In Viet Nam, new case management software has been introduced to help reduce inspection time and thereby increase the number of inspections.

¹⁰⁹ Niall Crowley, *Equality Bodies Making a Difference* (European Commission, 2018).

¹¹⁰ European Network of Equality Bodies (EQUINET), *Legislating for stronger, more effective equality bodies*, 2021.

¹¹¹ Anna Milena Galazka, *Report on the global survey into the use of information and communication technologies in national labour administration systems* (ILO, 2015); and ILO, *Utilización de tecnologías de la información y de la comunicación en las inspecciones del trabajo. Una visión comparada en torno a países seleccionados*, 2017.

¹¹² Juan Chacaltana et al., *New technologies and the transition to formality: The trend towards e-formality*. ILO Employment Working Paper No. 247, 2018.

¹¹³ David Snowball et al., "The Find-IT Tool, an Approach to Evidence-Led Targeted Interventions", *Regulatory Delivery*, Graham Russell and Christopher Hodges (authors) (Oxford: Hart Publishing, 2019), pp 295–308.

2.8.6. Concluding remarks on compliance and enforcement institutions and strategies

158. Compliance with labour legislation requires the smart use of incentives and deterrents. Clear and accessible legislation, well-defined roles and responsibilities of private and public sector actors, awareness-raising, education, elimination or simplification of bureaucratic procedures that may overburden duty holders, and availability of advisory services to explain how to comply with legal duties, paired with strict enforcement, are most often the combined elements necessary for legal effectiveness.
159. In recent years, compliance authorities, and in particular labour inspectorates, have continued to face challenges related to the limited resources available to respond to the increasing complexity of the labour markets and their regulation. In some countries, their operations continued to be restricted by moratoria, requirements to give prior notice for inspection visits, limits to the number or frequency of inspections, and prohibitions of enforcement, with a direct impact on the effectiveness of inspection. On the other hand, labour inspectorates can increasingly rely on technology for improving compliance with labour protection regulations.
160. Workers' access to labour justice also plays a key role in ensuring the effective enforcement of the labour rights established by the different sources of law, including collective agreements. For migrant workers, including those in an irregular situation, it is essential that such mechanisms can be used, regardless of whether the migrant worker leaves the country.¹¹⁴ Equality bodies can usefully contribute to enforcement efforts, although some concerns have emerged, as several of these bodies still lack the necessary litigation power to ensure effective support to victims of discrimination. Furthermore, although there is a tendency to broaden the range of grounds of discrimination that equality bodies can seek to tackle, gaps in protection for some grounds remain.

2.9. Conclusions that can be drawn from this chapter

161. The sections in this chapter have shown that undeniable progress has been made in different areas of labour protection since the Conference held its first recurrent discussion on labour protection in 2015. However, this success is not evenly felt. For instance, despite legislative developments in some countries, including on pay transparency, the effective reduction of the gender pay gap is below expectations. In general terms, effective compliance is unequal and some categories of workers, notably domestic workers, migrant workers and workers in the informal economy, are particularly exposed to decent work deficits. Some limited attempts have been made to extend at least some elements of labour protection to self-employed workers, particularly those in a situation of economic dependency.
162. Substantial efforts remain necessary to close the gaps in the coverage of labour protection. Particular attention must be paid both to ensuring coverage for those most at risk of exclusion and to ensuring that levels of protection are adequate. A multidimensional approach is required to that effect, so that all dimensions of labour protection are addressed in a coherent way and in a way that does not involve following a piecemeal approach. Ensuring compliance with laws, regulations and collective agreements is also of paramount importance to avoid rendering labour protection ineffective, and new technologies have a role to play in that regard.

¹¹⁴ ILO, *Protecting the rights of migrant workers in irregular situations and addressing irregular labour migration: A compendium*, 2021.

► Chapter 3

ILO responses to improve labour protection and the lives of workers and their families

- 163.** The ILO implemented the plan of action for 2015–22 endorsed by the Governing Body to give effect to the conclusions of the recurrent discussion on social protection (labour protection) adopted by the Conference at its 104th Session (2015).¹¹⁵ During this implementation period, labour protection has gained centrality in an ILO agenda that aims to address more effectively the opportunities and challenges facing a world of work marked by persistent inequalities, social and economic transformations and a multiplicity of compounding crises.
- 164.** The ILO's programming framework has been adapted to respond better to the evolving world of work, including by responding to emerging needs as well as stubborn challenges, while enhancing the interconnectedness between the different dimensions of labour protection, on the one hand, and between labour protection and social security, on the other. In line with the Social Justice Declaration, the framework has also fostered strong linkages between social protection and the ILO's other strategic objectives, on rights at work, employment, and tripartism and social dialogue. In the biennia 2016–17 and 2018–19, a number of priority areas relevant for labour protection were identified through dedicated policy outcomes (on the transition from the informal to the formal economy, protecting workers from unacceptable forms of work, promoting fair and effective labour migration and mobility policies for migrant workers and refugees, and promoting workplace compliance through labour inspection), and through other policy outcomes (including strategies aimed at ensuring effective collective bargaining and adequate wages).¹¹⁶ In the biennia 2020–21 and 2022–23, the Centenary Declaration was translated into a programme of work that went further in enhancing the interconnectedness between different areas of work under a policy outcome on adequate and effective protection at work for all, with outputs on the fundamental principles and rights at work, OSH, wages and working time, labour migration, and workers in diverse forms of work and in informal employment.¹¹⁷ Furthermore, a dedicated policy outcome aimed at the realization of a transformative agenda on gender equality and non-discrimination was created for the first time with a focus on the need to ensure equality of treatment and opportunities if all workers are to enjoy adequate protection and full inclusion at work and in society. The proposed programme framework for 2024–25 further reaffirms the role of labour protection in reducing inequalities and in building more inclusive and resilient societies, including through equality of treatment and opportunities to enable all workers to enjoy adequate protection and full inclusion at work and in society.
- 165.** As a means of pursuing real impact, multidisciplinary and innovative approaches have been developed to enhance adaptability to shocks such as those induced by the COVID-19 pandemic and to address the challenges driven by transformative changes in the world of work. The ILO response has systematically made use of the complementarities of all means of action, including the capacity-building of constituents, technical assistance, the research that has informed the

¹¹⁵ ILO, *Matters arising out of the work of the 104th Session of the International Labour Conference: Follow-up to the resolution concerning the recurrent discussion on social protection (labour protection)*, GB.325/INS/5/1, 2015.

¹¹⁶ ILO, *Programme and Budget for the biennium 2016–17*, 2015; and ILO, *Programme and Budget for the biennium 2018–19*, 2017.

¹¹⁷ ILO, *Programme and Budget for the biennium 2020–21*, 2019; and ILO, *Programme and Budget for the biennium 2022–23*, 2021.

Conference agenda and tripartite-agreed documents that have translated into changes on the ground, and strategic partnerships with international and regional organizations.

- 166.** The pandemic, coupled with the socio-economic repercussions of climate change and geopolitical conflicts, has brought to the fore the increased relevance of international labour standards. This further validates the call by Member States in the Centenary Declaration for the ILO to have and promote a clear, robust, up-to-date body of international labour standards that need to respond to the changing patterns of the world of work, protect workers and take into account the needs of sustainable enterprises. The ILO has therefore pursued a two-pronged approach, intensifying its efforts towards the ratification of international labour standards and putting in place a standard-setting agenda that more effectively addresses stubborn problems and emerging needs in the contemporary world of work. The ILO is also stepping up its efforts to support constituents in the effective implementation of standards through targeted action. The period under review has seen a significant increase in the ratification levels of Conventions relevant to labour protection, notably the Occupational Safety and Health Convention, 1981 (No. 155), the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), the Maternity Protection Convention, 2000 (No. 183), the Domestic Workers Convention, 2011 (No. 189), and the Violence and Harassment Convention, 2019 (No. 190).
- 167.** This chapter looks at ILO responses to improve labour protection since the last recurrent discussion on the subject in 2015 and at how the ILO has adapted its strategy and approach to respond more quickly and more effectively to the changing needs at the global and country levels. It focuses on the core dimensions of labour protection, while also looking at how discrimination and informality may lead to the exclusion of workers from adequate protection, with a focus on some categories of workers at higher risk of deficits in protection.

