



Tenth sitting

Wednesday, 16 June 2010, 10.00 a.m.

Presidents: Ms Powell and Mr de Robien

REPORT OF THE FINANCE COMMITTEE OF GOVERNMENT REPRESENTATIVES: SUBMISSION, DISCUSSION AND APPROVAL

Original French: The PRESIDENT

It is my honour to call to order the tenth sitting of the 99th Session of the International Labour Conference. The first item on the agenda is the presentation of the report of the Finance Committee of Government Representatives, which is in *Provisional Record* No. 11.

I now call upon Mr Eriksson, Chairperson and Reporter of this Committee, to present the report.

Mr ERIKSSON (*Chairperson and Reporter of the Finance Committee of Government Representatives*)

I have the honour and privilege to submit to the Conference the report of the Finance Committee of Government Representatives.

This report is published in *Provisional Record* No. 11 and contains the recommendation of the Committee on the matters it considered. The six resolutions proposed by the Committee for adoption by the Conference appear at the end of the report.

To begin with, the Committee considered a request from the Government of Ukraine for permission to vote at the Conference. This request was referred to the Finance Committee as a matter of urgency in accordance with paragraph 1, of article 31, of the Standing Orders of the Conference.

The Committee was satisfied that the failure of Ukraine to pay its arrears was due to conditions beyond its control. Therefore, the Committee recommends the adoption by the Conference of the resolution concerning the granting to Ukraine of permission to vote under paragraph 4, of article 13, of the Constitution of the International Labour Organization.

The main item of business for the Finance Committee was the Financial report and audited financial statements for the 71st financial period 2008–09. The Committee noted that the external auditor had given an unqualified audit opinion, and had provided observations with respect to the progress made by the ILO with implementation of International Public Sector Accounting Standards (IPSAS). These refer to changes in the presentation of the 2008–09 financial statements; the change in the method of estimating certain provisions; adjustment to prior period financial statements; the governance and next steps for the IPSAS project, and finally, the control environment at the ILO.

The Committee had no hesitation in proposing that the Financial report and audited financial statements for the 71st financial period 2008–09 be adopted in accordance with article 29 of the Financial Regulations. The Committee then looked at the proposal concerning the treatment of net premium earned during the 2008–09 biennium, amounting to some 29 million Swiss francs. Having noted that, at its March 2010 session, following an extensive debate, the Governing Body had decided to recommend to the Conference that in derogation of article 11.5 of the Financial Regulations, one half of the net premium earned during 2008–09 be transferred to the Building and Accommodation Fund, the Committee supported the proposal.

Furthermore, the Committee considered the proposal concerning the scale of assessment of contributions to the ILO regular budget for the Republic of Maldives for 2009 and recommends that an annual assessment rate of 0.001 per cent be adopted by the Conference.

The Committee then considered the proposal concerning the scale of assessment of contributions to the ILO regular budget for 2011, and recommends that the ILO scale of assessments for 2011, based on the United Nations scale for 2010–12, be adopted by the Conference.

Finally, the Committee considered a paper concerning the composition of the ILO Administrative Tribunal, and unanimously accepted the recommendation of the Governing Body that the Conference renew the terms of office of Mr Agustín Gordillo, Mr Claude Rouiller, and Mr Patrick Frydman, for three years.

Original French: The PRESIDENT

The general discussion may now begin. If there are no requests for the floor I would suggest that we now proceed to approve the report. If there are no objections may I take it that the Conference approves the report of the Finance Committee of Government Representatives, paragraphs 1–39, and its three appendices?

(The report – paragraphs 1–39 and its Appendices I–III – is approved.)

We shall now proceed to the adoption of the resolutions contained in the report.

**RESOLUTION CONCERNING THE ARREARS OF
CONTRIBUTIONS OF UKRAINE: ADOPTION**

Original French: The PRESIDENT

The first resolution has to do with the arrears and contributions of Ukraine. In accordance with article 13, paragraph 4, of the ILO Constitution, a record vote on this resolution will take place on the morning of Thursday, 17 June.

If there are no objections, may I take it that the Conference adopts this resolution?

(The resolution is adopted.)

**RESOLUTION CONCERNING THE FINANCIAL REPORT
AND AUDITED FINANCIAL STATEMENTS
FOR 2008–09: ADOPTION**

Original French: The PRESIDENT

The resolution concerns the Financial report and audited financial statements for 2008–09.

If there are no objections may I take it that the Conference adopts this resolution?

(The resolution is adopted.)

**RESOLUTION CONCERNING TREATMENT OF NET
PREMIUM EARNED: ADOPTION**

Original French: The PRESIDENT

We turn to the resolution concerning treatment of net premium earned.

If there are no objections may I take it that the Conference adopts this resolution?

(The resolution is adopted.)

**RESOLUTION CONCERNING THE ASSESSMENT OF
CONTRIBUTIONS OF NEW MEMBER
STATES: ADOPTION**

Original French: The PRESIDENT

This resolution concerns the assessment of contributions of new member States.

If there are no objections may I take it that the Conference adopts this resolution?

(The resolution is adopted.)

**RESOLUTION CONCERNING THE SCALE OF
ASSESSMENTS OF CONTRIBUTIONS TO
THE BUDGET FOR 2011: ADOPTION**

Original French: The PRESIDENT

The next resolution concerns the scale of assessments of contributions to the budget for 2011.

If there are no objections may I take it that the Conference adopts this resolution?

(The resolution is adopted.)

**RESOLUTION CONCERNING THE COMPOSITION OF THE
ADMINISTRATIVE TRIBUNAL OF THE INTERNATIONAL
LABOUR ORGANIZATION: ADOPTION**

Original French: The PRESIDENT

The final resolution concerns the composition of the Administrative Tribunal.

If there are no objections, may I take it that the Conference adopts this resolution?

(The resolution is adopted.)

I see that there is a request from the floor. I give the floor to Ambassador Angeli-Hansen.

Ms ANGELI-HANSEN (*Government, Norway*)

Let me thank the Chairperson of the Finance Committee, Mr Eriksson, for his sterling work and his bridge-building skills.

Norway would like to take this opportunity to stress the importance of future renovating costs being included in the calculation of the ILO's regular budget. Norway acknowledges the exceptional importance of renovating the ILO headquarters. We are pleased to see that the ILO has already started to prepare a comprehensive plan for the renovation process, and look forward to the follow-up and the presentation of the plan at the Governing Body in March 2011.

**REPORT OF THE SELECTION COMMITTEE:
SUBMISSION, DISCUSSION AND APPROVAL**

Original French: The PRESIDENT

Since there are no other statements, we shall now go on to the presentation, discussion and approval of the report of the Selection Committee. The report is in *Provisional Record* No. 3. I now invite the Chairperson of this Committee, Mr Shahmir, to present the report.

Mr SHAHMIR (*Chairperson of the Selection Committee*)

It is my honour to present the first report of the Selection Committee, which was published in *Provisional Record* No. 3.

As you are all well aware, the Selection Committee is responsible for organizing the Conference's work and its report sets out a number of its decisions concerning the day-to-day functioning of the Committees and of the plenary. I should add that, after its first meeting, the Committee delegates its authority to its Officers – to me and my Employer and Worker colleagues, Mr Matsui from Japan, and Sir Roy Trotman from Barbados – and we have met on a further four occasions to ensure the smooth running of the Conference. Thus, the Committee decided that the discussion of the Reports of the Chairperson of the Governing Body and of the Director-General would begin on Thursday, 10 June at 10 a.m., and that the list of speakers would close on 11 June at 6 p.m., that is, last Friday.

The Committee also put in place the framework for discussing this year's Global Report on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, and for arranging action against child labour in the form of an interactive panel discussion, followed by a general plenary debate on the basis of the Governing Body's recommendations for this discussion.

It endorsed the tentative plan of work for the Conference, which is reproduced in Appendix II of the report. This has naturally been modified by the Officers of the Committee as needed during the Conference.

In order to facilitate the debate held by the Committee on the Recurring Discussion on Employment, the Selection Committee authorized, in advance, the transmission to that Committee of any information from, or outcome adopted by, the Committee on the Application of Standards in its consideration of the General Survey concerning employment instruments. The first decision was taken to follow up on the Governing Body's deci-

sion to align discussion of the General Survey, drawn up on the basis of article 19 reports, with the recurrent discussion items.

The Committee reviewed a number of requests for representation on Conference committees from international non-governmental organizations, and approved the lists submitted to it by the Governing Body. It requested clarification from the Legal Adviser regarding the rules governing the participation in the ILO meetings of these organizations as well. The Legal Adviser confirmed that their rights were not the same as those of tripartite members of the meetings, and the report includes the articles of the ILO Constitution and other texts that regulate this participation.

Finally, the Selection Committee appointed a Conference Drafting Committee as set out in section 10 of the report.

Those are the matters which I felt should be reported to the Conference and I do not intend to prolong this presentation further, other than to thank my fellow Officers for their dedication and support.

I commend the report of the Selection Committee to the Conference for approval.

Original French: The PRESIDENT

If there are no objections, may I take it that the Conference agrees with the proposals formulated by the Selection Committee in its first report and that it approves the report, paragraphs 1–12, and its three appendices?

(The report – paragraphs 1–12 and Appendices I–III – is approved.)

**REPORTS OF THE CREDENTIALS COMMITTEE:
SUBMISSION AND NOTING, AND APPROVAL
OF THE COMMITTEE'S PROPOSALS**

Original French: The PRESIDENT

The third item on today's agenda is the submission of the reports of the Credentials Committee. I now invite the Officers of the Committee to take their places on the podium: Mr Vines, the Chairperson; Ms Horvatić, for the Employers; and Mr Veyrier, for the Workers.

The Committee's first report is contained in *Provisional Record* No. 5B. The Conference is simply asked to take note if it.

(The first report is noted.)

The second report is found in *Provisional Record* No. 5C. I now invite Mr Vines to present the report.

Mr VINES (Chairperson of the Credentials Committee)

I have the honour to present to the Conference a short overview of the activities of the Credentials Committee. A full account of this activity is reflected in the Committee's two reports, issued as *Provisional Record* Nos 5B and 5C.

The work of the Credentials Committee helps to safeguard and reinforce the foundations of the International Labour Organization, that is to say its tripartism. If the International Labour Conference is to reflect properly the tripartite nature of the ILO, it is essential that Workers' and Employers' delegates be truly representative of the workers and employers in the member States.

It follows that Workers' and Employers' delegates should be nominated by governments, in agreement with the most representative employers' and workers' organizations of each member country, and in

full and effective respect of the freedom of association.

The Credentials Committee examines objections, complaints and communications concerning delegations. The Committee also examines the positions of member countries, whose credentials are subject to monitoring. The Committee establishes dialogue and seeks consensus with a view to ensuring that Worker and Employer representatives are freely chosen, truly representative, and have the means to participate with an equal voice in the work of the ILO's highest decision-making bodies.

The Committee is charged with the task of ensuring, across an ever-changing landscape of political and economic circumstances, that genuine tripartism is always a reality at the International Labour Conference. In this regard, the success of the Committee's work and respect for its conclusions and recommendations play an important role in maintaining the credibility of the Organization.

At this session of the Conference, the Committee again had a very heavy workload, a total of 22 cases. The Committee also noted the record high number of Conference participants, 5,138. The Committee received 14 objections relating to the accredited delegates, or their advisers. We also received eight complaints regarding the non- or partial payment of expenses of delegates, or a manifest and serious imbalance in the payment of expenses between the advisers of the social partners on the one hand and those of the Governments on the other.

The Committee also spent considerable time addressing the monitoring of three situations on which the Conference, at its last session in 2009, had requested a report. The Committee has held 12 meetings, conducted four hearings and received two communications.

I would like to draw to the Conference's attention two situations for which we propose the continuation of monitoring. They concern Djibouti and Myanmar.

The Conference last year requested a report from each of these countries; only Myanmar furnished a report in accordance with the Conference's request. The Committee deeply regrets that Djibouti did not comply with the request in the manner and time specified by the Conference. However, it did agree to meet with the Committee to discuss their situation. The Government of Djibouti informs the Committee that it was seeking to resolve the long-standing problems in a definitive manner and that it is committed to providing any reports that the Conference may seek in future. The Committee proposes to continue the monitoring of Djibouti for another year and to increase reporting to twice in the year, as outlined in paragraph 10 of our second report.

The report furnished by Myanmar contained only general statements and lacked the detail requested by the Conference. The Committee requests the Conference not only to renew monitoring the situation but also to reinforce it.

The Committee proposes that Myanmar be required to submit a progress report to the Director-General of the ILO by the end of this calendar year. This report should contain detailed information on the progress achieved by Myanmar as regards the establishment of permanent structures for the independent representation of workers in that country and how the Government envisages consulting with

those structures for the purpose of nominating the Workers' delegate and advisers to the next session of the Conference. I draw your attention to paragraph 75 of our second report and invite you to adopt the proposal contained therein.

The Committee also received and considered the monitoring report from the Islamic Republic of Iran concerning the nomination of the Employers' delegation to the 98th Session of the Conference in 2009. This report advised of the agreement reached between the employer organizations on the nomination of the Employers' delegates to the 99th Session, and also of the Iranian Government's acceptance of that agreement. In view of this progress, the Committee proposes that no further measures are required in this case.

The Committee proposes to exercise, for the first time, its power to recommend to the Conference that it refer a matter to the Committee on Freedom of Association, in accordance with article 26bis, paragraph 6, of the Standing Orders of the Conference. This matter relates to an objection concerning the nomination of the Workers' delegation of the Islamic Republic of Iran, and I refer you to paragraph 61 of the report.

In relation to the complaints concerning the non-payment of travel and subsistence expenses of Employers' and Workers' delegations, a number of Governments again admitted that they were unable to meet their obligations because of financial constraints.

While the Committee appreciates that the global economic crisis has heightened the financial burden of supporting a full tripartite delegation to the Conference, it notes that the financial crisis has not only had an impact on governments but an even greater impact on the social partners and their ability to cover their own expenses, and it cannot justify the failure of Governments to meet their obligations to cover the expenses of a complete tripartite delegation. The Committee also notes the vital role that the ILO is playing in assisting the recovery from the global economic crisis, which reiterates the need for full tripartite participation in the ILO's key decision-making bodies.

At the end of the report, the Committee has made general observations on two issues that have had an impact on its work. The first observation takes note of an amendment to the Standing Orders of the Conference, which has now been approved by Conference, which will allow the Committee to take action in relation to an act or omission on the part of a government that has prevented a delegate or adviser from attending the Conference. The Committee will welcome this new mandate.

