



► Record of Proceedings

7A

International Labour Conference – 112th Session, Geneva, 2024

Date: 13 June 2024

Outcome of the Recurrent Discussion Committee on Fundamental Principles and Rights at Work

Proposed resolution and conclusions submitted to the Conference for adoption

This Record of Proceedings contains the text of the proposed resolution and conclusions submitted by the Committee to the Conference for adoption.

The Report of the Committee on its proceedings will be published in Record of Proceedings No. 7B after the closure of the session.

► Resolution concerning the third recurrent discussion on fundamental principles and rights at work

The General Conference of the International Labour Organization, meeting at its 112th Session, 2024,

Having undertaken a third recurrent discussion on fundamental principles and rights at work, in accordance with 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), and duly taking into account the ILO Declaration of Philadelphia (1944) and the ILO Centenary Declaration for the Future of Work (2019), to consider how the Organization should respond to the realities and needs of its Members,

1. Adopts the following conclusions which contain priorities for ILO action for the effective and universal respect, promotion and realization of fundamental principles and rights at work;
2. Invites the Governing Body of the International Labour Office to give due consideration to the conclusions and to guide the International Labour Office in giving effect to them; and
3. Requests the Director-General to:
 - (a) prepare a plan of action giving effect to the conclusions for consideration by the Governing Body at its 352nd Session in November 2024;
 - (b) communicate the conclusions to relevant international and regional organizations for their attention, including in the context of the Second World Summit for Social Development;
 - (c) take into account the conclusions when allocating resources within the existing programme and budget, preparing future programme and budget proposals, and mobilizing extrabudgetary resources; and
 - (d) keep the Governing Body informed of their implementation.

► Conclusions concerning the third recurrent discussion on fundamental principles and rights at work

I. Fundamental principles and rights at work are more needed and relevant than ever

1. Fundamental principles and rights at work (FPRW) are universal human rights and immutable in nature. They are inseparable, interrelated and mutually reinforcing. They are key to human dignity and well-being and to the foundation of inclusive and just societies. They are important for ensuring that economic and social progress advance together in the pursuit of social justice. FPRW are rights and enabling conditions that are necessary for the full realization of the strategic objectives of the International Labour Organization (ILO).
2. In line with the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022 (the 1998 Declaration), all Members, even if they have not ratified the fundamental Conventions, have an obligation, arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights that are the subject of these Conventions.
3. There has been some progress and new developments since 2017:
 - (a) At the national level, Member States have undertaken multiple legal reforms, policies and programmes to guarantee and protect freedom of association and the effective recognition of the right to collective bargaining, to combat child labour and forced labour, address discrimination in respect of employment and occupation, and implement occupational safety and health measures and systems. In addition, the number of ratifications of fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29) and their incorporation into national legal and policy frameworks has increased;
 - (b) At the international level, the right to a safe and healthy working environment was elevated in 2022 to a fifth category of FPRW, widening and strengthening international commitment to respect, promote and realize all FPRW, and the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) were considered as fundamental Conventions within the meaning of the 1998 Declaration. In 2020, the Worst Forms of Child Labour Convention, 1999 (No. 182) became the first ILO instrument to reach universal ratification. FPRW have been reflected in a number of new international labour standards, such as the Violence and Harassment Convention, 2019 (No. 190). References to FPRW in legal and policy frameworks have increased, including in trade and investment agreements, safeguard policies of international financial institutions, international and national framework agreements and due diligence legislation and initiatives;
 - (c) Employers' and workers' organizations, together with their members, have also taken important steps to advance FPRW.
4. At the same time, challenges remain.
5. We are far from achieving the universal ratification of fundamental Conventions and significant implementation gaps remain. According to ILO global estimates, child labour has increased in absolute terms to 160 million children, with 79 million in hazardous work; forced labour has

grown to 27.6 million; and annually, 3 million workers die related to occupational accidents or diseases. Gender labour force participation and pay gaps remain stuck at 25 percentage points and 19 per cent, respectively.