3.1. Making the dimensions of labour protection more responsive and effective in the face of changing circumstances

3.1.1. Setting adequate wages

- 168.** In the last few years, many countries have adopted new minimum wages, improved their existing minimum wage systems, adopted measures to reduce gender pay gaps, strengthened protection against the non-payment of wages, reformed public sector pay, promoted collective wage bargaining and implemented temporary wage subsidies. These interventions have translated into a large increase in the number of requests from assistance from the Office.
- 169.** The Office has published a substantial number of products and tools that support its technical assistance. This includes the *Global Wage Report*, an ILO flagship report that has been published every two years since 2008 and is one of the most widely downloaded reports produced by the Office.¹¹⁸ The report provides unique information on wage trends globally, by region and by country, develops new methodologies to analyse topical issues and provides global policy reviews. The 2018–19 edition analysed what lies behind the gender pay gap and developed a new methodology to better understand it (the factor-weighted gender pay gap).¹¹⁹ The 2020–21 edition provided a very detailed overview of minimum wage systems across regions and

¹¹⁸ The *Global Wage Report 2020–21: Wages and minimum wages in the time of COVID-19* was the most downloaded single report published by the Office, with over 95,000 downloads. See: ILO, *High-level evaluations of strategies and Decent Work Country Programmes*, GB.346/PFA/7(Rev.1), 2022.

¹¹⁹ ILO, *Global Wage Report 2018/19: What lies behind gender pay gaps*, 2018.

countries, and an analysis of the impact of minimum wages on wage inequality.¹²⁰ The 2022–23 edition undertook a thorough analysis of the complex impact of COVID-19 and the subsequent acceleration of inflation on real wages.¹²¹ Other global products and tools include: the *Minimum Wage Policy Guide*;¹²² a factsheet on the modalities of implementing temporary wage subsidies during the COVID-19 crisis;¹²³ and an ILO brief on the question of living wages.¹²⁴ Furthermore, the Office is preparing a review of practices in collective wage bargaining, to be published in the second half of 2023.

- 170.** In respect of minimum wages, the Office has provided extensive technical assistance during the period under review at the country level. It supported the adoption of new minimum wages for the private sector in Egypt, the introduction of a new minimum wage in Cyprus and Maldives and the adoption of a national minimum wage in Qatar. Under a development cooperation project funded by the Netherlands, the ILO provided support in Costa Rica, Ethiopia, India, Indonesia, and Viet Nam. The project supported in particular the development of a methodology to estimate the needs of workers and their families, to be considered alongside economic factors in determining adequate minimum wage levels.¹²⁵ In South Africa, the ILO provided technical support to the Minimum Wage Advisory Panel, which led to the introduction of a new national minimum wage.
- 171.** In addition, the Office provided technical assistance and training on minimum wages to more than 15 other countries, mostly with a view to strengthening social dialogue and the evidence base for minimum wage setting and monitoring.
- 172.** At the supra-national level, the Office engaged with European institutions in the context of the preparation of the new EU directive on adequate minimum wages. It is also increasingly requested to engage with partners involved in the debate on living wages, such as the UN Global Compact, the Sustainable Trade Initiative and the OECD.
- 173.** Regarding the gender pay gap, the Office has supported the use of the factor-weighted gender pay gap in country studies in Italy, Montenegro, Portugal and Türkiye and has provided advice on the implementation of the related methodology in Iceland, Japan and the Russian Federation. It has also provided technical advice to estimate the gender pay gap in Colombia, Egypt, Republic of Moldova and Ukraine. The factor-weighted pay gap methodology has been used in a joint report between the ILO and WHO on gender pay gaps in the health and care sector.¹²⁶
- 174.** Within the framework of the Equal Pay International Coalition led by the ILO, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the OECD, the Office has contributed to expanding the knowledge base related to gender pay gaps and identifying the appropriate mix of policies that can reduce their magnitude. An ILO working paper provided an assessment of the impact and effectiveness of pay transparency legislation from the perspective of employers and workers.¹²⁷ This knowledge base has been instrumental in furthering advancements in countries that have benefited from ILO assistance. For example, the Plurinational State of Bolivia issued a decree on equal remuneration for women and men, Egypt

¹²⁰ ILO, *Global Wage Report 2020–21: Wages and minimum wages in the time of COVID-19*, 2020.

¹²¹ ILO, *Global Wage Report 2022–23: The impact of COVID-19 and inflation on wages and purchasing power*, 2022.

¹²² ILO, *Minimum Wage Policy Guide*, 2016.

¹²³ ILO, “*Temporary Wage Subsidies*”, May 2020.

¹²⁴ ILO, “*Setting adequate wages: The question of living wages*”, ILO brief, October 2022.

¹²⁵ More information is available on the [project website](#).

¹²⁶ ILO and WHO, *The gender pay gap in the health and care sector: A global analysis in the time of COVID-19*, 2022.

¹²⁷ ILO, *Pay transparency legislation: Implications for employers' and workers' organizations*, 2022.

lifted restrictions on women's work in certain occupations and sectors and in night work, and Ukraine adopted a national strategy on reducing the gender pay gap. The Office also provided technical advice to the Swiss Federal Office for Gender Equality. It is recalled that, in 2023, the International Labour Conference will be discussing the General Survey on equality of opportunity and treatment.

- 175.** Wages were often at the forefront of responses to the COVID-19 crisis and at the centre of debates during the acceleration of inflation that started in late 2021. Collective agreements were tailored to respond to the conditions in particular sectors or companies, including by topping-up wages through subsidies paid by the government. Countries such as Brazil, Ethiopia and Namibia implemented temporary government-supported wage subsidies in order to support companies and avoid job losses. The ILO has also continued to build its knowledge base, including through the rapid assessment of the impact of COVID-19 on gender gaps, a guide on measuring gender wage gaps and a global report on the migrant pay gap covering wage inequalities between migrant workers and nationals.¹²⁸ During 2022, as inflation accelerated, evidence-based tripartite social dialogue within minimum wage commissions or other tripartite institutions was key to arriving at calibrated minimum wage adjustments that protected the living standards of workers and their families, while safeguarding jobs and the sustainability of enterprises during the crisis.

3.1.2. Promoting decent working time and work organization

- 176.** Working time, which has been at the heart of the ILO's work since its origins, continues to occupy a prominent place in labour and employment debates, not only with regard to hours of work, but also with regard to working time and work organization, including telework. Working time and work organization, which have increasingly regained prominence in recent years and were the subject of a General Survey discussed by the Conference in 2018,¹²⁹ are key factors in determining how well workers can balance paid work with their personal lives, including family responsibilities. The ILO conducted research on the topic, the findings of which are presented in publications such as: a report that reviews the effects of telework and ICT-mobile work on working time and work organization;¹³⁰ an ILO guide that provides practical step-by-step guidance on when and how working time arrangements that are mutually beneficial for workers and enterprises can be implemented;¹³¹ and a global report that provides policy advice and technical assistance on working time and work organization, including telework and the right to disconnect.¹³² The utility of promoting work-life balance by expanding access to flexible working time arrangements and telework is also being increasingly recognized in global debates, including in the context of the International Labour Conference.¹³³ Recently, ILO assistance contributed to legislative changes on the recognition of overtime in the Republic of Moldova.
- 177.** Prior to the pandemic, telework was not widely used in most countries, which meant that the legal and policy measures to ensure decent teleworking conditions were underdeveloped. With the rapid increase in telework as a crisis-response measure and in response to widespread demand from constituents for practical advice concerning effective teleworking practices, the ILO

¹²⁸ Silas Amo-Agyei, "The migrant pay gap: Understanding wage differences between migrants and nationals" (ILO, 2020).

¹²⁹ ILO, *Ensuring decent working time for the future: General Survey concerning working-time instruments*, International Labour Conference, 107th Session, 2018.

¹³⁰ Jon Messenger et al., *Working anytime, anywhere: The effects on the world of work* (ILO and Eurofound, 2017).

¹³¹ ILO, *Guide to developing balanced working time arrangements*, 2019.

¹³² ILO, *Working Time and Work-Life Balance Around the World*, 2022.

