

Recurrent Item Discussion on Fundamental Principles and Rights at Work 2024

Fundamental principles and rights at work
at a critical crossroads

International Labour Conference
112th Session, 2024

Outline

- 
- **Background & Purpose**
 - **Report in brief**
 - **Points for discussion**
 - **Tentative Plan of Work**
 - **Additional information**

▶ Recurrent Item Discussion

▶ Background

- ▶ In follow up to the Declaration on FPRW (1998) and the Declaration on Social Justice for a Fair Globalization (2008)
- ▶ 3rd Recurrent Discussion on FPRW after 2012 and 2017 and two plans of action 2012 – 2016 and 2017 - 2023
- ▶ Amendment of the Declaration – addition of OSH (2022)
- ▶ 2030 Agenda for Sustainable Development
- ▶ World Social Summit (2025)

▶ Purpose

- ▶ Understand and discuss trends in respect of the FPRW and diverse realities and needs of ILO's Members
- ▶ Take stock of the results achieved and challenges faced by ILO's constituents, the Organization and the Office
- ▶ To inform programme, budget and other governance decisions and guide the Organization in promoting and realizing FPRW for the next five years.

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ILC.112/Report V: Fundamental principles and rights at work at a critical crossroads

- Chapter 1: Fundamental principles and rights at work: Situation and trends

Outlines key global developments and trends concerning FPRW since the last recurrent discussion in 2017

- Chapter 2: Policy actions to advance fundamental principles and rights at work

Reviews efforts by constituents and the Office to advance FPRW on the ground since 2017

- Chapter 3: Revitalizing action on FPRW

Discusses key priorities for revitalizing action on FPRW going forward.

ILC.112/Report V: Fundamental principles and rights at work at a critical crossroads

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- ▶ The last recurrent discussion on FPRW took place in 2017, following which the Governing Body adopted a plan of action for the period 2017–23.
 - ▶ The report is the **basis for assessing ILO action and determining future priorities.**
 - ▶ Acknowledgment of **FPRW** as **universal and inalienable human rights** to achieve social justice, as well as **enablers** for the other rights protected by the other **ILS**, and critical to the achieve the **SDGs** (5, 8, 10,16).
 - ▶ FPRW *mutually reinforcing nature*
 - ▶ FPRW “**momentum**”:
 - 2019 - C190: lack of enjoyment of FPRWs as root cause for violence and harassment;
 - SDGs and 2020 UN Call to Action for Human Rights
 - 2022: Amendment of the 1998 Declaration on FPRWs included OSH; Update of the 2008 Social Justice Declaration; Durban Call to Action
 - 2023: Global Coalition for Social Justice

Chapter 1: FPRW: Situation and trends

- ▶ Background & Purpose
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- ▶ Since the Covid-19 pandemic, **multiple and overlapping economic and political crises** have continued to constrain labour market recovery.
- ▶ **Deterioration in the rule of law** and in **respect for civil liberties and human rights** have undermined the realization of all FPRW in some countries.
- ▶ Longer-term **structural trends** in the world of work create a challenging environment for the effective exercise of all FPRW:
 - Persistent informality
 - Growing adverse impacts of climate change
 - Crisis, armed conflicts and other situations of fragility
 - Structural transformations in the organization of production and work
 - Shifts and disruption in supply chains organization.
 - Changing or emerging forms of employment, including digital platforms
 - Digitalization of work, AI and machine learning
- ▶ Although national experiences have varied, the report underlines stalled progress – and in some cases regression – in advancing FPRW across the world, and the **persistence of major implementation gaps**.