The second observation concerns the general principle requiring governments to send to the Conference delegations whose three components are balanced. Governments, employers and workers should have a broadly comparable capacity to participate actively in the work of the Conference. The Committee has improved the nature of its reporting on the composition of delegations but notes that the current provisions in the Standing Orders do not allow the Committee to fully address situations of imbalance other than those relating to the payment of advisers' expenses. The Committee requests the Governing Body, through the Conference, to continue to consider this matter.

The Committee again notes with concern that, although modest progress has been made, women are

still not adequately represented in national delegations. The Committee appeals not only to Governments but also to the Employers and the Workers to increase the number of women in their delegations.

As this is the first occasion on which I have been a member and Chairperson of the Credentials Committee, I would like to take this opportunity to make some preliminary comments and observations on the role and operation of the Committee.

As I mentioned earlier, the main purpose of the Committee is to uphold the fundamental principle of the ILO, which is to ensure it operates as a tripartite body. All member States are required to ensure the credentials they present represent a fair balance between government, employer and worker representation. To ensure this is the case, governments are required to consult with the most representative employer and worker organizations in determining their respective representatives. Governments are also expected to provide fair and reasonable expenses for delegates and, where appropriate, advisers.

The Credentials Committee receives and considers objections and complaints about the make-up of delegations, the organizations consulted and the payment of expenses.

The Committee and its secretariat have a very short period of time in which to receive and consider objections and complaints. Therefore, it is essential that, firstly, objectors and complainants submit their objections and complaints as early as possible.

Secondly, that they fully detail, explain and substantiate their objections and complaints. It is essential that sufficient information is provided for the Committee to effectively consider objections and complaints and that the substance of the issue is expressed in clear terms. For example, it is difficult for the Committee to determine an objection on representativeness if the objector does not provide sufficient information to support their own representative status.

Thirdly, it is essential that Governments respond promptly and fully to complaints when requested to do so by the Committee. The response should address both the process and the rationale for the nomination of the delegation and respond specifically to the substance of the objection or the complaint.

Several of the objections we received relate to governments determining the delegations as a result of representative organizations failing to reach consensus. Governments have an obligation to ensure the delegations are genuinely representative and reached in agreement with the most representative employers' and workers' organizations. It is also important that employers' and workers' organizations make every attempt to reach a consensus and to provide the necessary information to assist governments to make their determination. Where this fails, governments must ensure they apply a transparent, objective and verifiable process to the nomination of delegations.

Some objections also relate to broader issues associated with the freedom of association. The Committee seeks to ensure that, whilst such issues are relevant to its considerations, the focus of its consideration is on the issue of credentials. We ask all parties to keep this in mind when formulating their objections and complaints and to seek to limit them to credentials issues.

To be effective, the deliberations of the Committee, up to the point of its conclusion, must be confidential. All contact should be made through the formal processes of the Committee secretariat, rather than to individual Committee members. Any party to an objection or complaint is able to request a hearing before the Committee. Alternatively, the Committee may request parties to appear in person before it. The purpose of these hearings is to clarify the objection or complaint and to provide relevant information. It should not be seen as an opportunity to change or extend the objection or complaint.

The lodging of an objection or complaint, and the Committee's consideration of it, is a serious issue which can have significant implications for member States and for the social partners concerned. The Committee takes its role seriously and seeks to ensure the effective resolution of objections and complaints. To achieve this, the Committee relies on the cooperation of the Governments, Employers and Workers.

Original French: The PRESIDENT

Thank you, Mr Vines. The Credentials Committee has adopted the second report unanimously. It is submitted to the Conference in order that the Conference may take note of it and adopt the proposals contained in paragraphs 10, 61 and 75, which concern the delegations of Djibouti, Islamic Republic of Iran and Myanmar, respectively.

(The second report – paragraphs 10, 65 and 75 – is approved, unanimously.)

We would like to thank the Office and the secretariat of the Committees which presented their reports this morning for the remarkable work carried out.

**REPORTS OF THE CHAIRPERSON OF THE GOVERNING
BODY AND OF THE DIRECTOR-GENERAL:
DISCUSSION (CONT.)**

Original French: The PRESIDENT

We shall now resume the general discussion on the Reports of the Chairperson of the Governing Body and of the Director-General.

Ms MCHIELA (Government, Malawi)

My delegation fully agrees that decent work is indispensable for achieving balanced and sustainable outcomes in our countries. We note with satisfaction the tremendous achievements made by the ILO and member States in the last biennium. Allow me to highlight just a few of Malawi's achievements in the period under review.

Firstly, at the macroeconomic level, Malawi has continued to implement, with considerable success, its national development policy of transforming the country from a predominantly importing and consuming nation to a net exporter, as articulated in the Malawi Growth and Development Strategy. The results are clear to see: the country has registered high economic growth of around 7 per cent per annum over the last five years, including during the period of economic crisis, and poverty was reduced from 52 per cent in 2005 to 40 per cent in 2008. Growth in the economy is mainly attributed to the performance of the agriculture sector. Malawi has demonstrated to the world, with considerable success, that home-grown policies using local capabilities can ignite high growth, which goes against the

conventional wisdom. In this regard, the agricultural input subsidy programme introduced by the present Government in 2004 has helped turn the country from a food deficit to a food surplus economy. The growth in agricultural production has no doubt increased rural employment and earnings, which is likely to have multiplier effects in the sector.

What the country needs now is to find ways of sustaining its agricultural growth and productivity as well as to improve the employment impact of the strategy in terms of both the quality and quantity of jobs. We would like to invite the ILO, in its knowledge-building role, to help us with the assessment of the employment impact of our agricultural strategy.

Secondly, we have just finished developing our Decent Work Country Programme which will be launched very soon. Through extensive consultations, including in "tripartite plus" forums, we have come up with three priority areas of action: employment creation and combating child labour; enhancing and extending social protection; and capacity building for labour administration and social partners. I am pleased to inform this august house that we have already started implementing some of the key activities of the programme. Most notably, these include the development of the national employment and labour policy and the national profile on occupational safety and health; labour law reform, and the improvement of the labour market information system by carrying out national labour force and child labour surveys. For the first time, Malawi is introducing a mandatory pensions law. The draft bill will be presented to Parliament for enactment very soon.

Thirdly, cognizant of the importance of youth employment, the President, Bingu wa Mutharika, has launched a 3 billion kwacha youth enterprise development fund to provide training and capital for young people to become successful entrepreneurs and thereby create decent jobs for themselves and others.

As part of the social protection programme, the Government has also continued the implementation of an unconditional social cash transfer programme, which has been rolled out from the original two districts to nine districts. An initial assessment of the programme indicates that household assets have increased, child labour use has dropped, and school attendance and nutrition in these areas have improved tremendously, to mention just a few.

My delegation is happy to note that the Regular Budget Supplementary Account (RBSA) is fully aligned with Decent Work Country Programmes. I urge the ILO to continue mobilizing resources and funding for those programmes and to consider including projects to enable Malawi to implement its own Decent Work Country Programme.

Original Arabic: Mr CHABAT (Worker, Morocco)

On behalf of the Workers' delegation of Morocco, which the General Union of Workers of Morocco (UGMT) has the honour of heading, I would like to say that the trade union movement in Morocco, through the bloodshed by its martyrs and militants in the struggle to liberate the country, has fought hard at all levels to improve living conditions. This culminated in the general strike in December 1990, which left tens of Moroccan workers dead, hundreds arrested and thousands dismissed.

It is thanks to this struggle that Morocco today is a country of dialogue, freedom and human rights, and especially the rights of women and children.

During this session, the focus has been on decent work, domestic workers and child labour. We would like to say that the Government of Morocco has made great strides in this direction in terms of the legislation adopted and incentives, such as granting hundreds of thousands of families financial assistance on condition that they keep their sons and daughters in school, with dissuasive penalties to be applied in the event of violations. Penalties are also imposed on those who employ children under the legal working age in workshops or other places.

We appreciate the ILO's call for a new standard on this subject.

Despite the pressure of time, we must highlight some of the main issues of concern to the Moroccan trade union movement.

While there has been some progress in social dialogue under this Government in meeting some of the workers' demands, it still falls short of union expectations, especially in regard to ratification of Convention No. 87 and the repeal of section 288 of the Penal Code, in view of the blatant violation of trade union freedoms, such as the dismissal of workers immediately after they join a trade union, and their imprisonment on false charges. We must also mention the free zones and the fact that certain public enterprises prohibit trade unions, either entirely or in the case of certain unions.

We will continue our struggle until the Moroccan workers' demands are met, first and foremost among them an increase in wages, recovery from the crisis, the problem of freedom of association and promulgation of the act on trade unions.

As regards our relations with the ILO, we would like to be released from bureaucratic rules and from being confined to dealing with the Cairo office, and not have to be forced into other attachments, which hampers – if not disrupts outright – the workers' interests.

As regards the Decent Work Country Programmes, we consider that the parties concerned should be involved in their implementation.

Another important issue is that of migrant workers, who have left their mark on the global economy, and now need considerable support as they have borne the brunt of the economic recession, in addition to the discrimination and racism to which they are subjected.

On behalf of the Moroccan workers' delegation, we strongly condemn the criminal act perpetrated against the humanitarian relief convoy that tried to lift the blockade on Gaza, which claimed innocent martyrs to humanitarian solidarity. We appreciate the appendix to the Director-General's Report relating to Palestine and call on the Conference to adopt a clear condemnation of the arrogant Israeli entity, which has rejected the peace process, and which should be classified as a special case. We call for the liberation of the occupied territory and the establishment of a free and independent Palestinian State, with Al-Quds as its capital.

My delegation would also like to mention the initiative of the Kingdom of Morocco to resolve the conflict in the Moroccan Sahara through self-determination, and call on all those who love peace to show solidarity with the peace process in which Morocco is engaged under the leadership of His Majesty King Mohammed VI, who has made it a

major development priority, a cause for dialogue between civilizations and cultures and a stronghold against all forms of violence and extremism. For as it is written, "The Messenger believes in what has been sent down to him from his Lord, and so do the believers. Each one believes in Allah, his Angels, his Books, and his Messengers. They say, 'We make no distinction between one another of His Messengers'."

Morocco is the guardian of traditional values, but it is also a country open to modernity at the forefront of the international community.

Original Spanish: Mr BRENTA (Minister of Labour and Social Security, Uruguay)

Uruguay is referred to in the Report of the Director-General as one of the five countries in the world that have managed to overcome the impact of the global economic crisis by maintaining both positive GDP growth and a continued decrease in the rate of unemployment.

Since 2005, my country has managed to halt the growing and historic trend of poverty and absolute poverty. This was achieved through the implementation of a set of social policies which led to a reduction of more than 12 per cent in the poverty rate and a reduction of 50 per cent in the absolute poverty rate. Economic growth and the development of active employment policies have enabled a reduction in unemployment from 13.7 per cent to the current 6.9 per cent, and the real salary levels of our workers has increased on average by 25 per cent in the five-year period from 2005 to 2010.

These achievements, which we consider to be very significant, were accompanied by comprehensive reforms of the tax and health systems, to the benefit of the most vulnerable groups. At the same time, the country achieved its goal of allocating 4.5 per cent of its GDP to education, including the so-called Ceibal Plan, which provided a computer for every child in the public education system. Our Government considers education to be the main tool in the fight against poverty.

Economic growth and the conviction that this should be accompanied by government policies to redistribute wealth have made it possible to reach these objectives in the social sphere. In our opinion, it is possible to grow and distribute wealth at the same time, without disregarding the needs of citizens. When the country began to feel the impact of the global economic crisis, the Government took a number of measures to increase social expenditure, maintain the purchasing power of salaries and pensions and promote investment to maintain the level of economic activity.

We would like to highlight that this has been possible not only through the prudent management of the economy, which includes the permanent monitoring of the financial system since the crisis suffered by the country in 2002, but in particular through the significance that has been given to collective bargaining and constant social dialogue since 2005.

The measures adopted by the Government to mitigate the crisis, such as the incorporation into the social security system of partial unemployment payments with a view to maintaining employment, capacity-building and training policies for workers and greater flexibility in the retirement scheme, were all assessed in the framework of social dialogue. It is in this context that our country, for the

first time, facilitated collective bargaining for domestic workers and rural workers. The results led to a notable improvement in the level of formalization of such workers with regard to their wage levels and working conditions.

With the objective of highlighting the importance that our country has granted to collective bargaining in domestic work, our Government has decided to include in the delegation of Uruguay two representatives, one from the employers' sector, the other from the workers' sector, in order to make a contribution to the work of the Committee on Domestic Workers. We fully support the report of that Committee.

We would also like to draw the Conference's attention to the fact that, a few days ago, for the first time, we set up, following the approval of the relevant legislation in Parliament, the Supreme Council for Collective Bargaining for Public Sector Workers. With this measure, 100 per cent of Uruguayan workers have access to collective bargaining for wage-setting purposes.

We also hope to achieve the adequate combination of development, equity, economic growth and social justice and we are convinced that, in addition to appropriate macroeconomic policy management to promote industry, trade and services, it is essential to provide training for workers and people in general, in order to be able to promote decent work for all, which will enable personal development and family stability, as promoted by the ILO.

We know, as countries that have gone through dictatorships, how important the aforementioned is to achieve in our societies the full enjoyment of freedom of association, the constant promotion of social dialogue and the advancement of democracy, without which we will never be able to achieve social justice.

Mr MDLADLANA (*Minister of Labour, South Africa*)

Many years ago, Winston Churchill once declared that "difficulties mastered are opportunities won". At this 99th Session of the International Labour Conference, there are many difficulties before us which we can transform into opportunities for tomorrow. The world is only now beginning to see signs of a recovery following the most hard-hitting global recession in decades. Last year, when we convened here, all we saw were difficulties. We must now turn these difficulties into opportunities.

In South Africa, we have a saying which, when loosely translated, means "intelligence emerges from difficulties". We have therefore become smarter in terms of our view of the global economy. We used to feel unease when talking about the role of the State with respect to the markets. We used to feel guilty when we stressed the need to balance economic interests with those of the workers. We even used to feel ashamed of highlighting the need to protect vulnerable workers. This is no longer the case. The global economic recession has now taught us that markets are not as innocent as they proclaim to be. They are not as independent as they have made us believe. And they are not as responsible as they pretended to be. When the chips are down, society as a whole looks to governments to do something. The message is loud and clear. Governments can no longer sit on the sidelines and watch as markets play themselves out. This is a message we must all bring to this forum, as the Director-General has so aptly done in his Report. He warns governments

that the task we are now facing, during this period of marginal economic recovery, is a test of strength, with financial markets and governments competing as to who will ultimately set the agenda for policies.