6. While statistics for the period 2000–2019 suggest an overall improvement in workplace safety, workers across the world continue to be exposed to unsafe and unhealthy working environments and certain risks have intensified, including heat stress and psychosocial risks.
7. Freedom of association and the effective recognition of the right to collective bargaining are severely threatened around the world. Certain categories of workers are excluded from the scope of labour policy, labour legislation and labour dispute resolution institutions.
8. Various emerging forms of work can offer both opportunities and risks. When providing decent work, they can be an avenue for workers and their families to escape poverty and enter the formal economy. When they do not provide decent work, or workers are misclassified, they can be insecure and pose challenges to the realization of FPRW.
9. Threats to and impairment of freedom of association and the effective recognition of the right to collective bargaining are exacerbating risks of child labour, forced labour, discrimination and hazardous working conditions.
10. Persistent informality continues to represent a major barrier to FPRW advancement, sustainable development and decent work.
11. Failures to protect and respect FPRW continue to be observed within supply chains. Disruptions of supply chains during recent crises have adversely affected the full realization of FPRW in some countries.
12. Inequalities and poverty are persistent challenges contributing to the failure to respect and realize FPRW. They were exacerbated by the COVID-19 pandemic, social and economic crises, conflicts and geopolitical instability, natural disasters and climate change.
13. Weak governance, erosion of the rule of law and civil liberties, restrictions on freedom of association and on the effective recognition of the right to collective bargaining, inadequate enabling environments for sustainable enterprises, inadequate regulation, under-resourced and ineffective labour administrations and inspectorates, and other relevant labour authorities, and ineffective labour migration governance, among other causes, have impeded progress to respect, promote and realize FPRW.
14. Demographic, environmental and digital transitions, including the rise of artificial intelligence and related technologies, are transforming the world of work, reinforcing the urgency of promoting the FPRW to address challenges and seize opportunities.
15. These complex developments create risks for, require renewed emphasis on, and reaffirm the importance of FPRW. FPRW provide a framework to navigate complex and turbulent times to prevent and manage future crises, especially crises in the world of work. This requires stronger policy and action for their respect, promotion and realization.

II. Strengthening action for the effective respect, promotion and realization of fundamental principles and rights at work

16. The respect for human rights, the rule of law, and democratic and fundamental freedoms are prerequisites for the full realization of FPRW. Responding to emerging challenges and realizing FPRW require political will, effective labour market governance and social dialogue. To strengthen action for the effective respect, promotion and realization of FPRW, including in

pursuit of the Sustainable Development Goals, governments, in consultation with the most representative employers' and workers' organizations, and taking account of national circumstances, should:

- (a) engage in tripartite social dialogue and take action to consolidate the progress made, stop reversals and address regulatory and implementation gaps;
- (b) seize the momentum generated by the recognition of a safe and healthy working environment as a fundamental principle and right at work to strengthen national laws and practices to accelerate progress to respect, promote and realize this principle and right;
- (c) give particular attention to freedom of association and the effective recognition of the right to collective bargaining, noting their particular importance to enable the attainment of the four strategic objectives, while ensuring balanced attention to all five categories;
- (d) take necessary steps to reduce informality in line with the ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204);
- (e) effectively incorporate FPRW into a just transition and into a human-centred approach when dealing with technological and demographic shifts, *inter alia*, that are transforming the world of work;
- (f) adopt policies to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all and create an enabling environment for sustainable enterprises, noting that business activity, investment and innovation are major drivers of productivity, inclusive growth and job creation;
- (g) continue efforts to advance the interrelated and mutually reinforcing nature of FPRW.

17. Areas of focus should include:

Strengthening governance

- (a) ratify and effectively implement all fundamental Conventions, including the Protocol of 2014 to Convention No. 29;
- (b) expand the coverage of labour laws, establish enabling regulatory frameworks, ensure effective enforcement and strengthen relevant institutions to uphold the rule of law, good governance, and protection and promotion of human rights;
- (c) build and strengthen the capacity of labour administration, labour dispute resolution and labour inspection systems, and provide appropriate human, technological and financial resources, to effectively implement, monitor and enforce national labour legislation and policies, with specific attention to working conditions and protection of workers;
- (d) ensure effective, independent, impartial and accessible judicial and non-judicial labour dispute prevention and resolution mechanisms for all, including grievance mechanisms;
- (e) enhance coherence between national public policies, including migration, employment, labour and social protection policies;
- (f) ensure an evidence-based approach to decision-making and monitor progress by building effective and transparent information systems, including databases and statistical systems;

