

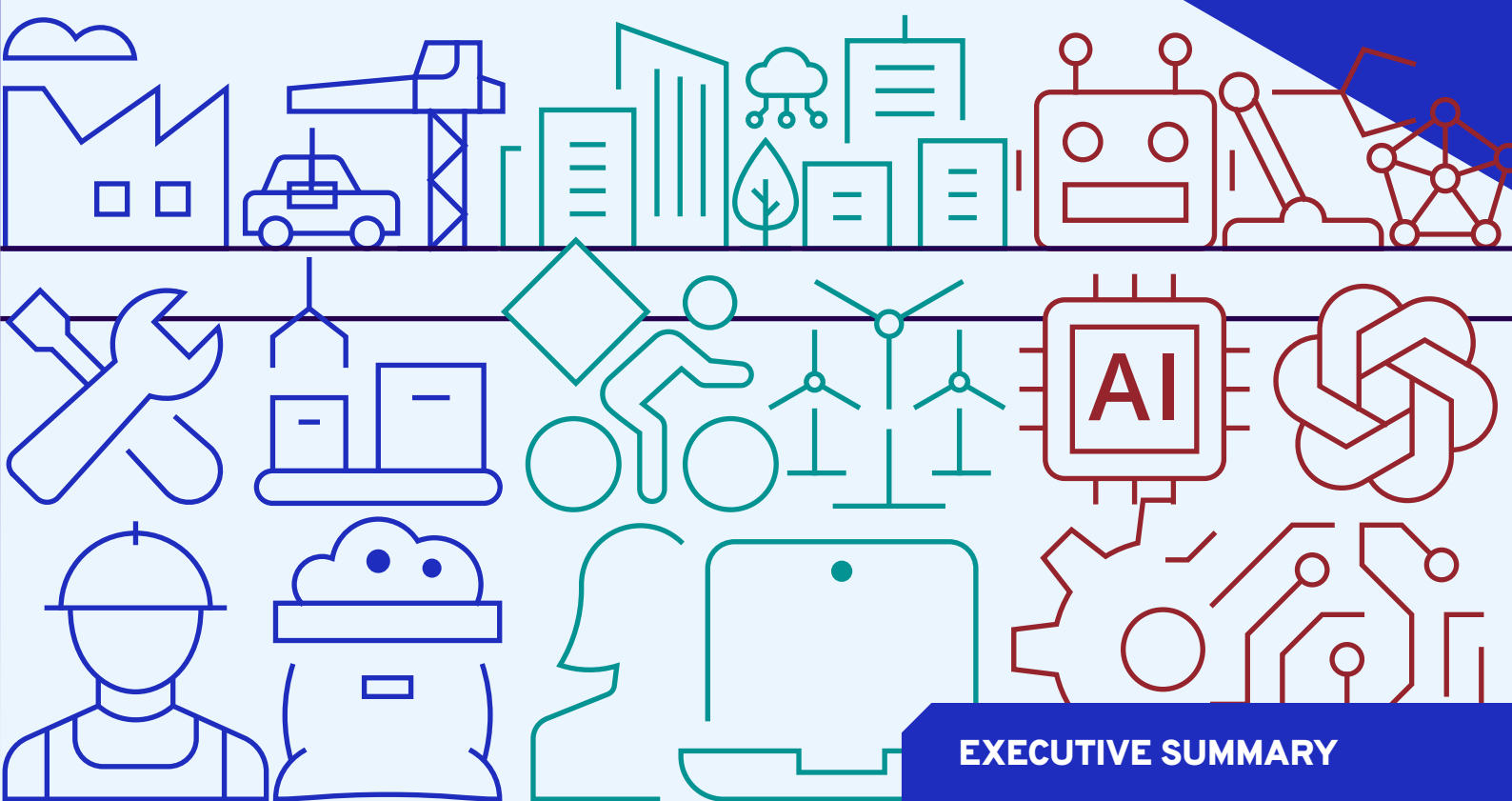


International
Labour
Organization

► ILC.112/Report III(B)

► Labour administration in a changing world of work

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EXECUTIVE SUMMARY

1. The Committee of Experts on the Application of Conventions and Recommendations (CEACR) is pleased to present this new General Survey, which examines the implementation of the Labour Administration Convention (No. 150) and Recommendation (No. 158), 1978.¹

2. This General Survey examines the law and practice of ILO Member States with respect to Convention No. 150 and Recommendation No. 158, analysing the impact of these instruments and their application, including challenges faced and ways to address them. It is based on the reports communicated by Member States under articles 19 and 22 of the ILO Constitution on the measures taken to give effect to the provisions of the Convention and Recommendation under examination, as well as on the observations submitted by organizations of employers and workers under article 23 of the ILO Constitution. The Committee has also taken into account its past comments on the application of Convention No. 150 and other available information on relevant national law and practice.