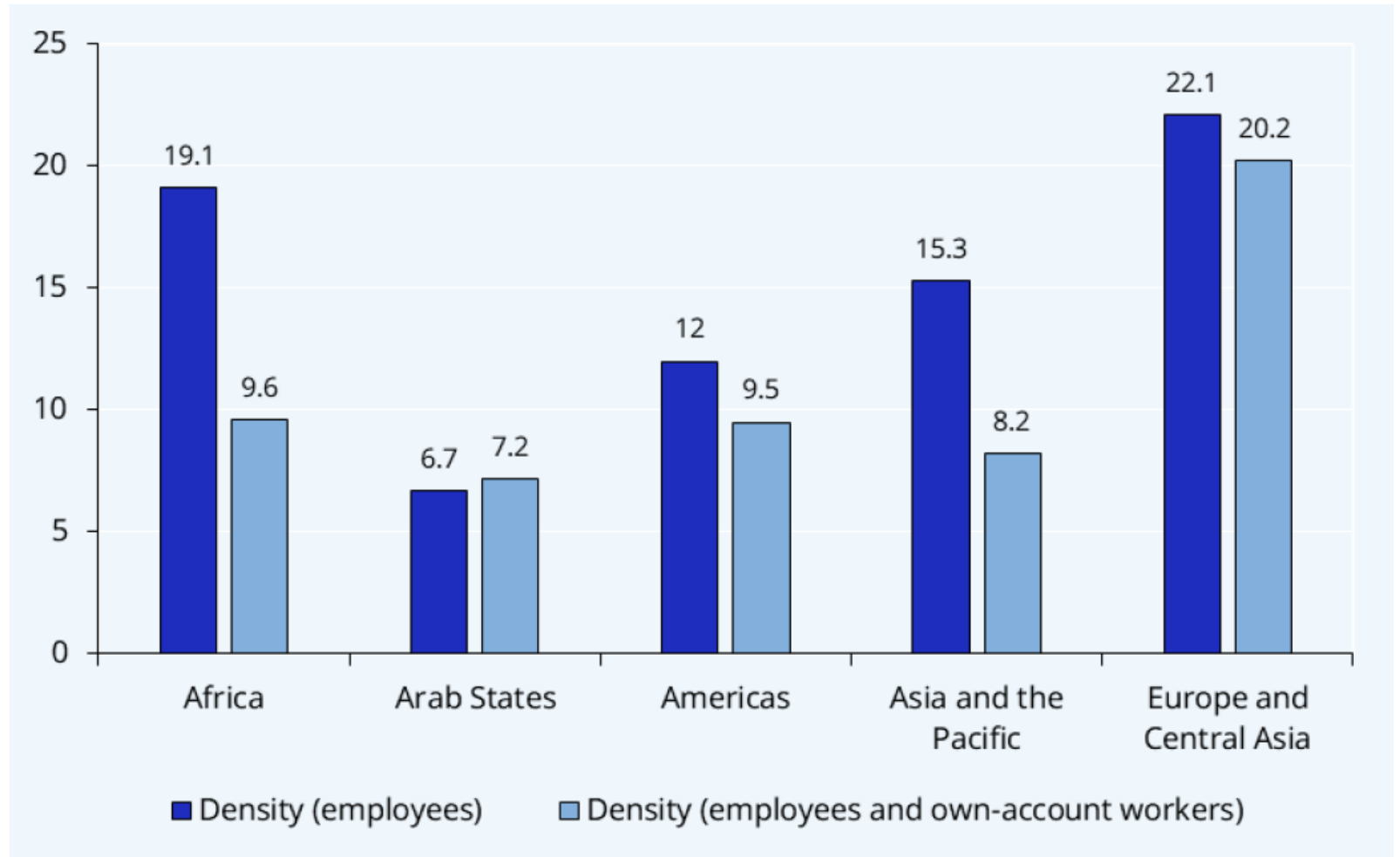
Freedom of association and the effective recognition of the right to collective bargaining

- ▶ Background & Purpose
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- ▶ Despite their critical role in the realization of the other labour rights, **FACB rights remain significantly challenged** across the world.
 - ▶ **SDG indicator 8.8.2:** persistent **deficits** in many countries and negligible improvement at the global level since 2017
 - ▶ **Slow progress** in advancing the **global ratification rate for Conventions Nos 87 and 98**
 - ▶ Topics and cases examined by the ILO supervisory bodies
 - ▶ Restrictive laws and burdensome administrative procedures
 - ▶ Little change in recent years in the **density of employers' organizations** – growing priority of EBMOs to advance the formalization of informal economic units
 - ▶ **Trade union density rates** have continued to decline globally since 2017 and gaps in representation for many of the most vulnerable groups of workers have persisted.
 - ▶ Globally, a **third of formal economy employees** are covered by a **collective agreement**

Freedom of association and the effective recognition of the right to collective bargaining

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▶ Figure 1. Union density rates, by region, 2019 (percentage)