The Report also calls on governments to agree on how to better regulate the global financial system, which is a priority we must resolve during this Conference. I agree with the Director-General that, in doing so, we must simultaneously agree on an employment-oriented agenda for recovery and growth, and not leave it to the markets to decide. The Director-General's Report also raises a second important issue, namely that of balance and dialogue, or rather a fragile balance and dialogue. Two key principles must guide both balance and dialogue. Firstly, the new political balance that the Report mentions has to be based on the central role of the State in guiding and leading economic recovery. Governments cannot only enter the arena when they have to bail out markets that have collapsed. They have to play an equally central role in driving the pace of recovery, making sure that it is employment-oriented and that it leads to the creation of decent jobs and the well-being of society. This is an opportunity that governments must seize, and one which arises from the difficulties of the recession.

The second principle is that this fragile balance and dialogue must also focus, first and foremost, on the need to protect the interests of workers, particularly the most vulnerable. Greed and bonuses for business leaders have both been blamed for the economic meltdown, while ordinary workers have been the ones hard hit by the recession, through job cuts and deteriorating conditions of employment.

The ILO's *Global Employment Trends* report has revealed that 1.5 billion workers, namely half of the world's working population, were in vulnerable employment during 2009.

Original Arabic: Mr LOUH (*Minister of Labour, Employment and Social Security, Algeria*)

As the world is experiencing an economic and financial crisis that has led to global economic recession and a loss of trust between economic actors and the international financial system, which is hampering recovery, I would like to recall the words spoken here in 2005 at the 93rd Session of the International Labour Conference, by the President of the Republic of Algeria, Mr Abdelaziz Bouteflika, when he stated that the rules of globalization raised fears throughout the world because they failed to take the social dimension or justice into account. He called for a human face to globalization, the rules of which had been established without the participation of the developing countries.

We feel that the global situation today justifies these fears, in that the present crisis has led to the loss of millions of jobs and there is still a lack of balance in international relations, and North-South relations in particular, which are at variance with the Constitution of the ILO, which states that "universal and lasting peace can be established only if it is based upon social justice".

Although this principle was laid down in 1919, it has been borne out by history over the years and decades.

The rules of globalization need to be adjusted in order to achieve a balance between market requirements and social aspirations. This requires a shared willingness and rejection of a fatalistic vision that

divides the world into consumer regions on the one hand and producer regions on the other.

It is this lack of balance in international relations that needs to be corrected if the world is to be able to face these many crises – the energy crisis, the water crisis, the environmental crisis, the food security crisis and even the human resource crisis. We must face these challenges on the basis of a shared vision in the service of humanity as a whole, without any discrimination, in order to ensure global security and stability.

Since the year 2000, Algeria has adopted an economic policy aimed at a diversified economy, which is protected from fluctuations in oil prices. Measures undertaken by His Excellency the President of the Republic in regard to early repayment of the external debt enabled a substantial decrease in that debt. As a result, it represented only US\$480 million at the end of 2009, while foreign exchange reserves amounted to US\$147 billion at the same date. All of those measures have enabled Algeria to mitigate the effects of the financial crisis.

For example, we have reduced unemployment from 17.7 per cent in 2005 to 10.2 per cent in 2009. And continuing the development process, the public investment programme for 2010–14 was allocated a budget of US\$286 billion, in addition to private national and foreign investment. The programme is aimed at improving basic infrastructure and achieving our human development objectives, for which over US\$40 billion have been allocated, which will make it possible to create unprecedented numbers of jobs.

In the field of employment, a plan of action for promoting employment and overcoming unemployment has been adopted, mainly by encouraging employment-generating investment through fiscal and parafiscal incentives to create jobs, especially among young first-time jobseekers.

The Palestinian workers and those in the other occupied Arab territories continue to suffer from an extremely difficult situation. We call on the international community to demand the immediate lifting of the unjust blockade on Gaza and to take on its responsibilities in regard to the inhuman practices perpetrated against the proud Palestinian people by the occupying authorities, in contravention of international agreements.

Mr CHATURVEDI (*Government, India*)

The years 2008 and 2009 were difficult, having a negative impact on the pace of economic activity all the world over. The labour market, however, has been the worst hit victim of the slowdown, with increasing employment loss, dwindling job opportunities, deteriorating working conditions and reductions in social security. Although we are witnessing signs of recovery in many economies in response to the host of measures taken across the world, the latest trends in the global economic environment, particularly on the labour market, are still not very encouraging. Unemployment levels are high and the climate of uncertainty and insecurity is still not over, leading to increased fiscal imbalance; and the job-rich recovery is not taking place. There are fears that the uncertainty and weak recovery may lead to a depression.

It is encouraging to note that the prompt measures in terms of strong countercyclical policies worldwide have helped the labour market to some extent withstand the economic shock. Unprecedented

stimulus packages amounting to some 1.7 per cent of global GDP have helped countries raise public expenditure and extend social protection during the period of crisis. Countries across the world are now preparing stimulus exit strategies aimed at maintaining fiscal prudence and discipline. We believe that the exit strategies have to be decided carefully, and that the withdrawal of the stimulus measures has to be a gradual process with a focus on strong, sustainable and balanced growth and job creation.

The 2008 Declaration on Social Justice for a Fair Globalization and the Global Jobs Pact have given us a far-sighted vision for addressing the evolving needs of constituents, with an emphasis on the rights-based approach and the process of social dialogue to adopt appropriate region and country-specific policy measures.

Taking inspiration from that vision, there is a need for more focused and coordinated recovery policies geared to generating more employment opportunities, upgrading skills, enhancing social protection and providing decent working conditions. We have to show greater commitment to the Global Jobs Pact, which has been widely endorsed across the world and sanctioned by the tripartite constituents.

While the global economic crisis has affected certain segments of the Indian economy, its macroeconomic impact has been modest, primarily because of robust economic growth and the prudent and balanced policies and countercyclical measures put in place by the Government. These measures have returned India's economy to high levels of economic growth with an overall increase in GDP of 7.4 per cent for 2009–10. We have targeted GDP growth of about 9 per cent for 2010–11.

The Government of India has taken various initiatives to boost internal demand and investment by allowing public-sector financing institutions to raise massive funding for launching and strengthening infrastructure projects. Attention has been focused on protecting the poor through targeted social spending, expanding the safety nets and providing access to housing, health and educational facilities. In our employment strategies, the focus is primarily on skills development, vocational education and employment-intensive small and medium enterprises.

The Government of India is also implementing a range of employment generation and poverty alleviation programmes to increase employment opportunities in both rural and urban areas. We appreciate that the relevance of one of our major proactive labour market intervention programmes, namely the Mahatma Gandhi National Rural Employment Guarantee Scheme, has been noted by the Director-General in paragraph 65 of the Report. The National Rural Employment Guarantee Act is the first ever law in the world to guarantee as many as 100 days' wage employment a year to every household in rural areas.

As noted in the Report (box 2.1), India has been expanding health protection for low-income households. We are also implementing a unique and ambitious health insurance scheme called Rashtriya Swasthya Bima Yojna (RSBY).

We feel that to keep pace with contemporary developments it is necessary to strengthen public employment services in order to promote employment and integrate social resources to help unemployed and vulnerable persons find work. It is in this con-

text that the Government of India has initiated a major project to upgrade and modernize all 969 employment exchanges in the country.

The measures taken by our country are in keeping with the guidelines set out in the Global Jobs Pact. It is because of these prompt policy measures that the scenario for India's future is optimistic. We strongly believe that our continued commitment to these policies will act as a major catalyst in the recovery process.

Mr BADR (*Government, Egypt*)

It gives me great honour and pleasure to deliver the statement on behalf of the Non-Aligned Movement (NAM) ministers of labour. The ministers of the Non-Aligned Movement, convening during the 99th Session of the International Labour Conference have deliberated on a number of issues of interest and concern.

The NAM labour ministers observed ongoing discussions in the Working Party on the Functioning of the Governing Body and the International Labour Conference demonstrating a broad-based convergence among the constituents with regard to the general thrust and direction of the reform process.

They recognize the need to put the agreements reached on a number of specific issues into immediate effect. They also believed that, while the Working Party remained engaged with the reform of the functioning of the Governing Body, it should subsequently undertake a similar exercise in relation to the functioning of the International Labour Conference.

The NAM labour ministers stressed the need for rationalizing the committee structure and agenda of the Governing Body to enhance coherence, avoid overlapping and strengthen governance through strategic policy discussions, decision-making and follow-up. In this context, they underscored the importance of greater inclusiveness and transparency in the agenda setting process. They welcomed some of the positive steps already taken in this regard and urged the Working Party to keep up the momentum of its work to achieve sustainable and meaningful progress. They also urged the Office to provide necessary support services to Government members to further enhance their role and participation in the overall governance process.

Based on the recommendations of the ministers of labour of the Non-Aligned Movement at their meeting in Geneva last year under the Chairmanship of the Minister of Labour and Social Security of the Republic of Cuba, the labour ministers of the Non-Aligned Movement meeting on the occasion of the 99th International Labour Conference reaffirm the need to restructure the membership of the Governing Body of the ILO in order to allow adequate representation of all regions, and in particular by developing countries with low current level of representation in the Governing Body.

The NAM labour ministers believe that the 1986 amendments correspond to this concern and welcome the decision of the 307th Session of the Governing Body requesting the Office to relaunch the campaign in order to reach the number of ratifications necessary for the entry into force of these amendments. They accordingly renew the call to all member States that have not ratified them to do so as soon as possible. The ministers invite the International Labour Office to brief members on a regular basis, through the Governing Body, on action taken

in this regard on developments with regard to any new ratification of the amendments.

As regards the Committee on the Application of Standards, the NAM labour ministers reaffirmed once again the need for continued improvement of the working methods of the Committee with the objective of making them more transparent, democratic and responsive to the well-established principles of the ILO. They believe that in so doing, the Committee can raise confidence among the Members and thoroughly fulfil its mandate in a suitable manner. In this regard, the NAM labour ministers express their disagreement with the proposal that the ILO should adopt measures against countries which are not accredited in the International Labour Conference and that they should be considered by the Committee on the Application of Standards.

They also express their firm belief that the ILO is the competent body to address questions relating to the implementation of ILO Conventions by member States.

The NAM labour ministers reiterated the need to urgently formulate and apply, in a transparent manner, more objective, justified and transparent criteria, for the drawing up of the list of individual cases to be examined by the Committee, as well as the need to consider an adequate geographical balance between developed and developing countries, and between the fundamental Conventions and the technical Conventions.

The NAM labour ministers have exchanged views on the recent developments related to the global financial economic crisis and expressed their concern that the crisis and the global downturn have had far-reaching effects, especially on developing countries. Although global efforts are in place, a large number of developing countries are not able to participate in coordinated stimulus measures to mitigate the negative effects of the crisis on the real economy.

There is a growing concern that the current situation is not conducive to the attainment of the Millennium Development Goals. The international support mechanisms are not so far providing the necessary countercyclical finance on affordable terms for these countries.

The NAM ministers of labour believe that only a sustainable and balanced path of recovery will be able to consolidate any gains recorded during the last year and that accelerating jobs recovery remains the key policy challenge.

They also believe that more efforts should be undertaken to ensure better regulation of financial markets with a view to putting finance at the service of the real economy as well as for the creation of decent jobs. International coordination is vital in these policy fields to provide for productive investment, sustainable enterprises, inclusive labour markets and wider coverage of social protection. They draw attention to the fact that the social protection response to the global crisis has been minimal and that increases in coverage have been marginal.

The NAM labour ministers observe with great concern that the efforts to mitigate the effect of the financial crisis have not resulted in major reforms or large-scale expansion of social protection and believe that more orchestrated efforts are required to achieve this.

The NAM labour ministers stressed the significant role played by the ILO at the international level in dealing with the crisis and drew attention to the fact

that such a role has to be mainstreamed with the roles of the United Nations and other international institutions.

The NAM labour ministers expressed the rejection of the Israeli policies that have led to the deteriorating economic and social conditions in the occupied Palestinian territories, as well as the occupied Syrian Golan, which seriously affect workers' and employers' ability to carry out their activities. They recalled the commitments undertaken by the international community to help the Palestinian people. They condemned the unlawful Israeli attack on the flotilla carrying humanitarian supplies to the Palestinian people, and call for the immediate lifting of the siege imposed by Israel on Gaza and other occupied territories.

Finally, the NAM labour ministers invite the Director-General of the ILO to convene a meeting with international donors to provide and raise financial support for the technical assistance provided by the ILO in order to help improve the economic and social progress of the Palestinian people.

Ms BOROSNÉ BARTHA (*Employer, Hungary*)

It is evident that, to emerge from the economic crisis, we need a return to GDP growth, combined with targeted employment policies, to start job creation in the short term and ensure sustainable recovery in the long term.

The employment rate is low in Hungary, 54.7 per cent, and unemployment is 11.8 per cent. Tax on labour costs is high in the country. Non-wage labour costs must also be taken into account when thinking about how to influence employment growth at the margin when encouraging new economic activity, especially within the framework of tight fiscal circumstances.

This situation requires effective and affordable policy action by all constituents to ensure productive and rewarding jobs for all groups. Frameworks that provide for labour market flexibility and quality education and encourage entrepreneurship will enhance employability, productivity and transition into new jobs, including into innovative sectors.

Various forms of atypical employment, job-sharing or appropriate forms of telework and the applicable regulations, based on tripartite consensus, all contribute significantly to job creation. A flexible approach is important for businesses. The need for atypical forms of employment is on the rise, but the relevant legislative regulations are still not adequately available. The remunerative and other organizational conditions are not sufficiently attractive for employers. An indication of the less than appropriate flexibility and dynamism of the economy and employment is that the labour market chances of some specific groups, such as untrained or unskilled persons, persons with disabilities, and young and ageing workers, are not as close to others' as they could be, while the available legal, regulatory and other instruments are not powerful enough to weaken these inequalities.

Therefore, policies should focus on employment. These policies must be underpinned by effective social benefits and strongly supported by opportunities for education and vocational training. The training programmes should be designed for leading types of jobs and include practical training, as well as the learning of relevant theory.