3. The Governing Body discussion on the choice of instruments in November 2021 emphasized that a General Survey on labour administration should provide a comprehensive overview of the impact that the COVID-19 crisis had on national systems of labour administration across the world and illustrate the central role these systems played, in consultation with the social partners, in managing the immediate response to the crisis and in planning and implementing the longer-term recovery. The General Survey would also show the centrality of administrations in ensuring a human-centred recovery that is rights-based, inclusive, sustainable and resilient.

4. The General Survey is structured around four Chapters: **Chapter 1** analyses the functions performed by the labour administration system according to the provisions of the Convention and the Recommendation. It also looks at the activities of labour administrations with regard to workers in the informal economy and in non-standard forms of employment. **Chapter 2** examines the structure of the labour administration system and the main bodies responsible for delivering labour administration activities, aspects of coordination within the system and with other public and private actors, and the human and financial resources available for the performance of labour administration functions. **Chapter 3** focuses on the role of labour administrations as a forum for contact, dialogue and negotiation and looks at the involvement of employers' and workers' organizations in the governance of labour, including through recourse to direct negotiations on the regulation of matters relating to labour policy. The **final Chapter** examines the environment that can contribute towards achieving the full potential of the instruments. It focuses on the analysis of the practical implementation of the UN principles of effective governance for sustainable development, the obstacles and challenges impeding or delaying the ratification of the instruments, and measures to improve their application through standards-related actions and technical cooperation.

5. By highlighting good practices in the application of the instruments by Member States, **this General Survey aims to increase knowledge of the content of the instruments, and of the framework that they provide for the functioning of effective and coordinated national labour administration systems.** The Survey provides an overview of the vast array of services provided by labour administrations and reflects on how these services have evolved with the changes in the world of work. Lastly, by exploring the opportunities and challenges that modern systems of governance are confronted with in ensuring effective administration of labour matters, **the Survey aims to highlight the full potential of labour administrations for achieving social justice and decent work.**

¹ Labour administration was the subject of a previous General Survey in 1997. ILO, [Labour Administration: General Survey on the Labour Administration Convention \(No. 150\) and Recommendation \(No. 158\), 1978](#), ILC.85/III(Part 1B), 1997.

► Chapter 1. Functions of the labour administration system

6. According to Convention No. 150 and Recommendation No. 158, labour administrations perform functions in relation to: (i) the preparation, administration, coordination, checking and review of national labour policies; (ii) the preparation, development, adoption, review and enforcement of labour standards, including relevant laws and regulations; (iii) labour relations; (iv) employment (including equal opportunities), vocational guidance and vocational training; (v) research into and study of conditions of work and employment; and (vi) international labour affairs. Other typical functions include those related to minimum wage fixing, social security, and occupational safety and health.

7. National labour policies are important tools for strengthening the governance of labour and for affirming the importance of labour matters within the broader government agenda. Owing to the difference in the scope and mandate of labour administrations around the world, Convention No. 150 and Recommendation No. 158 do not provide a definition of national labour policy, leaving it to States to give substance to the expression by encompassing matters that correspond to their own circumstances and reality. National labour policy is thus a flexible concept that can be formalized in many different ways, depending on the national situation. The General Survey shows that, while there are relatively few cases in which the labour ministry or its responsible government equivalent has drawn up and adopted a document that comprehensively sets out a national labour policy, there is a considerable amount of labour policy which has been built up over the years, and which the labour administration system implements and, where necessary, helps to review.

8. In the process of preparation of labour standards, consultations with the most representative organizations of employers and workers are essential to ensure that the interests of different stakeholders are taken into account. In addition, the General Survey indicates that the process of **enforcement of labour standards needs to adapt and modernize to cope with the changes in the world of work**, including through the use of information and communication technologies (ICT) and strategic compliance planning models. It is vital that these innovative working methods be accompanied by the provision of adequate human, material and financial resources to labour administrations.

9. Labour administration bodies have a catalytic role in ensuring ongoing monitoring, evaluation and adaptation of employment policies and in promoting inclusivity and equal opportunities in the labour market through specialized units and programmes aimed at supporting workers who are vulnerable to decent work deficits. The General Survey highlights that, while the formulation, implementation and review of employment policies can be entrusted to different bodies within the labour administration system, coordination and cooperation with other government institutions and with social partners are essential to ensure that employment measures meet the needs of the labour market and are able to respond to crisis situations. The availability of statistical data allows the results of employment policies to be examined and evaluated, and the monitoring of progress towards full, productive and freely chosen employment. Free public employment services should be incorporated in the labour administration systems. The Survey notes that while public-private partnerships in the administration of employment services can potentially prove beneficial, it is important to ensure transparency in the engagement of private employment agencies and a clear distinction between the roles, responsibilities and scope of action of both public and private partners involved.