¹³³ ILO, *Conclusions concerning the third recurrent discussion on employment*, International Labour Conference, 110th Session, 2022.

produced a practical guide on teleworking during the COVID-19 pandemic and beyond.¹³⁴ The guide was a key reference in providing policy advice to countries regarding both regulatory frameworks for telework and effective teleworking practices. Furthermore, it was used as a reference by the European Economic and Social Committee on teleworking and gender equality and by the Portuguese presidency of the EU in 2021. It was also the primary basis of a paper on the subject prepared for the G20 Employment Working Group in 2021.¹³⁵ A technical brief on healthy and safe telework, addressing the OSH dimension of telework, was also released, together with the WHO.¹³⁶ Employers' guides on managing the workplace during COVID-19 and on working from home in response to the outbreak of COVID-19 were also produced, providing recommendations on managing working from home arrangements and outlining the duties and responsibilities of employers and workers, as well as elements that employers should consider before implementing a teleworking policy.¹³⁷

178. Informed by the above, ILO country-level assistance has been instrumental in the development of policies and legislation on telework in a number of countries in Asia, Europe and Latin America. Legislation regulating telework in Chile was instrumental in containing the spread of COVID-19 while promoting decent working conditions for this type of work organization. In Indonesia and Serbia, work is under way to review the legislative framework to meet the needs of both employers and workers. With rapid changes in the world of work, including in work organization, this area of work is expected to gain increasing prominence in the years to come. The ILO's continuing work in this area will help not only to limit potential impacts on workers, but also to improve the quality of teleworking arrangements, in order to help ensure that they provide workers, notably those in situations of vulnerability, with decent working conditions, while contributing to business continuity.

3.1.3. Promoting collective bargaining to set wages, working time and adequate working conditions

179. The ILO's *Social Dialogue Report 2022* states that provisions in collective agreements, particularly in settings where multi-employer bargaining predominates, can lead to more inclusive labour protection and can complement social protection systems, for example with regard to healthcare, pensions or unemployment benefits. The report highlights that collective bargaining has played a role in mitigating the impact of the COVID-19 crisis on employment and earnings, helping to cushion some of the effects on inequality, while reinforcing the resilience of enterprises and labour markets. The ILO's Legal Database on Industrial Relations (*IRLex*), the Industrial Relations Data (*IRData*) database and the online training tool on industrial relations (*IRToolkit*) have been instrumental in advancing more inclusive labour protection by strengthening the response capacity and resilience of constituents and by enhancing the impact of labour relations institutions at the country level. The Office is preparing a report documenting legal and practical barriers to freedom of association and the right to collective bargaining for migrant workers, for publication in the second quarter of 2023.

180. The ILO provided assistance at the country level to improve labour protection for workers through collective bargaining. In Togo, for example, this led to the establishment of a permanent bipartite

¹³⁴ ILO, *Teleworking during the COVID-19 pandemic and beyond: A practical guide*, 2020.

¹³⁵ ILO, *Teleworking arrangements during the COVID-19 crisis and beyond*, 2021.

¹³⁶ ILO and WHO, *Healthy and safe telework: Technical brief*, 2021.

¹³⁷ ILO, *An employers' guide on managing your workplace during COVID-19*, 2020; and ILO, *An employers' guide on working from home in response to the outbreak of COVID-19*, 2020.

consultation framework for the private sector that informed the strategy and action plan to promote collective bargaining, improve living and working conditions and enhance social peace in enterprises. Targeted interventions in Bangladesh, Ethiopia, Indonesia and the United Republic of Tanzania, among others, contributed to strengthening collective bargaining and dispute prevention and resolution systems.

- 181.** The ILO fostered knowledge-sharing among constituents on collective bargaining practices to prevent the spread of COVID-19 in the workplace and mitigate its economic and social impact. Collective bargaining helped foster resilience in the short term, as it facilitated the compromises required both to ensure business continuity and to save jobs and earnings. It was also instrumental in allowing workers' organizations and employers and their organizations to jointly address the risk of COVID-19 workplace contagion and ensure the continuity of key services through negotiated solutions, including the temporary reduction of working time.¹³⁸ The analysis of the activities of employer and business membership organizations carried out in 2021 has also demonstrated how social dialogue, including collective bargaining, was strengthened during the pandemic with collective agreements in some countries covering wage adjustments and short-time work.¹³⁹

3.1.4. Promoting workplaces that are safer, more secure and free from all forms of violence and harassment

- 182.** Informed by an ILO systems approach, OSH governance has been strengthened at the national and workplace levels in various countries, including Madagascar, Mexico and the Republic of Moldova. The knowledge base on prevailing OSH deficits was improved in several countries and baseline assessments focused on agriculture, fishing and mining and targeted workers at risk of COVID-19 or other risks aggravated by the pandemic (Indonesia and Philippines). Through ILO assistance, including under the ILO Flagship Programme on Safety+Health for All, more than 1,200 workplaces developed COVID-19 action plans in Indonesia; over 900 factories in Bangladesh, Cambodia, Indonesia, Lao People's Democratic Republic, Madagascar and Viet Nam enhanced their compliance with national guidelines and directives on COVID-19; and an estimated 4.3 million workers, together with their families and communities, benefited from enhanced awareness of COVID-19 prevention and protection measures. Through OSH policies and programmes, conducive legal and policy frameworks were developed in Cambodia, Colombia, India and Nepal. With OSH gaining prominence and containment of the spread of COVID-19 becoming the utmost priority for the world at large, technical assistance was intensified to facilitate a safe return to work, notably in high-risk sectors. Through social dialogue and cooperation at the national, sectoral and enterprise levels, OSH protocols and guidelines were tailored to prevent or address occupational hazards, including chemical hazards and ergonomic and psychosocial risks. Joint worker-management OSH committees were established in textile factories in Ethiopia and a system was put in place to record accidents; OSH committees were established at the workplace level in Nepal; and safety training organizations received assistance and were accredited to deliver COVID-19 training to 10,000 micro, small and medium-sized enterprises in the Philippines. The ILO also developed a guide on OSH in times of COVID-19 for

¹³⁸ ILO, "Employers and workers negotiating measures to prevent the spread of COVID-19, protect livelihoods and support recovery: A review of practice", ILO brief, July 2020.

¹³⁹ ILO, *Leading business in times of Covid crisis: Analysis of the activities of employer and business membership organizations in the COVID-19 pandemic and what comes next*, 2021.

the domestic work sector¹⁴⁰ and a tool for supporting street vendors in the informal economy.¹⁴¹ In addition, guidance on OSH measures for health workers and occupational health services in the context of the COVID-19 pandemic¹⁴² was produced and a checklist of measures to be taken in health facilities¹⁴³ was developed in collaboration with the WHO.

- 183.** The elevation of a safe and healthy working environment as a fundamental principle and right at work and the recognition of Conventions Nos 155 and 187 as fundamental Conventions marked a milestone in the creation of a global culture of prevention, leading to calls for the active participation of constituents in adopting policies and measures for the prevention of occupational injuries, diseases and death. A safe and healthy working environment requires that all working conditions and the different interactions in the workplace are taken into account for the protection of workers against sickness, disease and injury arising out of employment.¹⁴⁴ Guided by the recommendations of the Standards Review Mechanism Tripartite Working Group and the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, OSH has taken a central role in ILO's standard-setting agenda with new standards being considered that focus on the protection of workers from biological, chemical and ergonomic hazards. In addition, the Governing Body noted the importance of monitoring progress in relation to the ratification of the Safety and Health in Mines Convention, 1995 (No. 176).¹⁴⁵ Building on the study on gender equality in the mining sector¹⁴⁶ and in partnership with the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development, particular attention was also paid to women, and a gender-disaggregated profile of workers in large-scale mining and its supply chain was produced. ILO sectoral codes of practice on safety and health provide comprehensive and practical advice to eliminate, reduce and control all major hazards and risks at the sectoral level. In addition, in 2022, the ILO constituents adopted sectoral codes of practice on safety and health in construction, and in textiles, clothing, leather and footwear.¹⁴⁷
- 184.** The prevention and elimination of violence and harassment has taken on increasing importance in the world of work since the adoption of the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019. ILO research, tools and guidance – including a dedicated [portal](#) and [interactive guide](#) – together with dedicated training programmes organized in collaboration with the International Training Centre of the ILO, have been made available to support constituents in understanding the scope of the instruments and in achieving progress towards ratification and implementation. To this end, the Office provided technical assistance at the country level, including by supporting constituents undertaking pre-ratification reviews of national laws and practice and facilitating measures to overcome identified gaps. A communication campaign tailored to global, regional and country-level audiences was also successfully launched. To support this campaign, the ILO entered into a partnership with Lloyd's Register Foundation and Gallup and produced a global survey that, for the very first time, shed

¹⁴⁰ ILO, *Guidance on occupational safety and health for domestic workers and employers to prevent and mitigate COVID-19*, 2022.