Investment in skills, education and training is an important element of comprehensive employment

policy. Training and education including lifelong learning, the improvement of quality competences and access for all, with the effective engagement of the employers in particular areas and the constant updating of skills in today's knowledge-based economy. It is also vital to harmonize education and skills for innovation. Without the right combination of skills, we cannot reap the full benefits of future innovation. Therefore, education and training are not only necessary to ensure against shortages of highly skilled workers in key economic sectors, but also to help individuals' adaptability to the changing nature of jobs across all sectors.

Sustainable job creation should be supported by the social partners, who can play an essential role in forming practical solutions for economic recovery within the framework of social dialogue. Social partners play a particular role in the area of employment and social policy because of the interests they represent on the labour market. Therefore, open consultation and coordination for employment and social policy should be a main instrument, alongside legislation.

In conclusion, the Hungarian employers are convinced that the ILO has an important and complementary role to play with respect to employment and social policy; the values and basic principles on which this Organization was built and which respect the institution of social dialogue, and places it among its essential values. I would also like to take this opportunity to thank the ILO Budapest interdisciplinary team for their continuous generous assistance and their cooperation in fulfilling this role in many relevant projects and programmes for all the Hungarian constituents and also for the whole region they represent.

Original Spanish: Mr CARLES (*Government, Panama*)

The Panamanian Republic is redoubling its efforts, in view of the immediate need, to strengthen its commitment to generating policies and developing actions in all sectors with the aim of combating poverty and tackling the employment crisis.

In Panama today, we can take satisfaction in the benefits of major investment projects, one of which is the widening of the Panama Canal. The second phase of this project will be inaugurated on 30 June, benefiting not only Panamanians and migrant workers, by providing decent work, but also national and international companies. A subway system construction project, awarded to three international consortiums, will also generate decent work for nationals and foreigners.

This relates to the issues of promoting employment for recovery and growth covered in the Director-General's Report, *Recovery and growth with decent work*. The objectives set out in the Report of the Director-General are genuine political options that will contribute to recovery and make it possible for us to achieve sustainable growth, generating decent work for all.

With this in mind, in our country, we are pursuing four interrelated strategic aims. One of these is an assistance programme for insertion into the labour market, supported through international cooperation, the aim of which is to help people who have difficulty finding employment. The second is the "My First Job" programme, which aims to provide skills and training for more than 20,000 young people between 18–29 years of age, in line with demand. The third relates to public investment and the

creation of special economic zones, involving an injection of public funds of more than US\$12 billion. The fourth is a policy of increasing wages, as an effective means of finding positive solutions to various issues relating to the linkages between capital and labour, such as maintaining decent jobs with proper incomes, in the conviction that, on this basis, it is possible to improve the economy of our people.

This increase in wages was an unprecedented historical decision. The Government of Panama has made adjustments of up to 47 per cent in the economic activities of more than 243,000 Panamanian workers. The task was not easy, but the State of Panama decided to raise wages even in a time of economic recession. This decision has yielded positive results: both workers and employers recognize that the wage increase has been the most significant of the last 50 years.

The Government of the Republic of Panama has promoted international labour standards, full employment and decent work, as a central part of its economic and social policies. In this regard, we have striven to ensure full respect for the trade union rights set out in international labour instruments, namely freedom of association, the right to organize and the right to collective bargaining. A range of measures have been taken to allow equal and fair participation by all workers' organizations in the various negotiating and tripartite discussion forums.

We have strengthened labour inspection in order to ensure the safety of workers, especially in the construction sector. To achieve this, national legislation is being adapted to include more obligations for employers in this industry.

As regards the eradication of child labour, Panama has reinforced its institutions in order to comply fully with Convention No. 138 and Convention No. 182. We attended the Global Child Labour Conference, held in The Hague in May 2010, with the clear intention of raising awareness of and developing the recently created national department for the eradication of child labour and the protection of adolescent workers. This department will have the task of considering and deciding upon the actions that will lead Panama to become the first country in Central America free of child labour.

In the context of implementing the Conventions we have ratified, Panama, having ratified the Maritime Labour Convention, 2006, in January 2009, has been working hard to bring its national legislation into line with this Convention. The process is now in its tripartite consultative phase. We are also adapting our legislation to comply with the recommendations of the Committee on the Application of Standards so that enterprises do not cease operations during strikes.

Finally, I am happy to announce to you that the Republic of Panama has made a formal request to the ILO to set up a training and skills centre for Latin America and the Caribbean, which will be established within the "City of Knowledge" campus, Panama City, where the United Nations hub for Latin America and the Caribbean is located. This new training centre will allow for technical assistance to be given to workers, employers and representatives of all governments. We already have funds and financing, and we hope that, with the support of the ILO and all its constituents in Latin America, we will be able to make progress on this project soon.

In all the actions it has taken, our country has given primacy to the needs of the individual, thereby providing all those who live in our country with a unique opportunity to live in an environment of social peace and national progress.

(Mr de Robien takes the Chair.)

Mr MAVRIKOS (*Representative, World Federation of Trade Unions*)

I would like to start my intervention at the plenary session of the 99th International Labour Conference with a criticism of the decisions made in respect of the Governments of Colombia and the Bolivarian Republic of Venezuela, which are unacceptable decisions that reduce the prestige of the ILO. They show that it is not objectivity, but rather injustice, darkness and secret negotiation that rule. We condemned those trade unionists who betrayed their class and agreed to those decisions.

We are living through a period of global crisis in the capitalist system. This crisis is deep and embraces all areas of the system: the economy, politics, society, culture, environment and even people's personal relationships.

All governments are either neo-conservative or social democrats and follow the recipes and the directions jointly decided in Brussels or in Washington. The Governments of Denmark, Greece, Ireland, Italy, Portugal and Spain, for example, all follow the same policies, which attack workers by reducing trade and labour rights, and increasing redundancies, poverty and privatization. ILO statistics have shown a big rise in unemployment and poverty rates.

In Greece, the social democratic Government has reduced the wages of civil servants by 25 per cent, doubled lay-offs and increased the retirement age by five years for women and three years for men. It has reduced all pensions by 40 per cent. It is selling public assets, abolishing collective contracts and increasing taxes for ordinary people.

This financial crisis is very deep, and in the coming years it will worsen and become deeper. This situation is creating and exacerbating competition between monopolies and multinationals, between States, and between the European Union and the United States. The struggle in the exchange rate between the euro and the dollar will continue. Strong intra-capitalist rivalries are dominating the energy transport sector and seeking control of new markets and new spheres of influence. You have all followed the confrontation between Germany and France about who will capture Africa and the Middle East. You saw what happened in Haiti immediately after the recent earthquake: Socialist Cuba sent 1,600 doctors, whereas the United States sent 16,000 soldiers. Look at Latin America, and look at the brutality and crimes of Israel against the Palestinians, against the Gaza Strip, against all Arab people. Crimes are committed with the tolerance and hypocrisy of the international organizations. In Mexico for example, the Government is attacking trade unions. This is a picture of the contemporary capitalist system. Attempts are being made to control the anger of the people by changing governments, and by making businessmen into prime ministers. With paid propaganda they are trying to convince workers that the International Monetary Fund has labour-friendly and social aims.

The World Federation of Trade Unions does not believe in this kind of analysis, but rather in the analysis done by Karl Marx for the cyclical crises that keep recurring, because crises exist deep in the DNA of capitalism. Any development in the coming years will be small, temporary and weak. Most developments will be based on the bleeding of workers, on poverty among the unemployed and on the uncertain future of young people. Any development will be based on social ruin.

Today, everybody understands that the crisis concerns everyone, the crisis is everywhere.

On 7 September 2010, the World Federation of Trade Unions will hold the International Day of Action of the Trade Union Movement. Through small and big struggles, the international working class will understand that the future of humanity can be drastically improved only through the abolition of the exploitation of man by man.

Original Spanish: Ms TRUJILLO CÁRDENAS (Minister of Labour, Employment and Social Welfare, Plurinational State of Bolivia)

We have been and continue to be concerned about the international financial crisis, which started in the industrialized countries but which is now affecting the poor and vulnerable States, in particular developing countries. Thus, multilateral organizations, such as the International Labour Organization, are more important than ever as they allow all of us, not just some of us, to discuss the problems that affect us all.

Under our President, Evo Morales Ayma, a process of change has been implemented, which adapted the country and formed the basis of the Plurinational State, with measures to provide a vital impetus to our people, allowing them dignity and sovereignty; with the responsibility of building a productive State with employment, security, education, health and social justice for each and every family.

The process of change that was established as part of the democratic and cultural revolution was based on four fundamental pillars that provide the structural foundation of the National Development Plan for a democratic Bolivia, a productive Bolivia and a fair Bolivia.

A productive Bolivia seeks to guarantee the economic development of the country, continuing to transform production structures so as to create savings, investment, stable employment, income and production for the domestic market and export.

The main objective in constructing a fair Bolivia is the eradication of extreme poverty and all forms of injustice, exclusion, marginalization and social, political, cultural and economic exploitation, allowing fair distribution or redistribution of income, wealth and opportunities. The role of the State is fundamental in providing the conditions that will allow the lives of Bolivians to improve.

With the development of business and labour skills, we have continuing programmes for professionalization, the use of modern technologies and the certification of labour skills. This includes the consolidation and broadening of activities within the "My First Decent Job" programme, which provides training and entry to the labour market for young people. It also provides human resources training in order to encourage foreign trade, and sets up public-private networks between professional training institutions and company human resources, to connect the educational and productive systems.

As regards creating decent work, we have programmes on the protection of fundamental rights, combating child and forced labour, and the incorporation of labour into the pluralist economy.

We are contributing to an improvement in the quality of employment through sustained increases in the minimum national wage since 2006, policies on labour stability and health and safety at work, protection against forced labour and similar types of work, and strengthening the trade union movement.

Another important issue is the analysis of the capacity building of labour administration and labour inspection. This is an important element in any integrated action aiming to protect workers, social security and labour market policies within a tripartite framework.

Finally, all countries should promote respect for the fundamental principles and rights at work, which are vital for human dignity and essential for recovery and social development. For Bolivia, therefore, it is very important to strengthen the following at the international level: achieving elimination of the different forms of forced labour, the worst forms of child labour and discrimination at work; respect for freedom of association and the right to join a trade union and to have collective bargaining; ensuring the establishment of decent working conditions that guarantee legal protection, equal rights, coherent labour contracts, and mechanisms for protection against physical, psychological and sexual abuse; and policy mechanisms for the protection of rights. For this reason, we support the establishment of an international labour standard that will guarantee the rights of paid domestic workers. Public policies also need to be established for the protection of the rights of migrant workers, providing them fair treatment and clear working conditions in their host countries, with priority given to those who are affected by the international crisis.

Mr YITZHAKY (Government, Israel)

The world is continuing in its efforts to confront the employment crisis that has accompanied the world economic crisis. We can see at this juncture that it is not a case of there being any magic solutions. The crisis, which we thought had all but dissipated, has emerged and reappeared all over Europe, and it is obviously likely to have a wide-ranging effect on the world economy. Genuine and sustainable solutions must therefore be found to these crises.

In view of the efforts of the Government of Israel to tackle the crisis and the decisions that it has taken, signs of improvement in our situation are evident. We have proceeded with the establishment of aid funds and arrangements that will make it easier for those employers who have been hesitant in dismissing employees. We can therefore already see a significant fall in the level of unemployment, which stands today at 7.2 per cent.

The round table forum, which was established upon the formation of the present Government and which is a forum of collaboration between the Government and the social partners, has made a major contribution to attempts to cope with the economic crisis.

In such spirit of collaboration, the Government of Israel has recently ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). Israel is, in addition, continuing

with extensive activity to pave the way to assure decent work for all.

The pattern of collaboration that has become an increasingly permanent feature in the last few years between the workers' and the employers' organizations, continues to bear fruit in a way that also saw the maintenance of industrial peace in Israel in 2009. The relatively good data regarding strikes and labour disputes proves just how much the stability of the labour relations set up in Israel has been maintained.

In addition to the positive dynamic of the system of labour relations, one can see the increasingly intensive creation of workers' organizations, which have been a basis for the signature of new collective agreements.

I would like to mention that Israel is collaborating in several projects with the European Union, under the European Neighbourhood Policy Action Plan and the Association Agreement concluded between Israel and the European Union. One of the projects is the twinning project between the United Kingdom and the Israeli Equal Employment Opportunities Commission (EEOC) to strengthen the capacity of the Israeli EEOC.

The State of Israel is continually facing and challenging socio-economic matters, such as dealing with the dimensions of poverty; the aspiration of increasing the rate of participation in the labour market, principally among special population groups such as ultra-orthodox Jews and Arabs; a reduction in unemployment and intensive action to that end, particularly in the peripheral areas; an improvement in the pensions system, following the raising of the employment retirement age; the intensification of enforcement of labour laws; and the increase in growth and enhancement of the standard of living and quality of life. All this is being done in the spirit of the basic principles and standards set by the ILO. Thanks to this, and to Israel being a democracy with a market economy with impressive economic data and standards and a constant and active willingness to improve them, a decision was made recently to accept the accession of Israel as a fully-fledged member of the OECD. In this context, I would like to emphasize that Israel is willing to share its unique experience with all countries in order to reach global prosperity.

In parallel with its efforts in the socio-economic sphere, the Government of Israel has been steadfast in its commitment to the promotion of peace and friendship with all our neighbours, the Palestinian Authority and the other Arab nations, in order to achieve prosperity in our region.

Original French: Mr CORTEBEECK (Worker, Belgium)

What we have learnt from the economic and financial crisis is that we can in no case continue on the path of market deregulation. That is true for financial markets but it is also true for the world of business and the labour market. Those who think that the only way of guiding human behaviour is to promote sustainable entrepreneurship are mistaken. The way out of the crisis must also come from new regulations that instil rights with human values and translate the expectations of business and citizens into rules.

Once again at this Conference we have seen many member States and also Employer representatives hesitate in the face of the development of new labour standards. We must continue along this path.

I realize that our standards have to be updated, and I recognize that there is no point in setting strict standards if we do not have the slightest chance of their being ratified by a large enough number of countries.

I also recognize that we need to work in many other areas if we wish to make progress. However, using standards to establish rights must remain our guiding principle. So I am particularly happy that the Conference has been able to produce a Recommendation on HIV/AIDS and to do the groundwork for a Convention on domestic workers in response to the terrible situations in which many of them are obliged to work everywhere in the world, in the North and in the South.

This year, our Belgian delegation has been honoured by the presence of Sister Jeanne de Vos, who for many years has been the lynchpin of the fight against child labour in India and an advocate of trade unions for domestic workers. Evening after evening she has told us of the poverty that exists in the hidden world of domestic labour and what happens once the doors and windows have been closed.