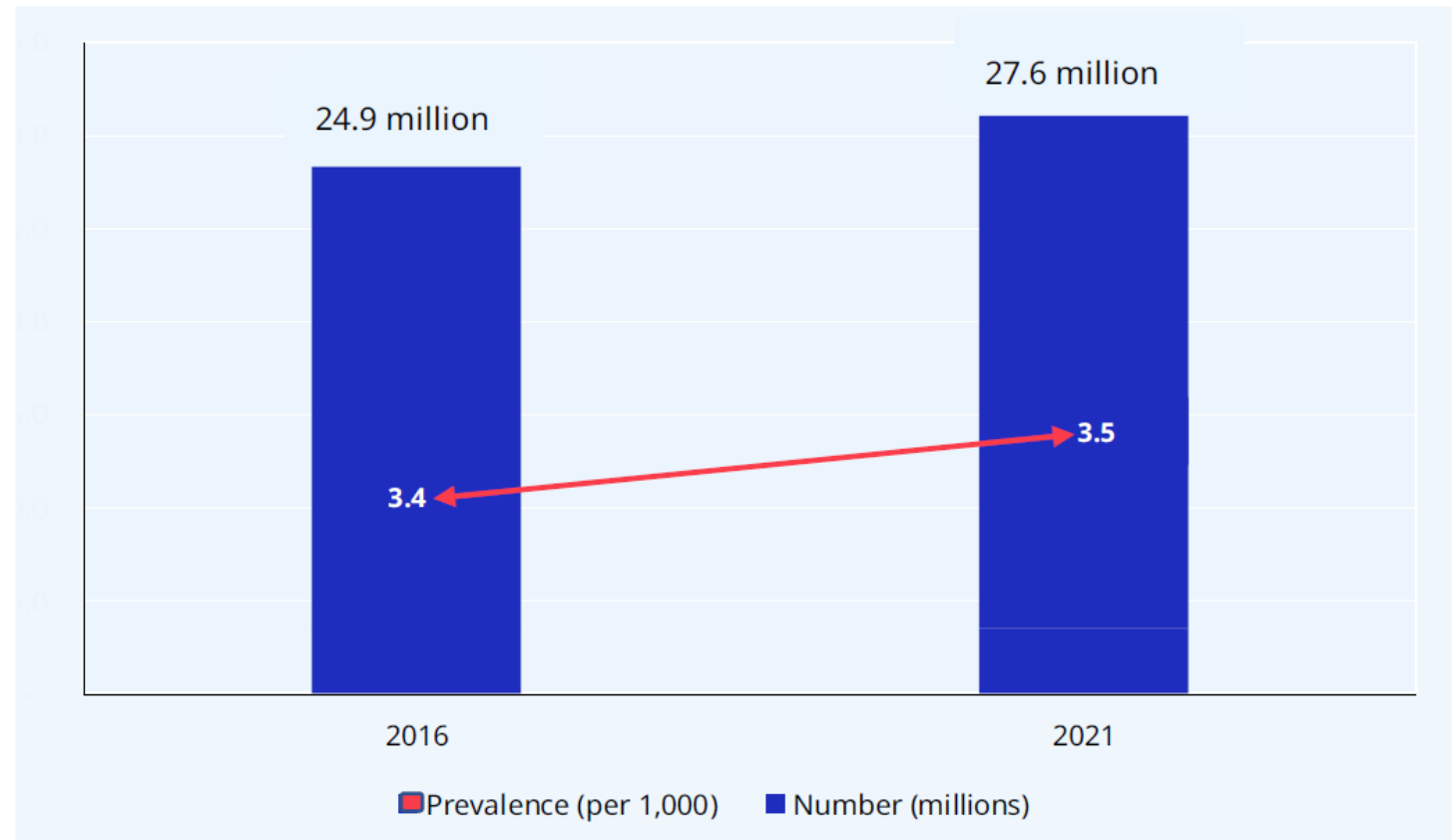


The elimination of forced labour

- ▶ **Growth** in absolute numbers and in prevalence. **11.8 millions** of FL victims are women and girls. **86%** of FL occurs in private sector. **No region spared**, half FL cases in upper-middle or high-income countries. **Migrant workers** 3 times more likely to be victim of FL.