10. Efficient and coordinated labour administrations are key to support consultations and collective bargaining, particularly in the context of recovery from the COVID-19 pandemic and in facing other socio-economic crises. Labour administration activities in the field of labour relations aim to encourage sound relations between employers and workers by establishing a framework in which the parties can interact effectively. The General Survey

highlights that the adoption of measures by labour administrations to promote social dialogue, both bipartite and tripartite, respecting the principles of freedom of association and collective bargaining, can also provide countries with the institutional means to ensure a human-centred recovery. At the same time, the General Survey shows that the growing diversity of work arrangements, informality, the decrease in union membership and an increasingly diverse union membership, challenge the coverage and effectiveness of traditional industrial relations systems. Labour administrations are required to adapt and redesign their policies in order to ensure that their services cover all categories of workers and adequately address their specific needs with respect to collective labour relations.

11. Research activities including data collection and fact-finding are fundamental to the functioning of the labour administration in meeting its objectives. The use of ICT can greatly assist in the collection and processing of information and in generating statistical data which can be used in policymaking. Information technology can also significantly improve the dissemination of information on labour matters, making it possible to reach larger parts of the population. The General Survey emphasizes that ministries of labour and other agencies involved in research and studies on labour matters should have the necessary financial, human and technical resources, including statistical, research and planning services, to make correct diagnoses and to contribute effectively to the formulation of clear policy options.

12. In a world of work that is increasingly interconnected and with many labour issues transcending national borders, functions in relation to international labour affairs have become progressively more important. Given the emphasis placed on the need for greater multilateral cooperation and policy coherence in the efforts to forge a broad Global Coalition for Social Justice, labour administrations play a crucial role in making decent work a priority at the international and regional levels. In this respect, the General Survey highlights the importance of ensuring that, to the extent compatible with national laws and regulations and national practice, labour administrations have the capacities and mandate to contribute to the preparation of national policy relating to international labour affairs.

13. The extension of labour administration activities to workers in the informal economy and workers employed under non-standard forms of employment, including digital platform workers, is necessary if labour administration is to be more viable, meaningful and credible. Ministries of labour have a critical role to play in addressing the decent work deficits associated with these forms of employment. They can and should act by adapting regulations and policies to extend their coverage to all workers and by ensuring the effective functioning of labour administration structures which are responsible for the application of labour laws and regulations. The General Survey shows that in certain countries, labour administrations have taken actions and their structures have been adapted to progressively extend their services to workers in the informal economy and in non-standard forms of employment. While noting the flexibility offered by Convention No. 150, the Survey indicates the need for strong political commitment in order to design strategic policies and approaches for targeting the most vulnerable groups and for channelling adequate financial and human resources to promote the transition from the informal to the formal economy.

14. In dealing with some of the challenges related to labour migration and global supply chains, labour administrations are called upon to adopt policies and measures that can effectively address decent work deficits and human rights abuses. Labour administrations should coordinate and consult with social partners and other stakeholders in order to establish integrated approaches for the inclusion of migrant workers in national social protection responses. With regard to global supply chains, the General Survey highlights that, in order to close the regulatory and enforcement gap, labour administrations need to promote effective governance based on the primary role of the State to ensure the enforcement of legislation and observance of fundamental principles and rights at work, while ensuring coordination of functions and responsibilities with all actors involved.

► Chapter 2. Organization and structure of the labour administration system

15. The Convention and the Recommendation leave ample room for different organizational structures to be put in place, and they provide for the labour administration system to maintain coordination of the functions and responsibilities of the bodies operating under various arrangements. **The diverse array of structural architectures adopted by ministries of labour reflect the socio-economic and political contexts within which these institutions operate.**

16. **The COVID-19 pandemic highlighted the importance of an effective and coordinated labour administration system in order to build a solid response to the challenges posed by crisis situations.** During the pandemic, many governments activated and set up arrangements to facilitate inter-agency cooperation to manage the crisis. This took the form of memoranda of understanding, committees and task forces which were often of a multi-disciplinary nature and involved several ministries. The General Survey also highlights that labour administration was the forum to address the unprecedented need for trust among the actors in the world of work that was created by the pandemic. Existing and ad-hoc social dialogue mechanisms helped to shape government responses in the short and long term. Moving forward, the Survey emphasizes the importance for governments to evaluate, in consultation with the social partners, the systemic response of labour administrations during the emergency and to draw lessons learned in terms of institutional preparedness for future crises.