This Conference has given domestic workers a face, thanks not so much to us as to them, because domestic workers have realized that the driving force of social progress is freedom of association, the right to a public image, the right to take collective action to denounce injustice and to conduct a social dialogue on an equal footing.

This is what the ILO does best. It gives a face to the invisible, a voice to the weakest, justice to those who have no rights. One particular right has been at the forefront of this Conference, the right to work. In this Organization the right to work is reflected in the obligation on member States to create full-time, productive and freely chosen jobs, jobs that are also rooted in concrete standards, particularly Convention No. 122. It would be good if we could bring about greater consistency between economic and financial policy, on the one hand, and social policy, on the other.

I hope that everyone here today is aware of the significant damage that labour markets could suffer if member States were to launch themselves prematurely into an exaggerated recovery operation, under the pressure of the financial markets, the international institutions and national lobbyists who see their long dreamed of opportunity of attacking our social model.

The recovery of world economic growth is particularly precarious, and there is a real danger of a double crisis. Any economic recovery policy, whether in the form of new taxes or severe cuts in public spending, will deprive businesses of oxygen and households of purchasing power, to the detriment of investment and jobs.

But in one way or another, economy measures will have to go hand in hand with employment policy if we are to remain true to one of the ILO's objectives, which is work for all. The task is going to be anything but easy.

Original Russian: Mr SHMAKOV (Worker, Russian Federation)

The greatest threat for workers all over the world today is business policy for crisis recovery that can seriously distort labour relations and undo the achievements of recent decades in respect of increasing protection for hired workers.

The global financial and economic crisis has not spared the Russian Federation; it has seriously af-

fects its economy. Reduced investment, production, consumption and trade have resulted in a drop in the number of jobs and an increase in unemployment, including latent unemployment. Today in Russia, wages and their proportionality to the cost of living are quite low. The effects of the crisis have been felt in particular enterprises, in particular those with out of date technological bases, those under threat of bankruptcy or those at the tendering stage, a significant number of which are enterprises around which cities have grown. Redundancies are continuing and wages are several months in arrears. The minimum wage has not gone up since 2009, and the real value of wages decreased in 2009 to 97.2 per cent of their 2008 value.

The Federation of Independent Trade Unions of Russia is currently launching a minimum wage by law campaign, which aims to prevent attempts by employers to include sums relating to compensation or incentives in the minimum wage when calculating the monthly wage packets. This initiative has been supported by the Supreme Court of the Russian Federation, and we hope to also receive the support of the ILO.

Another problem is that employers are attempting to review the Labour Code and lobby for a simplified redundancy procedure transferring a large part of workers to short-term contracts, and reducing labour legislation standards on hours of work and hours of rest.

Business policies to limit wage increases and set a low base salary level ultimately lead to industrial accidents and tragedies. These methods have nothing to do with modernization and undermine the social, economic and technological security of the country.

Given this situation, the ideology of tripartism, promulgated by the ILO, continues to play an important role in relations between social partners. An example of this is the anti-crisis plan of the Government of the Russian Federation, which includes many proposals made by unions, thus balancing out some of the more negative effects of the crisis on the workers.

Furthermore, at the initiative of trade unions the Government of the Russian Federation has adopted legislation for the ratification of the Holidays with Pay Convention (Revised), 1970 (No. 132), the Workers' Representatives Convention, 1971 (No. 135), and the Collective Bargaining Convention, 1981 (No. 154), which will be brought before the State Duma for consideration on 18 June 2010.

However, despite trade union calls to ratify the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168), and the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173), those Conventions remain to be examined.

Attempts are also being made to push through a law on alternative procedures on dispute settlement through a mediator, submitted to the State Duma by the President of the Russian Federation, in accordance with which unqualified mediators would operate in the case of labour conflicts. This would undermine the development of tripartite cooperation and is an attempt to downgrade labour laws while hiding behind populist slogans.

Only actions taken to form and strengthen labour partnerships, building up a culture of trust and mu-

tual responsibility between tripartite members on the basis of mutual interests and fair distribution of income will serve to create a direct impulse to minimize the risks caused by the crisis and give rise to new possibilities.

Original Portuguese: Mr COSTA (Employer, Brazil)

I would like to start by stressing how relevant the subjects of this Conference have been. The ILO is fulfilling its mandate, among other things with regard to the contents of the Declaration of Philadelphia, and is giving emphasis to social dialogue.

Brazilian employers consider the practice of social dialogue and tripartism to be fundamental, demonstrating the genuine importance of its contribution to the strategic planning of measures for good governance, on the basis of consensus and conditions which are favourable for sustainable social and economic development.

In this context, the confederations of Brazilian employers have joined forces to create the Inter-confederation Employers' Group, the aim of which is to coordinate enterprise activities within a framework of social dialogue and to prevent situations which might make this sort of participation purely an instrument for validating undesirable and disputable proposals.

Within the framework of decent work, we cannot forget sustainable enterprise, and that the two go hand in hand.

In the recent global crisis, Brazil has been able to count on the full cooperation of employers in efforts towards rapid recovery and, despite the difficulties, has been able to maintain its economy at satisfactory levels.

Industrial production and agribusiness have kept the Brazilian economy healthy. In the area of transport, there have been huge advances, including the creation of hundreds of vocational training centres and health services for the workers.

These sectors, as well as trade and services, have managed to maintain and create jobs even at the most difficult periods of the global crisis. The social services of these confederations have contributed to ensuring well-being and quality of life for workers.

Today, economies – whatever their size – need the contributions and skills of all their sectors to formulate policies that will make it possible to overcome the negative repercussions of market instability.

No country can do without the experience that each social sector can bring with regard to overcoming the challenge of maintaining a healthy economy and creating and maintaining productive and sustainable jobs.

The world is still traumatized by the crisis at the end of 2008 and fears that there will be new crises in store for many countries. At a time when the situation seemed to be returning to normal, after the financial turbulence which engulfed half the world, we are faced with a new fear. The concern is not just for one single country but for all countries, principally those economies which are still facing harsh challenges and are seeking ways to return to growth.

At the peak of the world crisis, banks and businesses were saved. Now the time has come to help governments. Europe runs the risk of experiencing a debt crisis similar to that which was experienced by Latin America in the 1980s. Although the comparison may not be perfect, its origin is identical, in

other words, public spending which has been triggered by the twin elements in the phase immediately before the crisis, namely cheap and easy credit.

The upheaval is in developed economies. The crises of the twenty-first century affect the rich, whereas in the twentieth century they affected the underdeveloped and emerging nations.

Sovereign debt is estimated at a trillion euros, and seems to be unpayable, and political leaders at the moment are seeking a new development project. If this is not a success, the next stage will certainly be chaos.

Brazil, apparently, is more protected but must avoid repeating mistakes. Some of these have already occurred in the shape of the devaluation of shares and the rise in the value of dollar vis-à-vis the Brazilian real.

In Brazil, the effect was restricted to the stock market and exchange rates but there is a lesson that we must not ignore. There has been euphoria, even a certain arrogance. Spending in the public sector is still growing and we are seeing what happens if we do not pay attention to our accounting.

Aside from economic questions, no country can maintain its development policy if there is no security and stability in its laws. Brazilian employers' confederations are discussing the negative effects produced by economic and social development in the various sectors because of a lack of legal certainty.

Our economy has been surprising in its equilibrium and this has attracted external capital and foreign investments. We hope and trust that the reduction in internal interest rates will mean that the country can return to growth and that decisions on fiscal policy and the necessary reforms in this regard, as well as relations between capital and work, will be seen to have the same value.

We think that this way it will be possible to build a world of decent work through the idealistic tripartite cooperation which we practise here.

Mr BAJRAMI (*Minister of Labour and Social Policy, The former Yugoslav Republic of Macedonia*)

This session of the Conference is taking place during a world economic crisis which has had a direct impact on the labour markets in all countries, including The former Yugoslav Republic of Macedonia. The global crisis has influenced the labour markets, their processes and dynamics, and has had an impact on employment policies. The crisis has contributed to job losses, in particular areas and branches, as well as to a reduction and deceleration in terms of employment. In view of the labour market conditions, the Government of The former Yugoslav Republic of Macedonia has been taking anti-crisis measures within the scope of particular policy packages, in order to alleviate and mitigate the consequences of the crisis.

The activities in the field of labour were focused on several main priorities, including the harmonization of our labour legislation with European Union legislation, as well as the development and implementation of active measures and employment policies, in line with the measures and the policies established under the Lisbon Strategy. In order to create and implement its employment policies, the Government adopted the National Employment Strategy 2006–10, which is in line with the revised Lisbon Strategy and the National Action Plan for

Employment 2006–08 and 2009–10, as well as the operational documents for the implementation of the strategy. Additionally, the Government has adopted and implemented an annual Operational Plan involving active employment measures which include numerous programmes and target various groups, covering a large section of the population, as well as a range of measures to promote and support employment or self-employment, which aim to cover a greater section of the population, and the budgetary resources to support these tasks.

The National Strategy for the year 2010 anticipated a general employment rate of 48 per cent, with 38 per cent of women and 45.2 per cent of older people aged between 55–64 in employment.

Furthermore, there has been a focus on social dialogue through the improvement and promotion of national legislation, in order to strengthen institutional capacities and foster resource development. All the abovementioned measures have aimed to promote social dialogue and create legislative provisions for tripartite and bipartite social dialogue and dialogue on employment, through the consistent implementation of international labour standards contained in the ILO Conventions. The involvement of the social partners has been one of the significant prerequisites for creating and implementing employment policies. This approach has resulted in the social partners taking part in the preparation of strategic documents on employment.

Our cooperation with the ILO, accomplished through special conferences, workshops, etc., means a great deal to us. In order to strengthen the capacities of the social partners, new criteria have been drawn up to ensure that employers' organizations, trade unions and organizations are representative. A noteworthy example of the cooperation and aid provided to us by the ILO was the opening of the ILO national correspondent office in The former Yugoslav Republic of Macedonia.

We would like to highlight the issues of institutional and labour market reforms, labour inspection and national employment services, in that we need to improve their capacities, resources and working methodology through the implementation of multiple projects.

Difficult labour market circumstances, increased labour supply, an unfavourable qualification structure for the unemployed and higher unemployment levels require the support of active employment policies. Right now, and in the near future, our priority shall be to develop a greater number and variety of active measures and employment programmes for various target groups, and to increase the scope of these programmes for particular target groups. Furthermore, we expect to be able to take full advantage of the financial resources offered by the IPA programmes and other European Union programmes and funds.

The positive experiences and examples presented at this Conference, with regard to the policies implemented and measures taken by other countries to prevent and alleviate the consequences of the global economic crisis in the field of employment, will assist us in our ongoing efforts and activities to improve labour market conditions.

The experiences presented at this Conference, as well as those exchanged during meetings and contacts with the representatives of other countries, will contribute to better and deeper cooperation with these countries.

Items on the agenda of the Conference are of special interest to Barbados and indeed the wider Caribbean region.

Barbados subscribes to the Decent Work Agenda and decent work for domestic workers is as fundamental as decent work in any other area of employment. Across the world, domestic work is undervalued and poorly regulated. Many domestic workers remain overworked, underpaid and unprotected. This situation must change.

Barbados is pleased that this year's Conference has addressed the issue of decent work for domestic workers with the intention of adopting an ILO standard for this segment of the working population. I pledge my Government's support for a Convention and Recommendation for the effective regulation of domestic workers. In 1961, Barbados, recognizing the important role played by domestic employees, passed an Act to provide for the hours of duty of domestic employees. Our draft Employment Rights Bill will soon offer greater protection. The proposed ILO standard will bring into focus the real value of the work done by domestic employees.

I now turn to the development of a Recommendation on HIV/AIDS in the world of work. Allow me to laud the ILO and its membership on this initiative. Successive Governments in Barbados have placed HIV/AIDS as a priority on the national agenda. As a result of this commitment, the National HIV/AIDS Programme of Barbados has reaped many successes. The mother-to-child transmission rate of HIV is now less than 1 per cent. Universal access to antiretroviral therapy has resulted in persons living longer and with an improved quality of life. The establishment of a specialized clinic to address the medical, social and psychosocial needs of persons living with HIV/AIDS has added tremendous value to the national programme. The culmination of these measures is a reduction of the mortality rate of persons with HIV/AIDS.

But HIV/AIDS is not only a health issue. It is also a social and labour issue which has a heavy impact on workers and their families, enterprises and national economies. Without hesitation, Barbados welcomes the development of a Recommendation on HIV/AIDS in the world of work, while we work towards creating anti-discrimination legislation.

Finally, Barbados gives its full support to the ILO for continuing to promote and place employment at the "heart of social and economic policies". Employment is the bedrock of a modern, functioning economy. It provides a worker with a sense of independence and belonging, so important to the self-actualization process. At the macro level, employment is critical to national productivity and competitiveness, and is vital in the struggle against poverty. It is therefore an area for urgent widespread discussion, particularly when the global economic crisis is taken into consideration.

This crisis and the accompanying contraction of global output have impacted negatively on many countries, including small economies such as Barbados.

As a Government, we have actively engaged our social partners – both employers and workers – in devising responses aimed at mitigating the effects of the crisis on jobs. We have recognized that it is

only through coordinated efforts that sustainable recovery will be realized.

Government initiatives to mitigate the effects of the crisis include: the establishment of a retraining fund to retrain displaced workers; a stimulus package for the tourism sector – a major contributor to the Barbados economy; strengthening Barbados' social safety net mechanism to, among other things, deliver employment services to jobseekers; encouraging businesses to place employees on short time or job sharing rather than cutting jobs; devising a Medium Term Development Strategy 2010–14 with an emphasis on economic recovery through increased productivity and job creation; increasing access to overseas employment through opportunities such as cruise tourism; and continued implementation of major capital infrastructural programmes.

We recommend that emphasis be placed on involving all interest groups in our societies in identifying further activities to stimulate employment creation. We believe that there must be regular dialogue between those responsible for economic planning on the one side, and the social partners on the other side. Such a smart partnership will help to keep our vision firmly fixed on the goal of decent and productive work for our citizens.

In closing, I thank the ILO for supporting the programmes of its constituents in Barbados and the wider Caribbean region.