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▶ **Figure 2. Number and prevalence of people in forced labour, 2016 and 2021**



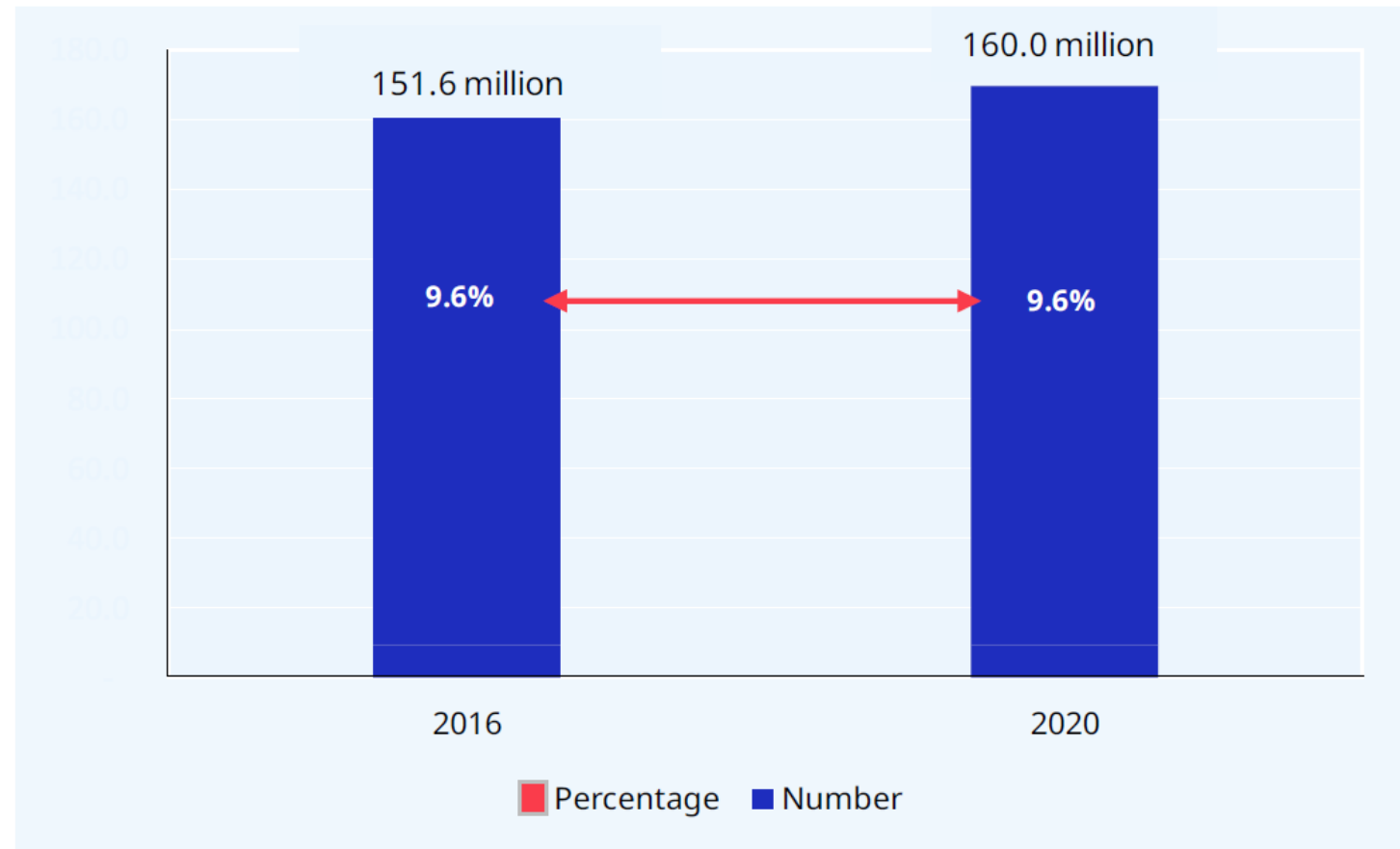
The elimination of forced labour

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- ▶ FL closely linked to broader challenges in the world of work and can not be disconnected from the other FPRW
 - ▶ Among its **root causes: deficits of other FPRW** (limited FACB, discrimination) – especially workers in the informal economy and migrant workers.
 - ▶ Workers vulnerability heightened by **challenges** relating to **informality, migration governance, access to social protection, access to credit and recruitment**
 - ▶ **Gaps in legislation and national frameworks on FL** (and implementation with resources): a third of countries lack clear legal definition.
 - ▶ A **lack of capacity** in key public institutions responsible for law enforcement and victim support constrains FL responses in many contexts.