17. **With regard to digitalization, labour administrations have an important role to play in the preparation and implementation of the policies and regulatory framework that govern the changing nature of work due to technological advances.** The General Survey shows that the impact of digitalization on labour administrations is twofold. On the one hand, it is an important tool that shapes the way modern labour administrations perform their work and design their structure and service delivery; on the other hand, it expands the scope of the governance of labour to embrace changes in the world of work. The Survey also emphasizes the importance of ensuring that digitalization policies and strategies are commensurate with the human and material resources allocated for their implementation, taking into consideration national conditions.

18. **While public-private partnerships can be an efficient support for the delivery of certain labour administration services, labour administration should maintain coordination and control of these initiatives.** In addition, the most representative organizations of employers and workers should be involved and consulted in the design and application of these partnerships. The General Survey emphasizes that these initiatives are meant to supplement and not substitute for the role of governments, collective bargaining and industrial relations in the governance of labour.

19. **The persistent lack of financial and material resources continues to be a challenge for many labour administrations, particularly but not exclusively in developing countries.** The General Survey highlights that in many countries, the percentage of the state budget allocated to the governance of labour is less than one percent. The Survey also indicates that it is essential for governments to take measures to ensure comprehensive training programmes, filling of vacant positions, and conditions of service which are commensurate with levels of responsibility, and comparable in pay as well as supporting resources to those of other public servants performing similar functions. Staff stability can have beneficial effects on policy development and continuity and therefore impact the overall efficiency of the labour administration system.

► Chapter 3. Participation by employers, workers and their organizations in the system of labour administration

20. Tripartite consultations provide opportunities for workers and employers to be heard and to participate in policy formulation. The social partners can provide valuable insights and input to labour administration in the development of policies and strategies relating to areas such as employment, working conditions, social protection, and occupational safety and health. **Labour administration is a key instrument for the participation of the social partners in the governance of labour, and is a forum for contact, dialogue and negotiations among the parties.** This participation can occur both through consultations within a body established in law with a mandate to put forward views and through non-institutionalized mechanisms. Social partners can also participate in managing certain labour administration activities, thus playing an active role in the implementation of national labour policy. Freedom of association and the effective recognition of the right to collective bargaining are the basis for these participatory mechanisms to work effectively.

21. Opening mechanisms for tripartite social dialogue to non-governmental organizations can enhance the governance process, by providing added value in terms of expertise and knowledge and allowing all potentially affected groups to be involved in policymaking and in formulating solutions. The General Survey shows that in recent years non-governmental organizations have been involved in multi-stakeholder initiatives where they play an active role in the design and implementation of standards and a variety of reporting, auditing, monitoring, verification and certification systems. In addition, the participation of civil society groups in consultative bodies or the existence of informal consultation mechanisms operating within the ambit of labour administration are quite common. Civil society engagement in the governance of labour should accompany but not replace labour administration mechanisms based on social dialogue, involving workers' and employers' organizations.

► Chapter 4. Labour administration as a catalyst of good governance and sustainable development

22. The General Survey underlines the importance of incorporating good governance in the administration of labour matters, as enshrined in the instruments and as elaborated in the 2018 UN Principles of effective governance for sustainable development, with a view to fulfilling the Sustainable Development Goal (SDG) 16, target 6, which seeks to promote the development of “effective, accountable and transparent institutions at all levels.” The General Survey identifies ways in which governments integrate the SDGs, and in particular SDG target 16.6, into national strategies, programmes or initiatives concerning labour administrations or the public administration in general.

23. Noting that in the past ten years the Convention has been ratified by only six countries, the General Survey highlights that the provisions of the Convention offer considerable flexibility to governments in designing a system that best responds to the national socio-economic context and to accommodate ongoing and future developments in the world of work. This flexibility has allowed the instruments to pass the test of time and to remain relevant for more than 40 years since their adoption. In addition, the Survey highlights how some of the key principles included in the Convention and the Recommendation, such as social dialogue, and cooperation and coordination among different actors, proved to be essential in mounting an effective response to crises, such as during the COVID-19 pandemic.

24. In order to ensure follow-up to General Survey findings, the Committee considers that the Office could prepare an action plan that can guide governments in identifying potential for strengthening labour administration at the national level, as part of its technical assistance. Such a plan could encompass a range of strategies and initiatives, in particular in the areas of labour regulation, enforcement and social dialogue, including through capacity-building for the actors in the labour administration system.

25. The Committee hopes that the General Survey will further contribute to the understanding of the scope and potential of the instruments and their continued relevance in the promotion of decent work. In this respect, it recalls the vital importance of labour administration and its services in ensuring the promotion and respect of fundamental principles and rights at work and for the creation of a conducive environment in which sustainable enterprises can operate.