¹⁴¹ ILO, *Prevention and mitigation of COVID-19 in the informal economy through safety and health: An action-oriented tool for supporting street and market vendors*, 2021.

¹⁴² ILO and WHO, *COVID-19: Occupational health and safety for health workers*, 2021.

¹⁴³ ILO, "COVID-19 and health facilities: Checklist of measures to be taken in health facilities", 2020.

¹⁴⁴ ILO, *Issues relating to the inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work*, GB.344/INS/6, 2022.

¹⁴⁵ ILO, *Minutes of 334th Session of the Governing Body of the International Labour Office*, GB.334/PV, 2018, para. 761.

¹⁴⁶ ILO, *Women in mining: Towards gender equality*, 2021.

¹⁴⁷ ILO, *Safety and health in construction. ILO code of practice*, 2022; and ILO, *Safety and health in textiles, clothing, leather and footwear*, 2022.

light on human experiences of violence and harassment at work across the world.¹⁴⁸ The survey provides an initial measure of the prevalence and frequency of violence and harassment at work, including its main forms, and of the issues people face in disclosing their experiences. The Office also provided support towards strengthening the capacity of the social partners at the country and sectoral levels to design and implement effective measures to prevent and address violence and harassment at work. For instance, the ILO developed a model of how to prevent violence and harassment in domestic work, which was piloted in Argentina. In Indonesia, the social partners in the palm oil sector concluded a collective bargaining agreement that includes clauses on prevention of violence and harassment against women at work. In South Africa, the ILO facilitated support for the drafting of the Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace and provided technical inputs and comments on the draft code, which was approved and became effective in March 2022.

3.1.5. Extending maternity protection and the provision of care services

- 185.** The transformative agenda for gender equality, non-discrimination and inclusion was prioritized at the ILO through the Women at Work Centenary Initiative and in response to the socio-economic repercussions of the pandemic. During the period under review, ILO assistance focused on gender-responsive policy measures and institutions and on building the institutional capacities of employers' and workers' organizations to advocate the protection and inclusion of all workers, including those at greater risk and those disproportionately affected because they are excluded, marginalized or discriminated against because of who they are or where they work.
- 186.** To mark the 100-year anniversary of the adoption of the Maternity Protection Convention, 1919 (No. 3), and to renew the commitment to making maternity protection a reality for all women, an inter-agency policy dialogue on the theme of "[Transforming leave and care policies for all](#)" was organized in November 2019. The policy dialogue called for efforts to ramp up ratifications and the effective implementation of international labour standards on maternity protection and underscored the benefits of universal social protection and, in particular, inclusive and adequate maternity protection and care policies for women, men and their families, employers and societies. The conclusions concerning the second recurrent discussion on social protection (social security), adopted by the International Labour Conference at its 109th Session (2021), called on Members to ensure that social protection systems address gender-related risk over the life cycle, and to promote gender equality, including by care credits in social insurance and by fostering income security during maternity, paternity and parental leave.¹⁴⁹
- 187.** Within this context, a range of knowledge products was produced on the care economy. The global dimension of unpaid and paid care work and its relationship with the changing world of work was unpacked in a 2018 report on care work and care jobs, which was instrumental in setting out the 5R Framework for Decent Care Work.¹⁵⁰ In 2022, one report presented a legal review of care leave laws and policies on care services in 185 countries,¹⁵¹ and another confirmed that investments in the care economy must be accompanied by the promotion of decent working conditions for young and older workers.¹⁵² The Global Care Policy Portal covers over 60 legal and

¹⁴⁸ ILO and Lloyd's Register Foundation, *Joint report: Experiences of violence and harassment at work: A global first survey*, 2022.

¹⁴⁹ ILO, *Conclusions concerning the second recurrent discussion on social protection (social security)*, International Labour Conference, 109th Session, 2021.

¹⁵⁰ ILO, *Care work and care jobs for the future of decent work*, 2018.

¹⁵¹ ILO, *Care at work: Investing in care leave and services for a more gender equal world of work*, 2022.

¹⁵² ILO, *Global Employment Trends for Youth 2022: Investing in transforming futures for young people*, 2022.

statistical indicators on maternity leave, paternity leave, parental leave, health protection, breastfeeding work arrangements, childcare and long-term care services. It also offers an online simulator and a modelling tool to support constituents in building tailor-made care policy packages and estimating public investment requirements and related benefits, such as job generation, reduction in gender employment gaps and wage gaps and returns on investment. A 2019 report on the social construction of migrant care work further highlighted the need for effective and coordinated policies to help improve labour migration governance for healthcare workers and address the decent work deficits of care workers.¹⁵³

188. In several countries, the constituents were equipped to design and implement legislative and policy reforms to assess the care needs of target populations and to build the fiscal, regulatory and technical capacity to design, finance and implement inclusive care policies. For example, in Jordan, the social security law was amended to permit the use of part of the reserves of the maternity insurance programme to cover the costs of childcare for working mothers. Furthermore, a transformative programme aimed at providing quality services and to promote decent work and gender equality in the care economy was adopted in Senegal. However, work with the constituents at the national level was constrained by the onset of the pandemic. While considerable results were achieved within countries, such as Argentina, that had already begun the work of integrating investments in the care economy into their national agendas, the restrictions on travel inhibited capacity-building efforts and the provision of direct technical assistance to others. Furthermore, the challenge of advancing complex policy issues with implications for public budgets in times of crisis affected progress in this area in 2020–21. In 2022, the Conference discussed the General Survey on securing decent work for nursing personnel and domestic workers¹⁵⁴ and will include in 2024 an agenda item on decent work and the care economy. The ILO is an active member of both the Generation Equality Action Coalition on economic justice and rights and the Global Alliance for Care, which are global initiatives aimed at elevating gender equality in the world of work. It is playing a leading role in the development and implementation of the road map on promoting decent work in the care economy under the Global Accelerator and Jobs and Social Protection for Just Transitions.

3.1.6. Enhancing enforcement and compliance mechanisms

189. The Office supported Member States in the formulation of labour inspection policies for more effective, inclusive and accountable institutions. For example, in the Balkan States, support was provided with a view to strengthening inter-institutional collaboration. Guatemala benefited from ILO assistance to develop and implement strategies to address changing work patterns, in particular the increased use of telework. In Madagascar, the capacities of the labour inspectorate were strengthened to better address COVID-19 through adequate inspection tools. In the Republic of Moldova, support was provided to align the mandate of the labour inspectorate with the requirements of the Labour Inspection Convention, 1947 (No. 81). Labour inspectorates were also supported in improving their effectiveness through the formulation of strategic compliance plans and strategic sectoral plans at the provincial (Indonesia) and national (Philippines) levels. Electronic case management systems were developed or scaled up in several countries and the capacities of labour inspectors to enforce the fundamental principles and rights at work and rules

¹⁵³ Amelita King-Dejardin, *The social construction of migrant care work. At the intersection of care, migration and gender* (ILO, 2019).

¹⁵⁴ ILO, *Securing decent work for nursing personnel and domestic workers, key actors in the care economy*, International Labour Conference, 110th Session, 2022.

governing wages, working hours and recruitment practices were reinforced in more than 40 countries.