The effective abolition of child labour

- ▶ **Reversal of progress towards ending CL:** prevalence unchanged but absolute figure has increased (+8 million children since the last global estimates)

▶ **Figure 3. Number and prevalence of children in child labour, 2016 and 2020**



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The effective abolition of child labour

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- ▶ **Steady reduction since 2008 in LAC and Asia-Pacific**, while **increase** in the prevalence and absolute numbers in **Africa** (especially in Sub Saharan Africa)
- ▶ **70%** of children in CL can be found in **agriculture** (often in family labour context)
- ▶ Link with differences in **progress made to tackle the root causes of CL**, including poverty, informality, **social protection** coverage for children, and access to quality education.
- ▶ Legal and institutional challenges continue to constrain efforts to address child labour in many countries: **harmonization of the minimum age, adoption or review of national lists of hazardous work.**
- ▶ Strengthening and effective enforcement of laws in related areas (FL, child trafficking, child protection and (compulsory) education
- ▶ Shortcomings in action among **labour inspectorates** and **education system operators**; inadequate **judicial and remedy mechanisms** and subsequent low numbers of prosecutions for the worst forms of child labour.
- ▶ Insufficient support and promotional functions, such as **victim support and services focused on rehabilitation and reintegration.**

The elimination of discrimination in respect of employment and occupation 13

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- ▶ Discrimination in employment and occupation remains **persistent and pervasive**. Discriminatory laws persist in many countries, in addition to gaps in non-discrimination legislation
- ▶ **Persistent gender gaps in labour force participation** (25 percentage points) and **the jobs gap** (4.5 percentage points). Women work fewer hours than men, are more likely to work in lower paid sectors (occupational segregation), part-time and temporary work, in forms of employment characterized by poor working conditions, lack of social protection, and limited recognition and protection of FPRW in practice.
- ▶ **Disproportionate share of unpaid care work and family responsibilities**
- ▶ Latest global estimates: **gender pay gap 19%** - variations across regions.
- ▶ **Discrimination** stemming from the combination of multiple grounds and various forms of discrimination-based workplace violence and harassment.
 - African descent, indigenous and tribal peoples, ethnic minorities: average pay gap 18.5% for indigenous and tribal peoples globally (30% in LAC), higher risks of CL for indigenous children.
 - Migrant workers face prejudice and stigmatization; 62% migrants' workers in informality globally (vs 51% nationals). Migrant workers pay gap in higher-income countries is 12.6%
 - Persons with disabilities (15% of the global population) also subject to discrimination, lower rates of employment and lower pay.

A safe and healthy working environment

- ▶ Background & Purpose
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- ▶ Workers in all sectors and across the world are exposed to unsafe and unhealthy working environments on a daily basis: in 2019 **2.93 million** workers **lost their lives** due to occupational accidents and diseases (2.6 million: work-related diseases) and **395 million** workers sustained a **non-fatal work injury**
- ▶ Overall improvement in workplace safety: **10% decrease in the work-related mortality** rate between 2000 and 2019, however the absolute number of work-related mortalities increased (by 0.33 million)
- ▶ Growing attention among policymakers and social partners to **mental health at work**: 15% of working-age adults lived with a mental disorder in 2019 and an estimated 12 billion workdays are lost annually to anxiety and depression
- ▶ Although recognition of a safe and healthy working environment as a 5th FPRW category represents a significant step towards improving OSH standards globally, providing a **rights-based approach**
- ▶ **Challenges** remain in terms of: policy and regulatory gaps, data collection and analysis, reporting mechanisms, limited institutional capacities - less than half of all ILO Member States had a national OSH policy in place as of March 2023

Chapter 2: Policy actions to advance FPRW

- ▶ Background & Purpose
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- ▶ In Chapter 2, the Report provides an **overview of constituents' efforts** in relation to
 - ▶ Improving legislation and policies; as well as
 - ▶ Action by employers' and workers' organizations
 - ▶ It also provides an **overview of Office action** in support of FPRW advancement, including through
 - ▶ Integrated approaches to FPRW promotion; and
 - ▶ Technical assistance.

