

Recurrent Discussion Committee on Fundamental Principles and Rights at Work

Date: 8 June 2024

► Draft conclusions concerning the 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, 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) Workers' and Employers' 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 per cent and 19 per cent, respectively.

6. 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.

7. [[Diverse / New and emerging] forms of work create both opportunities and risks. They can be an avenue for workers and their families to escape poverty and enter the formal economy. At the same time, they can pose special challenges for fully realizing FPRW.]

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[[At the same time, / Increased prevalence of] insecure forms of work and misclassification of workers pose special challenges for fully protecting these workers' fundamental rights.]

8. [Lack of freedom of association and collective bargaining increases vulnerability for those who [, in lacking voice and representation,] are often most at risk of child labour, forced labour, discrimination or hazardous working conditions [and may also be exposed to discrimination].]

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[Those who lack access to [the effective recognition of] freedom of association and collective bargaining are most at risk of child labour, forced labour, discrimination or hazardous working conditions.]

9. Persistent informality continues to represent a major barrier to FPRW advancement, sustainable development and decent work.

10. 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.

11. Weak governance, erosion of the rule of law and civil liberties, restrictions on freedom of association and effective recognition of the right to collective bargaining, [[lack of an / inadequate] enabling environment for sustainable enterprises,] inadequate labour laws, [regulations and enforcement, including due to] under-resourced [labour administrations and / labour] inspectorates [systems, and other relevant authorities,] and ineffective labour migration governance have impeded progress.

12. Demographic, environmental and digital transitions [, including the rise of artificial intelligence and algorithmic management,] are transforming the world of work, [reinforcing the [urgency of / need for] promoting the FPRW to seize new opportunities and address challenges.]

13. 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 action for their respect, promotion and realization.

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

14. The full realization of FPRW [can only / will] be advanced by an environment of respect for human rights, the rule of law and democratic freedoms. Responding to emerging challenges and realizing FPRW requires 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 workers' and employers' 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 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.
15. Governments should reaffirm their commitment to the respect, promotion and realization of FPRW. This would entail policy coherence and fostering synergies between legal frameworks, policies, strategies and programmes aimed specifically 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.

Areas of focus

16. Action should be taken in the following areas [, with consideration to national circumstances]:

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 of and respect for civil liberties;
- (c) build the capacity of labour administration 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) [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;]
- (f) [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;]
- (g) enhance coherence between national public policies, including migration, employment, labour and social protection policies;
- (h) ensure an evidence-based approach to decision-making and monitor progress by building effective and transparent information systems, including databases and statistical systems;

[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 essential for 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, 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 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 domestic workers, workers in the rural and informal economy, and migrant

workers, as well as other groups facing exclusion and discrimination, often on multiple and compounding grounds;]

- (p) [meaningfully tackle poverty, a major driver 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.]

III. Priorities for ILO action

Thematic priorities

- 17. The ILO should [promote FPRW as a stand-alone objective as well as] [continue to] 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) [sustainable] enterprises and supply chains;
 - (c) situations of crisis and fragility;
 - [(d) just transition towards environmentally sustainable economies and societies for all;]
 - [(e) emerging work arrangements and the digital economy.]
- 18. [One additional priority should be added: just transition towards environmentally sustainable economies and societies for all.]

Means of action

- 19. The Office should also focus its work on the following areas:

Standards-related action

- (a) [intensify efforts to promote the universal ratification of the ten fundamental Conventions, in particular those that are least ratified, including the Protocol of 2014 to Convention No. 29, 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) [explore avenues to 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 between the ILO supervisory bodies, development cooperation, technical assistance and research;]

Enhanced research and capacity

- (e) [develop research, tools, guidelines, statistical measurement methodologies, and associated training resources, for qualitative and quantitative data collection and research on FPRW;]
- (f) [support national institutions to collect and analyse data on the prevalence of deficits of FPRW and the characteristics of the populations affected to support evidence-based policymaking;]

- (g) continue to produce, in collaboration with Member States, global estimates on child labour and forced labour, and other FPRW issues, [if data permit];
- (h) [increase the visibility and accessibility of ILO's data and research, including through global platforms such as the Forced Labour Observatory;]
- (i) 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;
- (j) [strengthen the capacity of employers and workers organizations to expand membership and provide services;]

Strengthening capacity and knowledge-sharing

- (k) build the capacity of constituents, and all other 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;
- (l) [strengthen the ILO Helpdesk for Business on International Labour Standards, which is an important vehicle for assisting enterprises 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 and the United Nations Guiding Principles on Business and Human Rights;]
- (m) encourage peer learning, information-sharing, cooperation and policy coherence within, and among, Member States, at the regional and international levels, including through the VI Global Conference on the Elimination of Child Labour;
- (n) document and share good and innovative practices on FPRW;

Policy coherence and partnerships

- (o) [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;
 - (iii) in decent work country programmes and UN sustainable development cooperation frameworks;]
- (p) 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) Global Accelerator on Jobs and Social Protection for Just Transitions;

Planning, mobilization and allocation of resources and development cooperation

- (q) ensure that technical assistance and development cooperation reflect the mutually reinforcing nature of FPRW and their interconnectedness with all ILO strategic objectives;

- (r) enhance capacity and guidance to governments to develop and implement domestic resource mobilization strategies;
- (s) mobilize resources for development cooperation at the country, regional and global levels, including by engaging with UN Resident Coordinator's Offices;
- (t) 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;
- (u) 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;
- (v) [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.]