Freedom of association and social dialogue, including collective bargaining

- (g) protect and promote respect of the right of freedom of association and the effective recognition of the right to collective bargaining in light of their particular importance to

enable the attainment of the four strategic objectives, notably social dialogue and tripartism;

- (h) strengthen the capacity of mechanisms and institutions for social dialogue to formulate policies to promote, respect and realize FPRW and their interconnectedness with ILO strategic objectives; and promote and engage in meaningful social dialogue in all its forms and at all levels to guide implementation, assess progress, and respond and adapt to complex and multiple challenges;

Formalization and sustainable enterprises

- (i) accelerate progress on the transition from the informal to the formal economy, based on the guidance provided in Recommendation No. 204 and on tripartism and social dialogue, to address some of the root causes of decent work deficits and advance an enabling environment for sustainable enterprises;
- (j) create an enabling environment for sustainable enterprises, including micro, small and medium-sized enterprises, which is conducive to realizing FPRW;
- (k) raise awareness of the central role of FPRW in productivity improvement, inclusive growth and job creation;
- (l) support the social and solidarity economy to prosper, innovate and create decent work;

Equality and inclusion

- (m) continue strengthening legal and policy frameworks to eliminate discrimination in employment and occupation for all workers and on all grounds protected by international labour and human rights standards, and ensure that their application is effective, regularly monitored and evaluated;
- (n) promote gender equality in pay and labour market participation, including through the implementation of equal pay for men and women for equal work or work of equal value, pay transparency measures, maternity protection, parental leave and measures to prevent and protect against gender-based violence and harassment;
- (o) adopt targeted measures for groups more at risk of serious deficits regarding FPRW, including persons belonging to one or more vulnerable groups or groups in situations of vulnerability facing exclusion and discrimination, often on multiple and intersecting grounds;
- (p) adapt national laws and policies to ensure adequate protection for all workers, in line with the ILO Centenary Declaration on the Future of Work (2019), ensuring respect for their fundamental rights;
- (q) meaningfully tackle poverty, insecurity and inequalities, as major drivers of FPRW deficits, including through adequate wages set through collective bargaining and adequate minimum wages, whether statutory or negotiated, and income support through social protection.

18. Governments should reaffirm their commitment to the respect, promotion and realization of FPRW. This would entail coherence among legal frameworks, policies, strategies and programmes, and the development of synergies aimed at realizing the FPRW and those aimed at implementing all strategic objectives of the ILO through which the Decent Work Agenda is expressed, namely employment, social protection, social dialogue and tripartism, and FPRW.

III. Priorities for ILO action

Thematic priorities

19. The ILO should focus on the following agreed priorities to promote FPRW, which now include a safe and healthy working environment, in support of its tripartite constituents based on national circumstances and needs:
- (a) informal economies with due attention to rural areas;
 - (b) enterprises and supply chains;
 - (c) situations of crisis and fragility;
 - (d) just transition towards environmentally sustainable economies and societies for all;
 - (e) the digital economy.

Means of action

20. The Office should update its integrated strategy on FPRW to balance its action across the five FPRW categories and address gaps in implementation, while being responsive to the needs of constituents and focusing its work on the following areas:

Standards-related action

- (a) intensify efforts to promote the universal ratification of the ten fundamental Conventions and the Protocol of 2014 to the Convention No. 29, in particular those that are least ratified, including by pursuing specific campaigns and providing technical advisory services to countries interested in ratification;
- (b) continue to provide technical advisory services, including gap analyses and trainings, to ILO constituents on the effective implementation of the above-mentioned instruments, guided by the ILO supervisory bodies and the annual follow-up to the 1998 Declaration;
- (c) enhance the potential of the annual follow-up to the 1998 Declaration, including through an improved use of the information gathered therein;
- (d) increase synergies among the ILO supervisory bodies, development cooperation, technical assistance and research, including by enhancing efforts to mainstream understanding of the functioning and outputs of the ILO supervisory mechanisms across the Organization, both in the field and in headquarters;

Enhanced research and capacity

- (e) continue to promote and conduct research, and develop tools, guidelines, statistical measurement methodologies, and associated training resources, for qualitative and quantitative data collection, including disaggregated data on discrimination and other under-addressed FPRW categories, and research on FPRW;
- (f) support national institutions to collect and analyse data on the status of FPRW and the characteristics of the populations affected to support evidence-based policy-making;
- (g) produce, in collaboration with Member States, global estimates on child labour and forced labour, and other FPRW issues as data permit, and based on international statistical standards and measurement practices;
- (h) increase the visibility and accessibility of ILO's data and research, including through global platforms such as the Forced Labour Observatory;

