



FOR DECISION

THIRD ITEM ON THE AGENDA

Follow-up to resolutions adopted by the 95th Session (2006) of the International Labour Conference and other matters arising

Resolution concerning the employment relationship

1. At its 95th Session (June 2006), the International Labour Conference adopted the Employment Relationship Recommendation, 2006 (No. 198), and a resolution concerning the employment relationship. The text of the resolution is appended.
2. The resolution invites the Governing Body to instruct the Director-General to provide assistance to constituents in relation to monitoring and implementation, collecting and disseminating information, and undertaking comparative studies and surveys. This paper contains the Director-General's proposals on the effect to be given to the resolution.

Action by the ILO

3. As outlined in the resolution, the Office would carry out three main types of activity:
 - assisting constituents in monitoring and implementing mechanisms for the national policy as set out in the Recommendation concerning the employment relationship;
 - maintaining up to date information and undertaking comparative studies on changes in the patterns and structure of work around the world; and
 - carrying out surveys of the legal systems of member States to ascertain the criteria used at the national level to determine the existence of an employment relationship and making those results available to member States.

These activities are intended to strengthen further the knowledge base developed during the preparatory phase of the standard-setting process and to improve the quality and availability of indicators, statistics and information on which national policies are based, and would be undertaken within existing resources.

4. At the request of member States, the Office would also provide technical advisory services regarding implementation of other provisions of the Recommendation, notably with regard to the development of a national policy and determination of the existence of an employment relationship. The Office would also seek funding for technical cooperation to

assist those member States that expressed their intention to align their national policy, law and practice more fully with the Recommendation.

5. In order to encourage the systematic exchange of information among member States foreseen in Paragraph 22 of the Recommendation, and to make available the guidance suggested in paragraphs 2(c) and 3 of the resolution, in 2008-09, it is proposed that the Office seek funding to conduct regional or subregional workshops, followed by a meeting of experts to:

- review developments at the national level in selected member States in implementing the Recommendation;
- examine recent changes in labour market structure and labour legislation which would shed light on future trends; and
- collect examples of good practices in developing national approaches with regard to the employment relationship.

Dissemination of the results of these meetings would strengthen the capacity of governments and the social partners to formulate and apply national policies and, if necessary, clarify and adapt the scope of relevant laws and regulations to give effective protection to workers who perform work in the context of an employment relationship, as provided for in the Recommendation.

6. Given the importance of a sound employment relationship to the realization of the Decent Work Agenda, follow-up to the resolution should be carried out in an integrated manner involving the collaboration of all Sectors and other relevant units, both at headquarters and in the field, including the Turin Centre. Consultations are currently being held to clarify the objectives, operational modalities and potential contributions of the four Sectors in implementing the resolution and to promote the Recommendation regarding the employment relationship. It is expected that further proposals for follow-up action will be included in the programme and budget for the coming biennium. Additional resources will be required to meet the growing demand for technical assistance in this field.

7. *The Governing Body may wish to request the Director-General:*

- (a) to circulate the text of the resolution in the usual way to the governments of member States, and through them to the national employers' and workers' organizations;***
- (b) in doing so, to request the governments and social partners concerned to provide information to the Office on the current position of law and practice in their country with regard to the employment relationship and the extent to which effect has been given or is proposed to be given to the provisions of the Employment Relationship Recommendation, 2006 (No. 198);***
- (c) to seek extra-budgetary resources in 2006-07 to provide immediate follow-up to the resolution concerning the employment relationship; and***
- (d) to take the resolution into account when preparing the Programme and Budget proposals for 2008-09.***

Geneva, 3 October 2006.

Point for decision: Paragraph 7.

Appendix

Resolution concerning the employment relationship

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 95th Session, and

Having adopted the Recommendation concerning the employment relationship,

Noting that Paragraphs 19, 20, 21 and 22 recommend that Members should establish and maintain monitoring and implementing mechanisms, and

Noting that the work of the International Labour Office helps all ILO constituents better to understand and address difficulties encountered by workers in certain employment relationships,

Invites the Governing Body of the International Labour Office to instruct the Director-General to:

1. Assist constituents in monitoring and implementing mechanisms for the national policy as set out in the Recommendation concerning the employment relationship;

2. Maintain up-to-date information and undertake comparative studies on changes in the patterns and structure of work in the world in order to:

- (a) improve the quality of information on and understanding of employment relationships and related issues;
- (b) help its constituents better to understand and assess these phenomena and adopt appropriate measures for the protection of workers; and
- (c) promote good practices at the national and international levels concerning the determination and use of employment relationships;

3. Undertake surveys of legal systems of Members to ascertain what criteria are used nationally to determine the existence of an employment relationship and make the results available to Members to guide them, where this need exists, in developing their own national approach to the issue.