Workers and employers organizations

- ▶ **Extending representation** to under-represented groups including enterprises / workers in informality
- ▶ **Raising awareness** of FPRW and extending support services to vulnerable groups through networks.
- ▶ Supporting efforts to **tackle CL and FL** including in **supply chains**
- ▶ **Addressing** discrimination and **promoting diversity and inclusion** within EBMOs and TUs
- ▶ **Promoting OSH** standards

Governments

- ▶ Efforts to secure **FACB rights** (in law and in practice)
- ▶ Improved **legal frameworks and policies on FL**; actions taken to mitigate risks of FL for migrant workers
- ▶ Reforms on **minimum age of employment** and **children's hazardous work**.
- ▶ Policies and integrated approaches to **tackle root causes of CL**
- ▶ **Reforms to remove discriminatory measures** regarding women's employment and occupation or other forms of discrimination.
- ▶ **Non-discrimination principles and rights** in collective bargaining and collective agreements.
- ▶ Legislation promoting **equal remuneration**.
- ▶ Improving **conditions of work in the care economy**.
- ▶ Extension of **legal OSH protections, improved OSH policies, standards and frameworks / mechanisms**
- ▶ Support to **Responsible Business Conduct**
- ▶ Legal reforms and / or **labour provisions in trade agreements**

- ▶ **Legislative reforms concerning FACB; strengthening workers' and employers' organizations** at the national level.
- ▶ **Policy frameworks on CL and FL**; lists of hazardous work prohibited for children
- ▶ Addressing FPRWs in **fragile or crisis-related situations**
- ▶ **Align legislation and mainstream gender equality and ND** into DC interventions
- ▶ Addressing FL and CL in **supply chains** and promoting FPRW compliance in business operations
- ▶ **Centre of excellence on FPRW research and statistics**; global reports, monitoring progress on SDGs. Research and data collection at the national level to help advancing policy and action on FPRW; tools, methods and capacity among the constituents
- ▶ **Standards-related action**: 2022 - OSH as new FPRW, progress towards universal ratification of Fundamental Conventions (C182) and ratification of other related instruments (C189, C190)
- ▶ **UN system-wide partnerships**, including involvement in UNSDCF, Alliance 8.7, EPIC, among others
- ▶ Multilateral (G7, G20, BRICs, IFC) and **regional partnerships** + with EBMOs and TUs (CLP, GBNFL, Global Business and Disability Network)

Chapter 3: Revitalizing action

- ▶ Numerous important steps to advance FPRW at national level but insufficient in both scale and scope.
- ▶ **Much more needs to be done** – legal, policy and institutional levels – to reverse negative trends and advance FPRW:
- ▶ More **integrated and holistic approaches**
- ▶ **Adequate and equal attention to all 5 FPRW** categories.
- ▶ Improve **coordination and coherence** in Office FPRW promotion
- ▶ Attention to **mainstreaming FPRW in 5 critical areas** (*informality, crisis, supply chains, just transitions and changing work arrangements*) in order to address root causes of FPRW deficits
- ▶ Emphasis on **ratification and implementation** of the fundamental labour **standards**
- ▶ Increase **synergies** between **DC and supervisory mechanisms**
- ▶ Invest in **research and data collection** to build evidence-based action
- ▶ **Measuring and monitoring impact** across FPRW DC portfolio
- ▶ Leverage strategic **partnerships and alliances** – and position the centrality of FPRW in the Global Coalition for Social Justice, UN Summit of the Future 2024, World Social Summit 2025.
- ▶ **Sustainable financing** – at domestic, regional, and global level, including IFIs and South-South

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- Since the last recurrent discussion in 2017, what have been the most important developments and how have these impacted the respect, promotion and realization of fundamental principles and rights at work?
- Which policies, initiatives and practices at national and global levels have contributed to the respect, promotion and realization of fundamental principles and rights at work and, taking stock of the Integrated Strategy on Fundamental Principles and Rights at Work 2017-2023, which challenges and lessons learned should be drawn by ILO Member States and the Office in view of advancing social justice?
- In pursuing social justice, how can the Organization scale up its action to support Member States, including through an integrated strategy, and which additional efforts are needed to further respect, promote and realize fundamental principles and rights at work? What priorities should be identified within the areas of partnerships, international policy coherence, institutional capacity building, research, development cooperation, Decent Work Country Programmes and standards-related action? What actions should the Office and Member States take to achieve the universal ratification and effective implementation of the 10 fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930?