Mr ZHELYAZKOV (*Employer, Bulgaria*)

In the past year, Bulgarian employers have achieved significant results in enhancing and promoting social dialogue at national level and limiting the effects of the world economic crisis on the Bulgarian economy. Tripartite dialogue has been restored in the country. Successful cooperation between the social partners, within the National Council for Tripartite Cooperation, has resulted in the adoption and signing of a package of anti-crisis measures, thus securing the position of our country among those States with the lowest deficit and highest levels of financial discipline in the public sector.

We cannot deny, however, that the increases in wages and personal income and the accelerated growth in the economy and employment that have been typical of recent years will not be maintained in the current year. Yet, unlike other countries, Bulgaria has managed to keep unemployment within reasonable limits – below 10 per cent – and to increase exports, although not at the rate we would have liked.

In this regard, we support the Government's decision not to raise the level of any taxes. We do appreciate the positive effects of reductions in social insurance payments, as well as the 10 per cent rate for corporate income tax, both of which are now among the lowest in Europe. We also look forward to the forthcoming reduction in the administrative burden that will result from decreasing the number of licences and permits, their scope and the timeframes within which they are processed.

The employers of Bulgaria realize the vital importance of human resources and, on this basis, are actively following the approach of providing ongoing vocational training and career development, combined with complex incentives to encourage productivity. We are working on a new type of active policy to ensure that human resources meet the needs

of Bulgarian employers, one of which is to encourage the Government to ensure that education provision reflects the structure of the labour market. Annual negotiations are held to determine minimum social insurance levels for the main economic activities in different occupational groups, the direct result of which is to improve standards of living in the country and restrict the informal economy. We expect all Members of the ILO to take concerted actions and integrated measures on a systematic basis in order to mitigate the adverse effects of the global economic crisis and to limit as much as possible cross-border negative impacts resulting from the unreasonable financial and economic policies of certain countries. In the face of this challenge, we call on the ILO to commit itself to taking effective preventive action in the near future.

Mr POTTER (*Employer, United States*)

The economic and financial crisis that resulted in a Global Jobs Pact at last year's Conference now includes a public crisis. The global recession is challenging existing dogmas and concepts about employment and shows the complexity of the relationship between employment and other economic tags and social policies. Policies should focus on the creation of full and productive employment and not on job security. Government action must focus on employment and employability, supported by labour market policies that activate the labour force into work and increased productivity, make work pay, raise workers' standards of living and provide for labour market mobility.

Productive and sustainable employment is a prerequisite for decent work, wealth creation and social justice. It must be the basis and the cornerstone of any ILO policies and actions. Any discussion about improving working conditions and ILO standards needs to take into account its impact on job creation. Despite a high number of job losses worldwide, this recession has shown that there are various possibilities for governments to influence conditions for the creation and maintenance of productive jobs. The recession has, however, also highlighted the financial limits on the ability of governments to subsidize jobs if they are ultimately not productive or not sustainable.

Full employment for women and men can be achieved only in a stable political, economic and social environment. This requires a number of enabling factors, including appropriate policies to achieve economic and financial stability and a legal and institutional framework that guarantees human rights, including freedom of association, secure property rights and the enforceability of contracts. It also requires an environment that encourages private sector investment and the hiring of people.

There is now widespread recognition that small and medium-sized enterprises are the critical engine in generating employment opportunities to grow. The Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189), is an important instrument that highlights the importance of SMEs in the creation of employment and the need for promotion of SMEs in any policy aimed at full, productive and freely chosen employment. Even before this recession, large multinational companies, like the one I work for, were getting leaner, and when the global recovery occurs they will stay lean. Job growth will be led by SMEs even

though SMEs have been among the biggest victims of the economic and jobs crisis.

In my own country almost all new jobs are created by companies that are less than five years old. SMEs succeed not only because they have a great idea for a product and service but because they are flexible and nimble. There cannot be sustainable jobs without sustainable enterprises. Without sustainable enterprises, especially SMEs, there can be no job recovery in the current economic circumstances. Multinational companies can facilitate job and wealth creation through business models that directly integrate entrepreneurs, suppliers distributors, retailers, employees and consumers, with more collaborative approaches linked with small enterprises, public sector entities, civil society organizations and the poor themselves. For example, in January, my company, along with a non-profit NGO, TechnoServe, and the Bill and Melinda Gates Foundation, launched a partnership to enable over 50,000 small fruit farmers in Uganda and Kenya to increase their productivity and double their income by 2014. This four-year project will enable these mango and passion fruit farmers to participate in the company supply chain for the first time.

The best safety net is an economy that creates jobs. As a consequence, the ILO has a critical role to play in making sure that economic growth leads to job growth.

As the financial crisis ends and the recovery begins, this is when the real work of the ILO begins, ensuring that the renewed economic growth leads to jobs. This is no simple task and policies will have to be adapted to the different circumstances and different countries, but the ILO can, and should, play a leading role in promoting employment and helping its member States develop the policies that can unleash the enterprising spirit of their system.

Original Arabic: Mr KARA (Worker, Israel)

The global financial crisis has had an impact not only on financial markets but on economic development, as well as labour relations. This prompted the Histadrut – the General Federation of Labour in Israel – to take serious measures.

After a period of decline in the participation of the social partners in tripartite discussion in Israel, there have been positive signs of coordination between the parties. This change has resulted in cooperation between the Histadrut and employers' organizations, which forced the Government to join this tripartite social dialogue, after initial hesitation. This cooperation has helped Israel to overcome the economic problems it suffered as a result of the recent financial crises. It also contributed largely to reducing the number of strikes and closure of factories and worksites, as well as the unemployment rate. It culminated in the signing of collective agreements, one of the most important of these being the agreement on compulsory retirement insurance, signed between the Histadrut and the employers, which was made applicable to all sectors of employment through extension orders. Israel also signed the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), at the beginning of this year.

Turning to the issue of migrant workers, in the past two decades Israel has become a country with a growing migrant labour force, accounting for over 10 per cent of the labour force in our country. This figure is constantly increasing, owing to the flow of

refugees across our borders. Many of them are illegal workers, which raises difficulties in terms of protecting their rights, further aggravating their situation.

The Histadrut recently decided to allow these workers to become fully fledged members and is making efforts to improve their situation, to ensure that labour legislation is applied to them, despite the obstacles in our way, and to have them covered by special and personal labour agreements. The Histadrut is also seeking to guarantee them a minimum wage of just over US\$1,000, and to fix working hours and annual leave, as well as health insurance provision, in keeping with labour standards and decent work as called for by the ILO.

With respect to collective agreements, we have recently registered positive developments in the organization of workers in various sectors under a general collective labour agreement, replacing the special personal agreements that used to apply, in particular for vulnerable categories of workers who are at risk of exploitation, and whose wages are below the minimum wage.

The Histadrut has made major efforts to organize workers in these sectors so that they can join collective labour agreements guaranteeing their legitimate rights and improving their working conditions, despite non-compliance with these agreements by many employers, and inadequate government supervision of compliance with labour legislation and employers' obligations under such legislation.

These efforts have yielded results in a number of sectors – the restaurant and hotel industry, services, labour providers, medical services, telecommunications, and so on.

The democratic State of Israel certainly aspires to the well-being of all of its citizens, without exception. It also seeks to improve their standard of living and to establish security and peace in the region. The Histadrut appreciates the Government's efforts to achieve peace and resolve the pending problems with the Palestinians. We support the steps it has taken to create the necessary conditions for progress in the peace talks. The Histadrut supports these efforts, and urges the Government to continue them. We invite all the parties to create a climate conducive to peace and cooperation between all the States of the region.

The State of Israel, thanks to its scientific and technological capacities, can play an effective and positive role towards achieving progress and prosperity in the region. It wishes to use these capacities for the prosperity of all the States in the region.

The Histadrut, which I have the honour to represent, has always believed in peace. It is in this belief that, in coordination with the International Trade Union Confederation (ITUC), we have signed a co-operation agreement with the Palestine General Federation of Trade Unions (PGFTU). Under this agreement, the financial problems that were still pending have been solved. The Histadrut also continues to offer legal advice to workers who need it, in order to strengthen relations between us, which will make peace a wish that can come true.

Mr REDFERN (*Minister of Labour and Human Resource Development, Kiribati*)

This year marks the tenth anniversary of Kiribati joining this august labour body. Allow me then, through this short presentation, to take you through

the path that Kiribati has taken over these short but very challenging ten years.

Ten years ago, on entry into the ILO, Kiribati ratified four of the eight fundamental ILO Conventions and, last year, we managed to ratify the remaining four. The ratification of all eight basic Conventions was a proud achievement for the labour movement in Kiribati and was particularly welcomed by all the social partners. Kiribati formed a tripartite-based decent work steering committee as the umbrella body responsible for providing policy advice to the Government on all labour matters.

The Government was able to make changes to its legal framework to emphasize tripartism and social dialogue in order to facilitate the ILO Decent Work Agenda. Constituents have come together and built closer working relationships to enhance the ILO Decent Work Agenda. The successful implementation of the youth employment programme, through the SIYB and TREE projects, can be linked to improve dialogue between social partners. Though in their infancy, SIYB and TREE have shown very promising prospects and, with a united decent work steering committee at the helm, we should not expect anything less.

At this juncture, I wish to express my sincere gratitude to the ILO for its unfailing efforts to provide us with guidance and direction in our many undertakings and, in particular, during the delivery of the Youth Employment Programme, the Decent Work Country Programmes for the eight Pacific Island Countries and the National Action Plan for Decent Work. Much ground has been gained through their invaluable assistance, yet more remains to be done and I look forward with anticipation to increased ILO assistance in the future.

The Government of Kiribati wishes to request the ILO to give priority consideration to the development of skills training programmes that go beyond the ongoing youth skills training programme for self-employment.

The training and retraining of our workers and unemployed youths to a skill and competency level that would allow them easy access to regional and global labour markets remains a top priority of my Government. Our world-class Marine Training Centre provides basic seamanship and officer training that prepares graduates for seafaring work on merchant ships worldwide.

With the generous assistance from the Government of New Zealand, our Fisheries Training Centre will soon provide world-class training to enable graduates to work on fishing vessels worldwide. To address the trade skills training, a Kiribati–Australia TVET sector-strengthening programme project will see the eventual alignment of the courses offered by the Kiribati Institute of Technology with Australian standards. The interim phase began last year and full implementation will begin this month.

A win-win programme is ongoing for the placement of unskilled labourers under seasonal labour employment schemes with New Zealand and Australia. These are progressing very well.

Earlier this year, in February, I had the opportunity to discuss labour concerns with other colleagues from the Pacific and found it to be a very good forum to further the Decent Work Agenda at the regional level. We would like to see this forum continue. Our development aspirations are summed up in the Port Vila Statement of Outcomes, from which I shall highlight one of the outcomes that Ki-

ribati would like to see undertaken within the context of the Global Jobs Pact. Kiribati wishes to submit for the Conference's consideration, the proposal that the Pacific region is included in the pilot phase of the implementation of the Global Jobs Pact.

In Kiribati, labour migration is of great importance because of the dilemma my country faces. It would be remiss on my part if I failed to report to this Conference that adverse effects of climate change and, in particular, rising sea levels, continue. There are increased incidences of coastal erosion and salt water inundation. Under these circumstances, Kiribati can no longer address labour issues in isolation from the effects of climate change and destruction to our land that is associated with rising sea levels.

Mr AFTAB ALAM (*Minister of Labour and Transport Management, Nepal*)

Nepal stands at an important juncture in its history. Leaving behind the decade-long armed conflict, we are engaged in building a peaceful, democratic and prosperous Nepal. We are confronted with a host of competing challenges in that process. Our main focus is on framing a new constitution that ensures the fundamental rights of the people, including the right to decent work. However, we also face several other equally important demands. The expectations of people from all walks of life have increased. If the ongoing peace process is to be sustained, we need to deliver. Allow me to thank the international community for its continued support for the cause of sustainable peace, democracy and development in Nepal.

The creation of decent work for all remains a huge challenge for us at a time when approximately 400,000 workers are entering the Nepalese labour

market each year. We need to create more jobs, not only for those men and women who lost their work and livelihoods during the decade-long insurgency, but also for the large number of former armed rebels who need to be rehabilitated and reintegrated into mainstream political and economic activities.

The Government of Nepal has decided to launch a largely employment-centred three-year interim development plan that includes, among others, employment-based development activities; investment in employment-generating infrastructure development; and broad-based, skills-enhancing, vocational training. We are also in the process of implementing a labour market reform programme with the technical cooperation of the ILO.

Nepal is keen to further develop safe, productive and decent employment for our workers abroad. To that end, we have developed new institutional, legal and policy arrangements, signed bilateral agreements with major destination countries, and appointed a labour officer to facilitate decent employment abroad. However, we recognize the challenges. As migrant workers contribute significantly to the economies of both origin and destination countries, only through our joint efforts can we address the problems of mistreatment, exploitation and discrimination, and ensure compliance with the international labour standards.

As an active and responsible Member of the ILO, Nepal is committed to working closely with this Organization. The ratification of a significant number of ILO Conventions testifies to our commitment. In the same vein, I would like to express our support for the Director-General's call for recovery and growth with decent work.

(The Conference adjourned at 12.50 p.m.)

Eleventh sitting

Wednesday, 16 June 2010, 2.35 p.m.

Presidents: Mr Nakajima, Mr de Robien and Ms Powell

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (CONT.)

The PRESIDENT (Mr NAKAJIMA)

We will now resume the discussion of the Reports of the Chairperson of the Governing Body and of the Director-General.

Ms SIEWIERA (*Employer, Poland*)

It is an honour and privilege for me to address this 99th Session of the International Labour Conference in my own name and on behalf of the Confederation of Polish Employers. I would like to express my satisfaction that this Conference is focusing its activity on the wide spectrum of important issues in various key fields, such as action against child labour, social justice for a fair globalization, decent work for domestic workers, and HIV/AIDS and the workplace. We paid great attention to the particularly important Report of the Director-General, *ILO programme implementation 2008–09*, addressed to the delegates – all actors of the real economy – of the ILO's 99th Session of the International Labour Conference.

The Report is detailed, provides an analytic context and contains extensive information on ILO involvement in implementing and achieving strategic objectives set by the Organization for 2008–09. We welcome the comments of the Director-General on challenges and the implication for the future and we reiterate the importance of the ILO as the only international organization with a mandate that focuses on the world of work and tripartism as the best way of seeing fair solutions and social agreements. We fully share the concerns expressed and the conclusions and recommendations made in the Director-General's Report in relation to the outcomes of implementing ILO objectives in member States, which are contained in fundamental documents – the Decent Work Agenda, the ILO Declaration on Social Justice for a Fair Globalization, adopted in 2008, and the Global Jobs Pact, adopted in 2009.