- (i) continue to undertake research and analysis on the intersection of FPRW and trade and investment;
- (j) continue to undertake research and data collection on workplace-related injuries, accidents, diseases and fatalities, and on emerging occupational health and safety risks, including psychosocial risks;
- (k) in the context of the ILO Social Dialogue Flagship Report, undertake research and collect good practices on the role of effective social dialogue in addressing challenges related to FPRW in support of the five thematic priorities;
- (l) examine the nature, causes and consequences of FPRW deficits and build the body of policy-based evidence on the role of the ILO decent work strategic objectives on the realization of FPRW and the social and economic impacts of FPRW at the country and global levels;
- (m) undertake research on the economic and social impact of informality, and in particular its impact on the realization of FPRW;
- (n) undertake action-oriented research on best practices to integrate respect for FPRW into the business of MSMEs and newly formalized enterprises, including through greater synergies between the work on FPRW and the SCORE programme;
- (o) undertake research and impact assessments on the challenges and opportunities of digitalization, including artificial intelligence in relation to FPRW, in line with the resolution and conclusions concerning the second recurrent discussion on labour protection (2023);

Strengthening capacity and knowledge-sharing

- (p) build the capacity of constituents, and other relevant national authorities, to develop and implement policies and programmes that support the realization of FPRW and to integrate these rights in policies related to the ILO's strategic objectives, including in collaboration with the International Training Centre in Turin;
- (q) conduct targeted capacity-building for employers' and workers' organizations with regard to all five FPRW, with a focus on retaining and expanding membership, providing services and engaging in effective social dialogue;
- (r) strengthen the ILO Helpdesk for Business on International Labour Standards, which is an important vehicle for assisting enterprises and tripartite constituents in their efforts to respect the principles of international labour standards, including FPRW, and promote the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, as amended in 2022, and the United Nations Guiding Principles on Business and Human Rights;
- (s) strengthen the ILO Global Business Network on Forced Labour, the ILO Global Business and Disability Network and the Child Labour Platform, and seek ways to ensure their sustainability;
- (t) encourage peer learning, information-sharing, cooperation and policy coherence within, and among, Member States, at the regional and international levels, including through the next Global Conference on the Elimination of Child Labour;
- (u) document and share good and innovative practices on FPRW;

Policy coherence and partnerships

- (v) promote policy coherence on FPRW:
 - (i) within the UN system and with multilateral organizations, development banks and international financial institutions;
 - (ii) in trade and investment policies and agreements, including through strengthened engagement with the World Trade Organization;
 - (iii) in decent work country programmes and UN sustainable development cooperation frameworks;
- (w) accelerate progress on FPRW through the Global Coalition for Social Justice, and leverage advocacy and cooperation through partnerships, such as:
 - (i) Alliance 8.7;
 - (ii) the Equal Pay International Coalition;
 - (iii) the relevant business initiatives such as the Child Labour Platform, the Global Business Network on Forced Labour and the Global Business and Disability Network;
 - (iv) the Global Accelerator on Jobs and Social Protection for Just Transitions;

Planning, mobilization and allocation of resources and development cooperation

- (x) ensure that technical assistance and development cooperation reflect the mutually reinforcing nature of FPRW and their interconnectedness with all ILO strategic objectives;
- (y) enhance support to governments to develop and implement domestic resource mobilization strategies;
- (z) mobilize resources for development cooperation at the country, regional and global levels, including by engaging with UN Resident Coordinator's Offices;
- (aa) explore innovative ways to more efficiently deliver technical assistance and development cooperation, including South-South and Triangular Cooperation, taking into consideration the diversity of circumstances of individual Member States;
- (ab) monitor and evaluate the impact of the support provided by the ILO to its constituents, with a view to improving the design and implementation of future activities;
- (ac) follow through on the direction of the resolution and conclusions concerning the second recurrent discussion on fundamental principles and rights at work (2017) to develop a plan of action for resource mobilization to support projects around target 8.8 of the Sustainable Development Goals to protect labour rights with a focus on freedom of association and the effective recognition of the right of collective bargaining.