- 190.** Exogenous challenges faced by inspectorates, for example those related to new forms of work, coupled with endogenous problems, such as a lack of resources, combined with a context that required immediate action, have forced these institutions to reprioritize and they often opt not to respond to labour protection needs. The compliance ecosystem must be seen under a holistic lens, requiring coordinated action from labour administration, the social partners and judicial institutions. The engagement of actors responsible for areas such as education, health, manufacturing, migration and finance will also be required. Strategic approaches supported by the Office have followed this model, which aims to address the interrelated causes of non-compliance through evidence-based planning and cooperative action. At the same time, successful labour inspection systems require a mix of procedures, resources, capabilities and an enabling legal framework that extends the mandate of labour inspection to all sectors, all workers and all labour law provisions. Recognition and use of the authority prerogatives as determined by Convention No. 81 and the Labour Inspection (Agriculture) Convention, 1969 (No. 129), including unannounced visits to workplaces without the need for prior consent, and the determination of measures for the timely and effective protection of workers while at work, are also crucial for effective inspection. The 2022 ILO *Guidelines on general principles of labour inspection* provide comprehensive policy advice on the successful operation of labour inspectorates.¹⁵⁵

3.2. Targeting groups of workers at high risk of being excluded from adequate protection, notably through discrimination and informality

- 191.** Workers who are excluded from labour protection, many of whom are over-represented in the informal economy, are subject to multiple and intersecting forms of discrimination on the basis of gender, race, ethnicity, health status and other grounds. They are confronted with persisting and systemic marginalization and exclusion and enter the labour market under conditions of vulnerability and a heightened risk of being subject to labour rights violations. The pandemic has also highlighted the vulnerabilities they face, emphasizing the necessity of ensuring that labour protection is inclusive, including through better-targeted and integrated approaches capable of challenging and redressing structural barriers impeding their equal opportunities, equal participation and equal treatment in the world of work.

3.2.1 Workers in the informal economy, including domestic workers

- 192.** Guided by the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), the ILO intensified its efforts to facilitate the transition to formality in order to ensure adequate and effective labour and social protection for all workers in more than 30 countries (such as Nepal, Mongolia, Senegal and Viet Nam). It extended assistance to constituents in order to support the development and implementation of integrated formalization strategies in Costa Rica, Côte d'Ivoire, Greece, North Macedonia, Senegal and Tajikistan. It facilitated knowledge-sharing across countries, including knowledge-sharing forums at the International Training Centre of the ILO, and produced policy resources on: the extension of social security to workers in the informal economy; new forms of informality; specific (predominantly female) groups of workers who often work informally such as home-based workers or domestic workers; the use of digital technologies to facilitate formalization; and the role of social dialogue in promoting formalization. At the global level, the ILO joined forces with the OECD to prepare a report on

¹⁵⁵ ILO, *Guidelines on general principles of labour inspection*, 2022.

tackling vulnerability in the informal economy¹⁵⁶ and is a member of the European Platform tackling undeclared work. The ILO also plays a leading role in the development and implementation of the road map for integrating informal workers into formal economies under the Global Accelerator on Jobs and Social Protection for Just Transitions.

- 193.** At the start of the pandemic, rapid assessments of the impact of COVID-19 on the informal economy were conducted with the objective of giving a voice to informal economy workers about their priority needs and providing guidance with respect to immediate and medium-term responses. The assessments involved the participation of governments, the social partners and informal economy organizations and provided insights on immediate responses in more than 15 countries and on efforts contributing to or reviving longer-term processes of formalization. The methodology has been extensively applied by international organizations such as the International Organization for Migration (IOM) in Iraq, the United Nations Population Fund and UN-Women in Jordan and the Office of the United Nations High Commissioner for Refugees (UNHCR) in Lebanon and Niger. Given how heavily informal workers were hit by the economic crisis that COVID-19 engendered, the ILO documented and amplified the voices of informal economy workers, highlighting their exacerbated vulnerabilities, their exclusion in many countries from most – if not all – government measures to mitigate the impact of the crisis (Burkina Faso, Côte d'Ivoire, Kenya and Togo) and the critical need to ensure that they not only benefit from but also contribute to the recovery. This led to an increase in government support for informal workers and their transition to formality (Nepal and Senegal). Special attention was paid to ensuring inclusive participatory processes: the ILO provided support to informal organizations and the social partners in order to reach informal economy workers and helped establish technical committees for monitoring assessments, promoting dissemination and raising awareness, involving all actors concerned.
- 194.** More than 80 per cent of the 75.6 million domestic workers worldwide are informally employed, with the share of informal employment among domestic workers twice that of other employees. Domestic work is often not covered or is inadequately covered in labour legislation and such legislation is often inadequately applied in practice. Although domestic work is not a new form of work, the fact that it takes place in private households has required new knowledge and innovative methods to enable labour market institutions to extend protection to these workers. Within this context, since the adoption of the Domestic Workers Convention (No. 189) and Recommendation (No. 201), 2011, and through knowledge-sharing among constituents and the documentation of good practices, the ILO has facilitated the development of policy resource packages across themes. These packages have contributed to the delivery of technical assistance in around 60 countries to formalize domestic work by extending labour and social protection (Mexico and Pakistan), strengthening the voice and representation of domestic workers and their employers (Argentina), building institutional capacity for legal implementation (Philippines) and, more recently, using behavioural science to promote compliance (Argentina and Zambia) and the fair recruitment of migrant domestic workers (Hong Kong, China). These efforts have contributed to a decrease by 16 percentage points of domestic workers who are fully excluded from labour laws since 2011.¹⁵⁷
- 195.** During the pandemic, the ILO conducted a mapping exercise of the impact of COVID-19 on domestic workers and of measures taken by governments and the social partners, in particular

¹⁵⁶ ILO and OECD, *Tackling Vulnerability in the Informal Economy*, 2019.

¹⁵⁷ ILO, *Making decent work a reality for domestic workers: Progress and prospects ten years after the adoption of the Domestic Workers Convention, 2011 (No. 189)*, 2021.

domestic workers' organizations, to come to their aid and, based on a rapid assessment methodology, produced data on the impact of COVID-19 on the jobs and incomes of domestic workers.¹⁵⁸ In some cases, taking urgent needs into account, domestic workers' organizations were equipped to meet the humanitarian needs of domestic workers, including through the provision of food and personal protective equipment and their removal from situations of violence and harassment (Sri Lanka). Organizations of employers of domestic workers and of domestic workers, where they existed, also jointly advocated the extension of emergency measures to protect domestic workers in order to ensure continued quality service in safe conditions (Italy). These emergency measures, such as income support and guidance on OSH standards, represented good practices to be replicated in times of crises in the future, in addition to underlining the pressing need to formalize their jobs in the longer term.

3.2.2. Migrant workers and refugees

- 196.** In line with the plan of action for 2018–22 giving effect to the conclusions concerning fair and effective labour migration governance adopted by the Conference at its 106th Session (2017),¹⁵⁹ the ILO produced: a compendium of practices containing policy solutions on protecting the rights of migrant workers in an irregular situation and addressing irregular labour migration;¹⁶⁰ a guide for policymakers and practitioners on extending social protection to migrant workers, refugees and their families;¹⁶¹ a report on access to housing for migrant workers in the ASEAN region recommending the provision of rights-based minimum housing standards;¹⁶² and a report on temporary labour migration.¹⁶³ The three editions of the global estimates on migrant workers¹⁶⁴ have been used by UN agencies, Member States and ILO-supported national statistical offices to implement the 2018 *Guidelines concerning statistics of international labour migration*,¹⁶⁵ leading to an ILO labour migration database covering over 124 countries. The ILO further assisted countries in implementing the ILO–World Bank data collection methodology on recruitment fees and costs, as joint custodians of Sustainable Development Goal indicator 10.7.1 (recruitment cost borne by employee as a proportion of monthly income earned in country of destination).
- 197.** The ILO significantly expanded its country-level assistance through enhanced development cooperation for migrant workers and refugees, including the Partnership for improving prospects for forcibly displaced persons and host communities (PROSPECTS partnership) funded by the Netherlands. Work at the country level has been informed by and has contributed to knowledge products and strategic initiatives carried out at the global level. Benefiting from ILO country assistance and through a large development cooperation portfolio, a number of Member States have developed or updated fair labour migration policies and legislation on specific issues, including the reintegration of migrant workers, standard employment contracts and zero worker-

¹⁵⁸ ILO, "Impact of the COVID-19 crisis on loss of jobs and hours among domestic workers", Fact sheet, June 2020; and ILO, "Beyond contagion or starvation: Giving domestic workers another way forward", Fact sheet, May 2020.