The Report also deals with challenges and strategies related to the continuation of decent work programmes in the light of the international financial crisis, which raises certain issues related to the positive aspects of globalization, namely that of creating new possibilities in the scope of economic growth through technologies, investments and commerce.

In the context of these events, I am glad to say that Poland has seen its economy grow rather well compared to other European countries. This is confirmed by 1.8 per cent growth of GDP in the last year, and over 3 per cent growth in the first quarter of this year. These results reflect Poland's considerable ability to deal with the effects of the global crisis. In April 2010, Polish employment offices noted a record decrease of more than 100,000 unemployed people in one month. Unemployment fell by nearly 12 per cent. Furthermore, a lot of employers declared there would be an increase in the number of jobs in the near future.

The Polish employers' confederations and the biggest trade unions have, thanks to reliable autonomous dialogue, found measures to alleviate the impact of the crisis on the economy and employment. The Tripartite Commission, with government participation, reached an agreement last year on important related issues, among other things: remuneration and social benefits for the poorest people; introduction of a permanent mechanism for minimum wage increases; and subsidies for employment.

Social partners in Poland have further challenges. First of all, we have to consider which of the anti-crisis measures, in place until the end of 2011, should become a permanent part of the Polish legal system. Employers have expressed the opinion that we should keep these legal solutions, which would support them if there were another crisis. Many entrepreneurs complained that the instruments introduced, although necessary, appeared too late. To avoid such delays in the future, we would like to have permanent solutions in our system, which would be activated only in exceptional situations.

But first, we have to start a tripartite dialogue to discuss measures, with the help of the Government, in order to counter the negative impact of the significant loss of jobs in enterprises that were destroyed in the huge flood these last four weeks in Poland. Another challenge for social partners is remuneration; wage levels in Poland are still lower than in other EU countries. This could lead to labour unions pushing for rapid wage increases. This is very dangerous, especially if labour costs increase more rapidly than productivity. We must remember that average productivity in Poland is still lower than in Western Europe. We have to constantly convince our labour union partners that an increase in wages can only come as a result of an increase in productivity and not through administrative deci-

sions. Otherwise, our economy will stop being a green island on Europe's map and a situation similar to Greece's could develop.

To conclude, I would like to underline that despite the difficult global economic situation, we believe that the ILO's wise vision, based on 90 years' experience, can create favourable conditions to foster sustainable development and achieve compromises in the face of economic risks and the ever-changing crisis. Polish employers support these values and will take part in social dialogue at the international, national and sectoral levels. We hope that both the recommendations from the Report of the Director-General and the discussions and decision of this session will benefit all the delegations by contributing substantially to overcoming the challenges of the economic slow-down and job crisis.

Mr TOFINGA (*Employer, Kiribati*)

It is a great pleasure to be able to address this Conference as President of the Kiribati Chamber of Commerce and Industry, especially as this is the first time we have had the opportunity to address such an eminent international forum since Kiribati joined the ILO in 2000. Dialogue between business communities and intergovernmental institutions, such as the ILO, is to be welcomed and fostered.

In the ten years since it became a Member of the ILO, Kiribati has ratified the eight fundamental Conventions, four of them in 2009. Kiribati continues to place great emphasis on the crucial role of the ILO for all its tripartite constituents and the wider public. I would like to take this opportunity to thank the ILO for the continuous assistance rendered to Kiribati in all areas through its Office in Suva, Fiji, and the Regional Office for Asia and the Pacific, and through technical cooperation projects, especially the development of the ILO Programme on Youth Employment, despite many challenges and other programmes.

In February 2010, the ILO and its Pacific member States held a tripartite high-level meeting in Vanuatu on decent work for sustainable development in the Pacific. The labour ministers of all eight Pacific member States attended. This important and historic meeting resulted in the adoption of the Port Vila Statement on Decent Work and the Pacific Action Plan for Decent Work. Moreover, the subsequent endorsement of the Port Vila Statement and Pacific Action Plan for Decent Work by the Pacific Conference on the Human Face of the Global Crisis, which was held in Port Vila immediately after our meeting, further strengthens the mandate arising from the tripartite meeting. We are therefore convinced that we will gather increasing momentum on these efforts in the near future.

I would like to take this opportunity to acknowledge the kind support of the ILO and our development partners in providing both technical and financial assistance for our national endeavours. At this stage, I would like to request the ILO to assist the Kiribati Chamber of Commerce and Industry, especially with regard to capacity building for constituents in the areas of new production methods and adaptation strategies, via programmes that incorporate greener technology with a view to establishing greener methods of production, including those relating to adequate waste-management processes and procedures. We also need assistance to build our capacity in order to participate effectively in policy implementation, industrial relations, collective bar-

gaining and establishing minimum wages, which are among the areas identified for the Kiribati Chamber of Commerce and Industry under the Decent Work Country Plan.

As a closing remark, let me share with you a matter of huge concern to my beloved Kiribati: the negative impacts of climate change on our coral islands. While the ILO and other development partners' initiatives aim to uplift us all from the undesirable status of our livelihood, we cannot ignore the significant impact of climate change on human existence. I know that the issue is not new to the ILO, but I see and feel the importance of restating it. The question is asked over and over again: what good are our development efforts if we do not address the crux of the matter? The issue of climate change is all the more important for the small, low-lying coral island and atoll countries of the world, including Kiribati and many others. Sea level rise is a reality, and the tides are eating away our shores at an alarming rate. We are engulfed in the fear that ground water – our basic requirement for agriculture, drinking water and food – is getting saltier than ever. I take this opportunity to seek international help and to support this ILO Conference in helping us to convince everyone, especially the major contributors to global warming, that they must realize the needs of small and vulnerable island countries, which have the least capacity to withstand the effects of global warming.

These are the kind of issues that greatly worry us in terms of our livelihood and even our existence. We really do not want to sink and disappear from the world map. I believe that you will help us find a solution, if not in this Conference, then perhaps in other international arenas.

Mr FARRUGIA (*Employer, Malta*)

The Report of the Director-General raises the concern that, in the aftermath of the devastating financial crisis, the signs of an economic recovery have not yet translated into job creation, as unemployment in many parts of the world remains at unprecedented levels.

It is conspicuous that, both in the Director-General's Report and in the document that was the conclusion of the Committee for the Recurrent Discussion on Employment, there is a deliberate avoidance of references to flexicurity principles and atypical employment as a means of productive job creation. I believe that emerging forms of employment contracts, such as part time, employment on a definite contract basis and temping work, will be conducive to turning the current rather anaemic recovery being experienced by many economies into one which lives up to the ILO's aspirations of matching economic revitalization with job recovery. In a number of labour markets, more flexible work agreements will encourage and enhance activity rates by attracting segments like housewives and retired persons to the labour market. For countries that are facing rapid demographic changes, increasing the labour activity rate through flexible work contracts will play a key role in having sustained economic growth. This is definitely the situation facing the Maltese labour market, which suffers from a low activity rate resulting from a low female participation and a relatively early average exit age from employment.

Governments and unions, in Malta and elsewhere, need to distinguish between precarious and atypical

employment, and should not resist flexible forms of work organization, provided that these are regulated. In a changing world of work, there is more room for such a thing as atypical, quality employment that responds to both workers' and employers' needs.

A flexible labour market is particularly required in countries that are undergoing a rapid rate of economic transformation, which is the case in Malta. Recent developments, such as the privatization of the shipyards, the establishment of the aircraft maintenance sector and the sustained expansion of the financial services sector, call for targeted labour market policies to shift employment towards higher value added activities. Employers should be involved more closely in educational strategies to match changing labour demand with skills and human resources supply.

The fact that Malta has been relatively unaffected by the financial crisis as a result of prudent financial institutions, and that public finances are in a better state than those of many other economies in the Euro zone, should make Malta an attractive investment destination in the coming years.

Last year's Conference occurred at a time when many economies were still in recession, but there was a ray of hope that recovery was on the horizon. The Global Jobs Pact, which offers a set of policy responses necessary for economic recovery, was designed against this backdrop, and the concerns by the social partners that there might be a time lag between the acceleration of economic activity and a reduction in unemployment levels are a current reality in many countries, as a jobs-rich recovery has been, thus far, elusive. Governments that have, for years, run the economy on recurring deficits and mounting national debts have limited fiscal options in stimulating economic growth. Many are faced with the dilemma of having to curb unsustainable deficits by cutting down on expenditure – affecting remuneration packages, employment levels in the public sector and welfare benefits – at a critical time when government-generated stimulus is sorely needed. One of the reasons for this is that for years economic realities have been ignored in favour of political convenience, and in many instances governments have succumbed to unrealistic demands by unions and the electorate by feeding workers and their families tomorrow's harvest. We see this in overmanned and inefficient public sectors and unsustainable welfare systems, which have dragged some economies on a dangerous path towards insolvency.

In a scenario where many economies are still in recession or, at best, experiencing a mild recovery, and where most governments have been constrained to implement austerity measures which, while necessary, also threaten to prolong the negative effects of the recession, it remains for employers and private enterprise to play a role to achieve what paragraph 36 of the Director-General's Report refers to as "the agenda for policy dialogue and action on an employment-oriented framework for strong, sustainable and balanced growth". For this reason, although the objectives identified in the fulfilment of this agenda are commendable, a stronger emphasis on the requirements of private business to flourish is recommended. These requirements include a less cumbersome legislative and regulatory bureaucracy that can promote business start-ups; allowing for more labour-market flexibility to facilitate employ-

ment; support schemes for SMEs; closer matching between education and training and employers' needs; also a recognition that competitiveness and productivity are necessary conditions for the creation of employment opportunities as presented by employers at the G20 Labour Ministers' Meeting in Washington.

I conclude by saying that, although the worst part of the international crisis may be over, there is still fire smouldering beneath the ashes. A continuous common effort between the social partners is required, which gives the ILO a central and focused role to play to steer the global economy back towards sustained economic growth and decent job creation. If necessary, there should be a reallocation of resources to enable the ILO to connect with its constituents and to provide technical support where required, by, for example, assisting them in the application of the Global Jobs Pact, and conducting research to have a more clear and objective picture of the actual state of labour markets in many parts of the world.

Ms BUTLER TURNER (*Government, Bahamas*)

I am honoured to have this opportunity on behalf of the Government and people of the Commonwealth of the Bahamas to outline our labour agenda within the context of the Report of the Director-General.

The Bahamas currently has one of the lowest debt-to-GDP ratios in the Americas, which at present stands at 47.3 per cent. We do not take comfort in this figure, however, as it represents an almost 11 percentage point increase over the same period in 2008.

Like so many other countries, the Bahamas too has experienced an actual contraction of its economy. In 2009 it is estimated that the Bahamas' economy shrank by 4.3 per cent. Despite the fact that, by comparison with some other countries in our region, our debt-to-GDP ratio is low and our losses insignificant, in a country of only 330,000 people with a tourism-based economy it is evident that something must be done. We know that we have to reduce the level of deficit spending.

In his Budget Communication to the House of Assembly, our Prime Minister, Hubert A. Ingraham, said: "The leader who runs from today's difficult decisions only defers and doubles them for future generations. Failure to act would jeopardize the Bahamas' solid reputation as an attractive destination for foreign investment and would subject us to much higher borrowing costs and dampen prospects for stronger growth and higher standards of living."

We are aware of the ILO's concern that in a rush to cut deficit spending we will also cut social programmes that are necessary for the country's social health. In fact, in a speech before the Senate, the Minister of Labour and Social Development, Dion Foulkes, quoted the ILO Report as warning of a "social recession". It is of paramount importance to the Bahamas' Government that we maintain or create institutions that serve the public good during these harsh economic times. To this end we have increased our Food Assistance Programme by 2 million dollars, increased our National Lunch Programme by 1 million dollars to provide hot meals to children whose parents cannot afford them, and created an Unemployment Benefits Programme under which workers who have been laid off can collect an unemployment benefit for a specified period of

time. As originally designed, the programme was to be temporary but it has now been made permanent. Contributions to the programme are monitored and regulated by our National Insurance Board.

Under a National Training and Retraining Programme which commenced in September 2009, workers who had been laid off were invited to participate in classes at the Bahamas Technical and Vocational Institute and the College of the Bahamas. I am pleased to report that over 700 people enrolled and there was a 80 per cent completion rate. The programme was designed and implemented in partnership with various stakeholders, and technical support was received from the ILO Regional Office. Some 85 graduates of the National Training Programme participated in an entrepreneurial programme. Based on the basis of business plans that were reviewed by a panel, some participants have been awarded a small grant to start a business venture.

In keeping with our commitment to the TRIFOR process, most of these programmes were set up in consultation with our social partners, which included labour unions, the Employers' Confederation, the Bahamas Chamber of Commerce and the Bahamas Christian Council.

On behalf of my Government I would like to thank our social partners, both the trade unions and employers' organizations, who from the very beginning demonstrated that they understand the need for fiscal prudence on the part of the Government during these very trying times and have pledged their support in helping us to keep costs to a minimum. And I would like to single out the trade unions, which have indicated that they will adjust their contract proposals to reflect current realities and will work with the Government and employers so that together we can navigate through these very tough times. I also thank the many employers of our country who, in the face of insurmountable odds, have worked with the trade unions in an attempt to manage and maintain their staffing levels.

We are committed to ensuring that all workers affected are paid all the monies due to them under our statute and that they are provided with assistance through the social safety nets we have established.

The Bahamas Government realizes that there is a balancing act between a fiscal responsibility to future generations and our present social needs. As a small nation with a tourism-based economy, we are particularly vulnerable to major shifts in the world's economy.

Original Arabic: Mr EL AMIN (Secretary of Labour and Professional Training, Libyan Arab Jamahiriya)

We have come from the four corners of the world in order to achieve a noble and humane objective to which the whole of mankind aspires, whatever their race or language, namely the right to enjoy decent work that ensures every person a decent life. The ILO is therefore endeavouring to find the best ways of providing decent work, creating the conditions necessary to achieve adequate levels of employment and fighting unemployment, in order to alleviate poverty and reduce the crime that results from idleness. Indeed, unemployment and poverty threaten the sustainable development and progress of society.

Throughout the world, people are still suffering the consequences of a severe economic crisis that destabilized a considerable number of economic

entities throughout the world and signalled the end of the dreams and aspirations of weaker organizations. Millions of workers have lost their jobs, and with them their means of subsistence and ensuring a decent life. As a Member of the ILO, the Libyan Arab Jamahiriya has mobilized all its resources in order to absorb the effects of this global crisis and overcome its negative effects on society and the economy. It has spared no effort in creating adequate working conditions for Libyans and for foreign workers that come to Libya to work, without distinction or discrimination.