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- ▶ **3 and 4 June:** General discussion
 - ▶ **[5 June:** distribution of the tentative conclusions by the Office]
- ▶ **6 and 7 June:** Drafting Group
 - ▶ **[8 June:** reception of amendments on draft conclusions]
 - ▶ **[9 June:** distribution of amendments]
- ▶ **10 to 12 June:** Discussion of amendments
- ▶ **Chairperson:** Amb. Claudia Fuentes Julio (Chile)

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▶ ILO Integrated Strategy on Fundamental Principles and Rights at Work 2017-2023



The ILO Integrated Strategy on Fundamental Principles and Rights at Work 2017-2023

The ILO Integrated Strategy on Fundamental Principles and Rights at Work 2017-2023 identified **four “interwoven” categories of change** and expected results in eight areas:

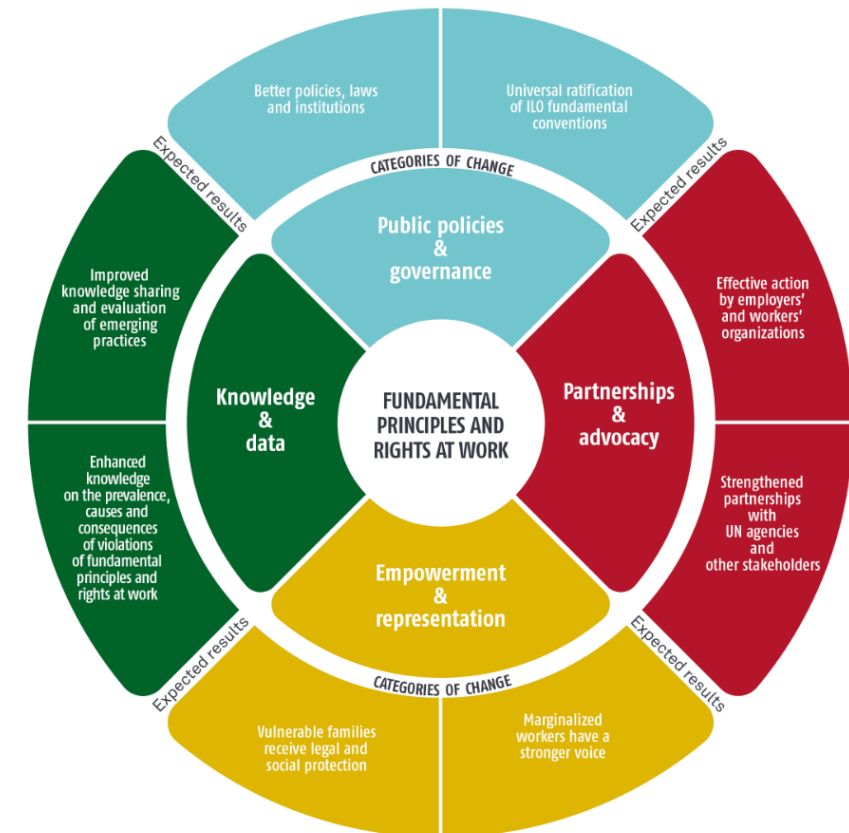
- Public policies and governance
- Empowerment and protection
- Partnerships and advocacy
- Knowledge and data



The ILO Integrated Strategy on Fundamental Principles and Rights at Work 2017-2023

The Integrated Strategy identifies **three thematic priorities** for technical cooperation on FPRW and outlines how each of the original four fundamental principles and rights will be addressed within these priorities:

- Promoting FPRW in the **rural and informal economies**
- Promoting compliance with FPRW in **enterprises and in supply chains**
- Promoting FPRW in **situations of crisis and fragility**



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- Information on the RD Committee on FPRW 2024
- Report: Fundamental principles and rights at work at a critical crossroads. ILC.112/V(2024)
- Follow-up within the Office to the resolution concerning fundamental principles and rights at work adopted by the 101st Session of the International Labour Conference (2012). GB.328/POL/7
- Resolution concerning the second recurrent discussion on fundamental principles and rights at work (2017)
- Integrated Strategy on Fundamental Principles and Rights at Work 2017-2023