¹⁵⁹ ILO, *Matters arising out of the work of the 106th Session (2017) of the International Labour Conference: Follow-up to the resolution concerning fair and effective labour migration governance*, GB.331/INS/4/1(Rev.), 2017.

¹⁶⁰ ILO, *Protecting the rights of migrant workers in irregular situations and addressing irregular labour migration: A compendium*, 2021.

¹⁶¹ ILO, *Extending social protection to migrant workers, refugees and their families: A guide for policymakers and practitioners*, 2021.

¹⁶² ILO, *Home truths: Access to adequate housing for migrant workers in the ASEAN region*, 2022.

¹⁶³ ILO, *Temporary labour migration: Unpacking complexities – Synthesis Report*, 2022.

¹⁶⁴ ILO, *ILO Global Estimates on International Migrant Workers – Results and Methodology*, 2015; ILO, *ILO Global Estimates on International Migrant Workers – Results and Methodology – Second Edition*, 2018; and ILO, *ILO Global Estimates on International Migrant Workers – Results and Methodology – Third edition*, 2021.

¹⁶⁵ ILO, *Guidelines concerning statistics of international labour migration*, 20th International Conference of Labour Statisticians, 2018.

paid recruitment fees. With ILO support, Member States are taking measures to establish or strengthen institutional mechanisms to monitor the implementation of labour migration governance frameworks and to introduce non-discriminatory services to promote decent work for migrant workers, refugees and those displaced by crises. Five regional institutions revised their governance frameworks on labour migration or mobility and seven bilateral labour agreements were developed to improve the protection of migrant workers and others working abroad, in particular between countries in Asia and the Arab States. Partnerships with the IOM, the United Nations Development Programme and UN-Women have helped to strengthen synergies at the country level, and a partnership with the UNHCR has expanded the UN response in addressing the labour and employment dimension of the global refugee crisis.

- 198.** Operating in 30 countries, the Fair Recruitment Initiative contributes to the implementation of a major objective of the UN Global Compact for Safe, Orderly and Regular Migration and serves as the basis for the development of national policies, such as the 2022 Fair Recruitment Guidance for Temporary Migrant Workers in the United States of America, which intend to increase transparency and safeguard workers' rights. As part of the Fair Recruitment Initiative Strategy for 2021–25, the ILO jointly convenes the Global Forum for Responsible Recruitment with the IOM. Furthermore, it has organized the annual Global Media Competition on Labour Migration since 2015.
- 199.** Integrated services were directly provided to migrant workers. For example, in countries in Africa and Asia, the ILO provided support to public employment services and the social partners to facilitate migrants' integration in the labour market, promote fair recruitment, provide information prior to departure and on return, and establish migrant resource centres which offer information and services to mitigate the risks of recruitment abuses, irregular migration, exploitation, violence and abuse. At the start of the pandemic, ILO impact assessments helped obtain a better understanding of the specific constraints faced by stranded migrants or those returning to their home countries, and informed national action accordingly. To address gaps in protection, the ILO focused on the provision of direct services, including cash transfers, legal aid, shelter, job counselling and reintegration. These efforts reached over 400,000 migrant workers across ASEAN countries who were stranded, repatriated or forced to leave. Together with the UN Network on Migration, guidance was produced to inform UN responses to COVID-19, including to address the socio-economic consequences of COVID-19 and the nexus between COVID-19, climate change and labour migration. ILO research on the [impact of COVID-19 and the nexus between climate change and labour migration in South Asia](#) explored how internal and international migrant workers who moved or were displaced in the context of climate change have been affected by the pandemic.¹⁶⁶
- 200.** Labour migration has gained increased visibility at the global level. Through the UN Network on Migration and with the engagement of the social partners, the first UN global guidance for the rights-based design, implementation and monitoring of bilateral labour migration agreements was adopted in 2022.¹⁶⁷

3.2.3. Persons with disabilities

- 201.** Aligned with the UN Disability Inclusion Strategy, the ILO Disability and Inclusion Policy and Strategy for 2020–23 encapsulates the ILO's global commitment to effectively incorporate a

¹⁶⁶ ILO, *Impact of COVID-19 on nexus between climate change and labour migration in selected South Asian countries: An exploratory study*, 2021.

¹⁶⁷ UN Network on Migration, *Guidance on bilateral labour migration agreements*, 2022.

disability-inclusive approach in ILO research, policies and programmes. Private sector employment of persons with disabilities has continued to grow, supported by the Global Business and Disability Network, which includes multinational enterprises and more than 30 national business and disability networks. As a result of joint efforts by the China Business and Disability Network and the China Disabled Persons' Federation, China envisages the creation and promotion of a national job coaching system for persons with disabilities. At the same time, disability inclusion within workers' organizations (Brazil, Kenya and Uruguay) and employers' organizations (Colombia) has also seen an increase in recent years.

3.2.4. Persons living with HIV and AIDS

202. HIV prevention strategies and programmes have been implemented in a number of high HIV impact countries, integrating responses to address the repercussions of COVID-19, in addition to building the capacities of labour inspectors to assess HIV-related risks as part of routine factory inspections. For example, Botswana adopted a national strategic plan to reduce human rights-related barriers to HIV and tuberculosis services (2020–25), Eswatini adopted the National Workplace Wellness Policy which includes provisions for people living with HIV and AIDS, and a tripartite policy in the textile sector was adopted in Haiti to fight against HIV-related discrimination. Country-level work was complemented by a Gallup survey on HIV discrimination in the world of work, which provides an empirical basis for action by governments and employers' and workers' organizations to promote a healthy and safe working environment by tackling stigma and discrimination.¹⁶⁸

3.2.5. Workers in specific work arrangements

203. A 2016 global report highlights the opportunities and challenges associated with non-standard forms of employment as well as the policies needed to improve their quality.¹⁶⁹ At the outset of the pandemic, the Office drew attention to inequalities in labour protection resulting from workers' contractual status, highlighting that temporary or part-time workers do not have the same labour and social protection as other workers.¹⁷⁰ Job retention schemes during the pandemic with increased access for workers in non-standard forms of employment were also identified. As countries emerge from the crisis, existing regulatory frameworks should be amended to ensure equal treatment of workers regardless of their contractual status. A 2021 global report further emphasizes the difficulties faced by those who work from home, particularly women, whether industrial homeworkers or high-skilled teleworkers, in balancing work requirements with family responsibilities.¹⁷¹

204. During the period 2020–21, gender-responsive diagnoses of diverse forms of work arrangements, including work on digital platforms, were conducted and have identified possible measures to ensure effective labour protection (Plurinational State of Bolivia, Colombia and Ecuador). In 2022–23, the ILO is providing support to constituents in establishing national diagnoses, in developing and implementing policy measures to ensure the effective protection of workers in diverse forms of work arrangements, and in focusing on innovative labour protection measures in support of those hit hardest by the pandemic (Argentina, Morocco and North Macedonia). In addition, a diagnostic study to assess the incidence, forms and drivers of home work, as well as the decent work deficits

¹⁶⁸ ILO, *The ILO Global HIV Discrimination in the World of Work survey*, 2021.

¹⁶⁹ ILO, *Non-standard employment around the world: Understanding challenges, shaping prospects*, 2016.

¹⁷⁰ ILO, "A policy framework for tackling the economic and social impact of the COVID-19 crisis", Policy brief, May 2020.

¹⁷¹ ILO, *Working from home: From invisibility to decent work*, 2021.

of such a work arrangement, is being conducted in Eswatini which, once validated by the tripartite constituents, will inform policy recommendations.

- 205.** The rise of digitalization brings about opportunities and challenges to the world of work. While data collection and processing often respond to legitimate needs, including human resources management and OSH, they may also entail the risk of breaching workers' right to privacy, notably regarding their personal data, and require adequate governance. ILO interest in the protection of workers' personal data is not recent. However, new concerns have been raised in relation to the digitalization of the economy, including with regard to work on digital labour platforms and the digital monitoring of workers, which has been on the rise also with the prominence of telework since the onset of the pandemic. The *World Employment and Social Outlook 2021* flagship report explores how the contemporary platform economy is transforming the way work is organized, and analyses the impact of digital labour platforms on enterprises, workers and society as a whole.¹⁷² At the sectoral level, the technical meeting on the impact of digitalization in the finance sector, held in January 2022, highlighted the need for an adequate policy environment to reap the benefits of digitalization and considered measures to ensure that remote working and other work arrangements effectively enhance productivity and promote decent work.¹⁷³ The background report for the meeting of experts on decent work in the platform economy, held in October 2022, underlined the vastness and complexity of the sector and acknowledged the relevance of the topic to the contemporary world of work and ILO's leading role in defining pathways to ensure that all platform workers enjoy decent work, while maximizing the opportunities that this segment of the economy brings.¹⁷⁴ In addition, in response to the call made by Member States in the Centenary Declaration, the ILO has been developing research on the protection of workers' personal data to support the development of policy recommendations.¹⁷⁵

3.3. Conclusions that can be drawn from this chapter

- 206.** The systematic use of all of the ILO's means of action across its interventions has been instrumental in: addressing long-standing problems and responding to conjunctural issues, such as the COVID-19 crisis, that have a negative impact on access to labour protection by workers, notably the vulnerable ones; allowing for the comments of the ILO supervisory bodies to be taken into account, as appropriate; and facilitating interlinkages between policy work at the global and country levels, with knowledge products being informed by country-level interventions and country assistance, in turn, being guided by global research, tools and methodologies. Strategic partnerships with international and regional organizations were also key to advancing the labour protection agenda and placing it on the agenda of a number of global and regional platforms.

¹⁷² ILO, *World Employment and Social Outlook 2021: The role of digital labour platforms in transforming the world of work*, 2021.

¹⁷³ ILO, *Conclusions of the technical meeting on the impact of digitalization in the finance sector*, TMDFS/2022/8, 2022.

¹⁷⁴ ILO, *Decent work in the platform economy*.

¹⁷⁵ Frank Hendrickx, "Protection of workers' personal data: General principles", ILO Working Paper 62, 2022.

► Conclusions and the way forward

- 207.** A great deal has occurred in the field of labour protection since the first recurrent discussion in 2015, pointing to both continuity and discontinuity relative to past trends. There has been undeniable progress in all dimensions of labour protection, ranging from OSH to maternity protection. Nevertheless, advances have often been uneven and intermittent, and informality remains a stubborn problem, especially in developing economies. In 2020, the worst global health crisis of the past century broke out with a devastating social and economic fallout, especially in hard-hit sectors. The vulnerability of workers in informal and insecure forms of work and of those facing systemic discrimination became more visible. Ongoing geopolitical tensions, war and a cost-of-living crisis risk exacerbating these vulnerabilities and inequalities. The prospects for realizing labour protection for all depends on the extent to which these ongoing crises are accelerating or stalling progress attained thus far and affecting support for those most in need of such protection. The achievement of this objective also depends on the will and the policies implemented to achieve it.
- 208.** Affording adequate and inclusive labour protection for all has acquired greater visibility on the ILO's agenda as part of its efforts to advance human-centred development. It is an objective that is reflected in several high-level tripartite declarations and commitments that have been adopted by the Conference over the past years, as well in the ILO's programmatic work, as illustrated in the previous chapter. During the period in which COVID-19 hit hardest, the ILO showed vision, strategic thinking, agility and responsiveness in supporting its constituents in navigating exceptionally dire circumstances. A more strategic setting of the Conference agenda, combined with the careful sequencing of General Surveys and technical or expert meetings, has also resulted in more meaningful pathways to major outcomes, for example on OSH. Workers' protection and a just share of the fruit of progress are pillars of the ILO's comprehensive and integrated response to reducing and preventing inequalities in the world of work and of the related strategy adopted by the Governing Body in November 2022.¹⁷⁶
- 209.** Partnerships with UN organizations and other entities, including the WHO, the Equal Pay International Coalition, the OECD and the Lloyd's Register Foundation, have permitted the ILO to expand outreach, realize economies of scale and harmonize perspectives and approaches. Continued engagement with the G7, the G20 and BRICS (Brazil, the Russian Federation, India, China and South Africa) has also permitted the deepening of important policy dialogues and commitments on digital labour platforms, labour protection, formalization strategies, gender equality and disability inclusion in labour markets.
- 210.** In order to move forwards and deliver on the promise made in the 2030 Agenda for Sustainable Development to leave no one behind and the ILO's commitment to achieve social justice, consideration could be given to the policy areas set out below.
- *Generating formal and productive employment.* When the economy is unable to provide sufficient productive employment, unemployment increases and, in many countries, the informal economy thrives, bringing with it an absence or very low levels of protection at work. Enterprises with a low level of productivity are not able to offer decent wages and have more difficulty implementing safety and health measures and reducing excessive working hours. This

¹⁷⁶ ILO, *Follow-up to the resolution concerning inequalities and the world of work (2021): Comprehensive and integrated ILO strategy to reduce and prevent inequalities in the world of work*, GB.346/INS/5, 2022.

illustrates why protection at work cannot be detached from the creation of productive employment. A pro-employment and gender-responsive macroeconomic framework, including fiscal, monetary, industrial, sectoral and labour policies, effective active labour market policies and enabling regulatory environments are necessary for the generation of formal and productive jobs. The creation of an enabling environment for sustainable enterprises is of crucial importance, considering that such enterprises are the main source of jobs.

- *Advocating more investments in labour protection and bringing labour and social protection closer together.* Women and men at the lower end of the income distribution, in insecure forms of work or in the informal economy are typically among the hardest hit by social risks and crises. Many of these workers also face discrimination and stigma for being who they are. Overcoming these vulnerabilities to realize a human-centred development implies progressing simultaneously in terms of both labour protection and social protection, including by looking at specific sectoral needs and circumstances. While there has been wide endorsement of the goal of attaining universal social protection, a similar call has not been made yet for labour protection. However, both are equally vital and mutually reinforcing. Together, they increase the capacity to act upon both distribution and redistribution levers to reduce inequalities and adopt more effective measures to cope with external shocks. In addition, numerous positive interactions exist between the two dimensions of protection of workers. For example, preventing occupational injuries and diseases, and ensuring adequate earnings and decent working time reduces the pressure on social security systems and improves their financial sustainability. Greater attention may be paid to understanding which combinations of wage, social protection and fiscal policies may be more conducive to ensuring adequate, inclusive and sustainable protection to all workers in different labour markets and in different socio-economic circumstances.
- *Paying special attention to those most exposed to the exclusion from adequate protection.* An outstanding challenge is the delivery of labour protection for workers facing discrimination and disadvantage in the labour market. This includes women, young people, migrants, older people, indigenous and tribal peoples, persons living with HIV or affected by HIV or AIDS, persons with disabilities and some occupational groups such as domestic workers. Ensuring access to labour protection for these workers requires measures to address systematically their specific circumstances and needs across all dimensions of labour protection through mainstreamed and targeted interventions. Many of these workers are over-represented in the informal economy, which, more generally, includes those who, by definition, have no adequate protection. The transition from the informal to the formal economy is thus a condition for providing access to adequate protection for many in the world. The need to pay special attention to those who are especially vulnerable to the most serious deficits of protection is essential for ensuring that no one is left behind, in order to reverse deep-rooted inequalities and construct more equal and more just societies.
- *Providing adequate protection to all workers in all work arrangements.* A growing number of workers in wage employment are in diverse forms of work or contractual arrangements that are characterized by different levels of labour and social protection. At the same time, the heterogeneity of the self-employed has become increasingly apparent. This category of workers comprises persons who perform genuine entrepreneurial activities as well as persons who are in a situation of strong economic dependence relative to their principals. As a result, the distinction between dependent employment and self-employment has become increasingly blurred, leading to a growing number of cases where the classification of workers as self-employed has been questioned. While the Employment Relationship Recommendation, 2006 (No. 198), provides general guidance, there is no unanimity or single approach regarding this classification, which varies according to national legal framework and circumstances. As the

employment relationship remains the main gateway to labour and social protection, large numbers of workers falling into a “grey zone” are totally or partially deprived of both types of protection. Beyond these cases, there is a need to further explore which dimensions of labour protection can be extended to the self-employed and the modalities to ensure that the corresponding laws and regulations are effectively applied.

- *Moving the needle on OSH.* By recognizing OSH as a fundamental principle and right at work, the ILO has given a renewed impetus to its work in this area and to labour protection more generally. In fact, the mutually reinforcing links between a safe and healthy working environment and the other working conditions means that the full realization of a safe and healthy working environment will depend also on progress on the other dimension of labour protection, and vice versa. Efforts to address these factors should therefore be strengthened in OSH systems and regulations. This nexus needs to be reinforced in the development of relevant policies and programmes. An area of OSH that illustrates this is the prevention of violence and harassment, including that based on discrimination. To be successful, any prevention, support and remediation measures should pay particular attention to hazards and risks arising from discrimination, including abuse of power relations and gender, cultural and social norms, and from a lack of respect for the other fundamental principles and rights at work. The standard-setting processes on biological hazards, chemical hazards, ergonomics and manual handling, and the guarding of machinery that the Organization has embarked on will position the ILO more firmly as the leading international authority in this field, while substantial additional efforts will be required to achieve the universal ratification of the two fundamental Conventions relating to OSH, namely Conventions Nos 155 and 187, as well as to advance ratification of the other OSH standards. An emphasis on the revised global strategy on OSH could give new impetus to enhancing the inclusiveness and equity of labour protection.
- *Keeping first-rate attention on wage and working time.* Although some of the other dimensions of labour protection have garnered increased attention in the contemporary world of work, wages and working time – which were at the heart of the ILO’s work a century ago – remain two core dimensions of labour protection. In recent years, many countries have adopted or reformed minimum wages and other wage policies, such as public sector pay. The willingness to develop evidence-based wage setting mechanisms is growing. Paying a living wage in supply chains is becoming the object of increasing attention from multinational companies and giving rise to a large number of multi-stakeholder initiatives. The ILO should therefore strengthen its capacity to provide guidance and information on those wage issues. Working time is a complex policy area which has evolved significantly during the last decade and has led to substantive changes in constituents’ requests for assistance. These range from traditional requests concerning working hour limits, to requests concerning the nexus between hours of work and productivity, the regulation of overtime, and work-sharing and flexible work arrangements, including in the context of sustainable anti-crisis responses and, more recently, digital transformations. Some of these issues require national solutions, while others may demand global responses. In either case, the ILO – as the leading agency in this field – needs to be up to the job. This entails continued analytical and research work for well-informed policy advice and a technical presence in the field that is currently lacking.
- *Reaping the opportunities and minimizing the challenges of the digitalization of the economy for workers’ protection.* Digital technologies have led to new ways of producing, working and living. The platform economy is rapidly growing and represents an opportunity for job creation and the more flexible organization of production processes. It also generates challenges, on which views differ, for achieving adequate levels of labour and social protection for workers with a different status in employment. The utilization of digital technologies has also led to a massive expansion of the scope of monitoring and the gathering and processing of data. No doubt, if

adequately used, new devices can help employers promote a healthy and safe working environment and comply with their legal responsibility and obligations. However, they can also lead to severe intrusions into workers' private lives, biased decision-making and union busting. Digital technologies also allowed millions of workers to shift to telework during the COVID-19 crisis. For many, telework, in its hybrid form, has become the "new normal". Together with its many advantages, telework has also revealed some challenges, including the blurring of personal life and work and, in some cases, the lengthening of hours of work. This has generated an intense debate on what is often called "the right to disconnect". A general discussion by the Conference in 2025 (or a standard-setting double discussion in 2025–26) on decent work in the platform economy will provide further guidance to constituents and the Office in this regard. A standard-setting discussion might be complemented by a possible meeting of experts on the protection of workers' personal data in the digital era, further to a decision by the Governing Body in 2023. The development of more detailed guidance, whether normative or non-normative, on telework and hybrid forms of work could also be envisaged.

- *Tackling the undervaluation of care work.* The importance of the care economy to the functioning and resilience of workers and their families, enterprises, labour markets and societies has gained greater recognition over the past years. There is also increasing recognition that without decent care work there cannot be transformative gender equality, including more and better jobs for women. Care workers span the formal and informal economies and much care work is unpaid. The working conditions of care workers – despite their valuable social and economic contributions – tend to be poor quality and the gender pay gap stands at 20 per cent globally.¹⁷⁷ It was widely hoped that the lessons stemming from the COVID-19 pandemic would persuade policymakers to reverse decades of underinvestment in these essential sectors. Today's realities prove these hopes too optimistic in many countries. In moving forward, and as a contribution to the general discussion by the Conference in 2024 on decent work and the care economy, it may be important to tackle, as a matter of priority, the undervaluation of work in these sectors. This may be done through the regular collection and analysis of sector-specific wage and working conditions data, in collaboration with the WHO and other relevant UN agencies, and a focus on closing legal gaps, reducing over-reliance on temporary and on-demand contractual arrangements and advancing the formalization of jobs.

211. Delivery and progress in these eight policy areas will depend, among other things, on creating a supportive and enabling environment, including for:

- *Fostering tripartite and bipartite social dialogue as crucial mechanisms to ensure adequate labour protection.* Employers and workers must fully enjoy their right to freedom of association and the effective recognition of the right to collective bargaining as essential preconditions for social dialogue. Considering the significant transformations experienced by the world of work and, in accordance with the resolution and conclusions concerning the second recurrent discussion on social dialogue and tripartism adopted by the Conference in 2018,¹⁷⁸ new approaches and actions should be put in place to ensure that these fundamental principles and rights at work are effectively guaranteed to all workers, including those traditionally excluded from their enjoyment and those in new and emerging forms of employment. At the same time, strengthening the capacity of the tripartite constituents to engage in national social dialogues on labour protection and tripartite governance mechanisms should be pursued. The full development of collective bargaining at all appropriate levels in the public and private sectors

¹⁷⁷ ILO and WHO, *The gender pay gap in the health and care sector: a global analysis in the time of COVID-19*, 2022.

¹⁷⁸ ILO, *Resolution and conclusions concerning the second recurrent discussion on social dialogue and tripartism*, International Labour Conference, 107th Session, 2018.

alike and the expansion of collective agreements to all workers are notably a means to attain decent working conditions, a just share of the fruits of progress and equal pay for work of equal value.

- *Promoting the ratification and implementation of ILO fundamental Conventions and other relevant international labour standards.* The setting of international labour standards, and their promotion, ratification and application through concerted action by governments and representatives of employers and workers, lays the foundations of adequate workers' protection. While many standards have proven their continued relevance and impact, the ILO should ensure that its body of standards is well equipped to respond to new challenges and to foster policy coherence in a changing environment.
- *Developing cutting-edge knowledge responding to constituents' realities and needs.* In a rapidly evolving world of work, the delivery of the best possible services on labour protection issues depends on the Office's capacity to understand evolutions in the labour market for the purpose of keeping its knowledge base updated and to tap into constituents' experience. This is challenging in a context of budgetary constraints. Innovative ways must be devised that combine the regular upskilling of existing staff with the development of strategic partnerships with professional associations, academic institutions and others to realize economies of scale or share the cost of the production of cutting-edge knowledge, while adhering to the ILO's priorities and values.
- *Assessing policy and institutional impacts.* The benefits of decent working conditions for workers' well-being and dignity, productivity and business competitiveness are undisputed. However, it has proven difficult for the ILO to consistently document or measure how changes to laws or institutions or the introduction of new programmes, including capacity-building, have improved the daily life of workers. Admittedly, the effects of a new or revised law or policy take time to manifest. However, greater efforts are required to estimate their impact on workers' lives, in the short to medium term, and identify which other factors have contributed to certain results. This is key to assessing the soundness of the regulatory or institutional changes and informing further policy changes but is also crucial for the legitimacy of the ILO's action and for strengthening ties with development partners.
- *Increasing the reach of the ILO's actions by joining forces with other organizations of the multilateral system.* Building alliances and promoting cooperation with other organizations of the multilateral system helps to foster policy coherence, mobilize efforts and increase investment on labour protection. It also helps to address some of the root causes of exclusion from such protection, such as discrimination and informality, whose drivers are in part outside the world of work. A stronger ILO engagement in dialogue and initiatives related to workers' protection in the multilateral system would also help to achieve the Sustainable Development Goals, notably Goal 8 (Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all) and Goal 10 (Reduce inequality within and among countries). The Global Coalition for Social Justice will play a significant role in building such alliances and partnerships.