In this regard, Libya has passed new legislation to ensure job creation, guaranteeing the rights of the workers and regulating their relations with employers, and giving migrant workers the opportunity to work in full security, in line with international labour standards. In particular, Act No. 12 of 2010 criminalizes child labour, which is a considerable legal achievement. In addition, this Act establishes fair and balanced relations between the social partners. It affirms the need for justice and equality to reign supreme among all workers in Libya, whatever their nationality or ethnic origin, without discrimination or distinction in terms of their rights. This same Act guarantees all workers in Libya the right to benefit from social security and to choose their employment on the basis of their skills, without being subject to any discrimination or forced labour. The Act obliges employers and enterprises to guarantee the rights of their workers, including annual leave and urgent leave to deal with problems, along with benefits, indemnities and other payments due to workers when employment relationships cease.

This Act also guarantees the rights of women, in particular the right to have a job in keeping with their nature. It prohibits the dismissal of women in relation to circumstances that could hamper their performance, such as pregnancy or family responsibilities, and outlaws all forms of discrimination between men and women at work. Furthermore, thanks to this new legislation, women enjoy a 14-week maternity leave, which can be extended to 16 weeks in the case of multiple births. It applies also to agricultural and domestic workers, who benefit from the same rights and duties as other workers.

The Libyan Jamahiriya is convinced that it can play an important role on the international scene, based on its innovative principles in the area of protecting the human rights of all individuals, particularly those residing within its territory. It will spare no effort to ensure that those who come to work in Libya can enjoy a decent life, in line with the aims of the Guide of the Revolution, Colonel Gaddafi.

The Appendix to the Report of the Director-General concerning the situation of Arab workers in Palestine, the Golan and the Shebaa farms emphasizes the violations of international labour standards and international law perpetrated by the occupying Israeli authorities. It also highlights the situation experienced by Arab people in Palestine, the Golan and the Shebaa Farms as a result of the ongoing occupation, the blockade, the separation barrier and the expansion of Israeli colonies. The most recent violation is the attack on the "freedom flotilla". It is therefore time for the international community to take action against this situation, prohibit these violations and put an end to the Israeli occupation.

I wonder what our future generations' reaction will be when they realize that, even though we are in the third millennium – a period characterized by endless development and discoveries – we are still discussing decent work, insecure employment, cheap and child labour, economic recession and the negative impacts of globalization, among others.

Although one of the smallest islands on the world map, Malta is experiencing many of those issues. Is it not indecent that, even though we have an established legislative framework, there are substantial numbers of employees in Malta who are not paid the statutory minimum wage, are not entitled to vacation or sick leave, and do not enjoy the benefits of health and safety measures? Confronted with this, the General Workers' Union does not hesitate to report the few employers in question to the authorities and, at the same time, uses the media to name and shame them. Furthermore, the General Workers' Union brings to the Government's attention the exploitation experienced by migrant workers.

More worrying still is the fact that there are instances where the Maltese Government tolerates the deployment of individuals on a self-employed basis, even if it is not what they want, rather than with the status of employees. The reasons for this are obvious: self-employed individuals do not enjoy the same conditions and benefits as employees; they are not entitled to vacation leave, special leave or overtime pay, to name but a few. In the light of this and other such situations, the General Workers' Union perfectly agrees with what is stated in the Report of the Director-General, *Measuring decent work*. Monitoring progress towards decent work is indeed a long-standing concern for the ILO's constituents, including the General Workers' Union.

Regarding the issue of child labour, we, as a union, urge our Government to conduct intensive research on the matter because we are sure that it really exists, in particular in small businesses and family-run firms..

Regarding the Global Jobs Pact, the General Workers' Union supports the ILO in its assignment to continue monitoring governments and the organizations representing employees and employers jointly invited to commit themselves to continue working in response to the global economic crisis. The main objective must be to tackle the global jobs crisis by adopting policies that are in line with the ILO's decent work parameters. One nation cannot, on its own, rescue the world's economy, but together we can at least see the light at the end of the tunnel.

Meanwhile, we, as a union, are keeping a close watch on our Government which, in spite of the professional advice given, is still persisting with its decision to allow yet another increase in water and electricity prices. This is definitely wrong at a time when Malta is still recovering from the global economic crisis. The increase is having a negative impact on both our industries and our families.

We, as a union, have also called upon our Government to stop encouraging practices such as early retirement schemes when social partners are doing their utmost to support the concept of life-long learning.

In the face of these challenges, we are nevertheless determined to continue in our relentless mission

to assist workers and act as a voice for those who suffer.

Mr BOLE (*Minister for Labour, Industrial Relations and Employment, Education, National Heritage, Culture and Arts, Youth and Sports, Fiji*)

The Director-General's Report, *Recovery and growth with decent work*, is a judgement call to us all. It challenges the policy options we take and the Fiji Government has placed employment at the heart of its economic and social policies to empower our people out of poverty. This is our key commitment under the Global Jobs Pact to significantly improve our basic social protection and decent work opportunities.

The Fiji Government fully supports the theme of the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on the urgent need to accelerate action against child labour. We applaud the Netherlands road map, which aims to eliminate child labour by 2016. Fiji's ILO Child Labour Project is progressing very well, and our social partners are redoubling their efforts on this journey. We want to see all our children at school and not working, but we also want to see their parents in work, in order to support their children.

To support this vision, our Ministry of Education has maintained fee-free education in the first 13 years of primary and secondary education, abolished external examinations in primary and lower secondary schools to reduce drop-outs from the school system, provided free transport to all students in primary and secondary schools who qualify under a means test, and continues to work closely with non-government school authorities to continue to provide education facilities to encourage a greater influx of children and students into our school system.

My Government wishes to thank the ILO and the constituents in the Pacific for adopting the Port Vila Statement and the Pacific Decent Work Action Plan on 9 February 2010. Under this regional commitment, Fiji's tripartite partners have renewed their efforts to further reduce our decent work deficit under Fiji's Decent Work Country Programme, and help us achieve our Millennium Development Goals.

At last year's Conference, I confirmed my Government's commitment to urgently addressing the jobs crisis in Fiji. I am glad to report that, following intensive and extensive social dialogue with our tripartite partners and key stakeholders, we collectively agreed to establish Fiji's first National Employment Centre. On 3 November 2009, the Government approved the establishment of the Centre, which aims to be a one-stop agency to register, train and direct Fiji's unemployed into meaningful economic activities. The Centre, which was opened on 4 June, will consolidate, facilitate, coordinate and monitor all our employment promotion and creation activities with the aim of boosting employment and productivity. The Centre will also manage our new Foreign Employment Service and the Fiji Volunteer Service, in close partnership with our training institutions. The policies and regulations of the Centre have integrated all the provisions of the ILO Employment Policy Convention, 1964 (No. 122), which the Government also approved for ratification last year.

This year, the National Employment Centre aims to train about 36 per cent of unemployed people to work in the formal economy, to become self-employed or start up SMEs, find overseas employment or volunteer their services. The Centre will provide competency-based employment training schemes, with a special emphasis on green jobs, green growth and green productivity. The National Employment Centre is part of the Government's ten-point plan to bring unemployment rates down from 8.6 per cent to 2.4 per cent by 2012, and we are committed to achieving these targets.

We welcome and support the findings of the Committees on Employment, Domestic Workers and HIV/AIDS.

We are now drafting our new Workers' Compensation Law, to be discussed with our social partners and social security experts at the ILO this year. This new legislation is to strengthen our social security regime by replacing our outdated workers' compensation system and laws with a "no fault" scheme for all workers. The reform system plans to provide better and speedier access to health care and social security services for injured workers and dependants of deceased workers. We are also reviewing our pension scheme to ensure better coverage and sustainable social protection benefits to members.

To sum up, the Fiji Government strongly supports fair globalization and will ratify the 2008 ILO Declaration on Social Justice for a Fair Globalization by next year. We are implementing recovery plans that support decent work, help preserve employment and prioritize job growth. In addition, we will continue to provide income, social protection, and training support for the unemployed and those most at risk of unemployment. We agree that the current challenges do not provide an excuse to disregard or weaken internationally recognized labour standards. However, Fiji and other small island states appeal to the international financial institutions to facilitate our recovery efforts without imposing unnecessary conditions, in view of the fact that the global financial and economic crisis is manmade and was unfairly imposed on us, in addition to the impact of recent cyclones and floods.

On this note, the Fiji Government wishes to specially thank the European Union, the People's Republic of China, Australia and New Zealand for continuing to provide financial and technical assistance to Fiji to facilitate our recovery from natural and man-made disasters.

Mr JENNINGS (*Representative, Union Network International*)

The UNI Global Union, with its 20 million members in 150 countries, strongly supports the ILO's message for jobs recovery. Governments should not be swallowing the financial snake oil on offer from the financial markets. We have gone from policies to promote recovery to a stampede to the exit marked "Human Misery". For a short time the IMF resisted the call for full-blown austerity packages. Now they are conducting the austerity orchestra with Dominique Strauss-Khan as lead baritone. This is "No" to our colleagues from France, no "*Chanson d'amour*".

Whilst DSK is dancing the Charleston, workers are joining the Conga line to the soup kitchen. The double-dip recession of the 1930s beckons. We have the ILO Jobs Pact. This is a time for leadership by the ILO. You now have a seat at the table at the G20. You are armed with recommendations from

the G20 Labour Ministers. They are not in tune with the message from the finance ministers that we are seeing. You have to take up the fight for jobs, for decent work and for social justice when the G20 Summit convenes in two weeks' time.

Faced with calls for responsibility and to pay their taxes, hedge funds and private equity firms threaten to leave for tax havens elsewhere. The G20 should be closing down those opportunities and those tax havens everywhere. We cannot just pull up sticks and, if we do not pay our taxes, we go to jail. The financial community is investing massive resources to fight and resist reform.

As workers lose their jobs, their wages, their pensions and their hope, bonuses are back and financial speculation against nations is rampant. We threw the finance sector a lifebelt and, at our time of need, they are now throwing us back into the water, leading the rescue vessels in the opposite direction.

Workers are angry. They did not cause this crisis but they are paying for it. It is not the sentiments of the markets that count, it is the sentiments of people that really matter.

We represent the world's financial workers. Banks continue to want to maintain a model that relies on speculation and is doing precious little to address the needs of the real economy, which pushes staff to sell products they know to be questionable. How serious is the world about financial change when the Financial Stability Board in Basel has 15 staff where unions have no seat at the table and where there are no enforcement rights. Frankly, it is not serious. The finance sector is employing the best lobbying machine, the best legal brains, the best tax advisers; aim, no change; result, another financial crash. We cannot accept this "business as usual" approach.

This year UNI will organize its third World Congress under the theme "Breaking through" in Nagasaki, Japan, a city that serves as a symbol of global peace, where we will add our voice to a nuclear-weapon-free world campaign.

We are working to organize workers in the growing services economy. It is our job to grow unions. I know that the World Cup is on everybody's mind, but at the same time people in sport and people who support sport also need unions. So this year, in our push to expand in the services sector, UNI will launch a new global union called SportsPro, which will attract those sports professional into unions and give them a global voice.

We are also pushing for global agreements with multinational companies. Our aim is 50, and we have signed 36. They are consistent with the decent work theme and the G20 Labour Summit call for more social dialogue. They make business sense. We encourage the ILO, and in particular the Sectoral Activities Department, to lend its energy and its financial and human resources to help us in this push.

We are tired of the hypocrisy of business leaders who talk CSR but in practice take only token steps, often doing on the ground the opposite of what their glossy CSR documents say.

HSBC Chairman Stephen Green has written a book on the need for more ethical and social responsibility in business, and we suggested to him a global agreement based on his book. Unfortunately, however, the light at HSBC is stuck on red and we want it to turn green.

Spain's Banco Santander is dismissing workers in Boston for trying to organize a union. T-Mobile, where trades unions are on the ball in Germany, is fighting unions in the United States.

Governments should set an example. Two years ago Colombia's Citibank trade union leader, Leonidas Gomez, was murdered, but there is still no justice and the murders in Colombia continue. We say "No trade deals until human rights are respected."

In conclusion, we ask the ILO to show leadership and courage. We can "break through" together and put the planet on a different economic and social path. In two weeks' time you will be in the G20 arena. Please come out fighting and make a breakthrough for jobs and justice.

(Mr de Robien takes the Chair.)

**REPORT OF THE COMMITTEE ON HIV/AIDS:
SUBMISSION, DISCUSSION AND APPROVAL**

Original French: The PRESIDENT (Mr DE ROBIEN)

We will now interrupt the general discussion to examine the report of the Committee on HIV/AIDS, which was published in *Provisional Record* No. 13. I invite the members of the Committee to come up to the rostrum; the Chairperson, Ms Nene-Shezi; the Employer Vice-Chairperson, Mr Obath; the Worker Vice-Chairperson, Mr Sithole; and the Co-Reporter, Mr Yeboue. I also invite Ms McDonough to present the report on behalf of the Reporter.

Ms MCDONOUGH (Government, Australia; speaking on behalf of the Reporter of the Committee on HIV/AIDS)

The Committee's Drafting Committee, which had the unenviable task of working through the kick-off of the 2010 FIFA World Cup, worked hard and long hours to cross all the "i"s and dot all the "i"s to give the Recommendation the final touches. What impressed me when reading the report was that every page reflects the constructive friendly manner in which the Committee conducted its work. Speaking for the whole Committee, I would like to thank the Chairperson for skilfully conducting our work and the Vice-Chairpersons for their strong support. The Committee's deliberations were an outstanding example of social dialogue.

The constructive partnership developed with the Vice-Chairpersons was the catalyst for the smooth and efficient deliberations of the Committee's work. Excellent contributions were made by Governments and an important contribution of the regional coordinators was to give the Government group a clear and strong voice in the deliberations of the Committee. The sustained commitment of all delegates was of special significance, not only in reaching consensus but also in strengthening the recommendation at every stage.

The unwavering respect of Committee members for human rights and human dignity ensured full adherence to these fundamental principles which are the foundations of the Recommendation and central to addressing stigma and discrimination in any shape or form. The wide-ranging provisions of the Recommendation and the need not only to reach workers but also their families and their dependants, are placing the workplace and the world of work at the heart of national strategies to counter HIV/AIDS. This is further supported by the scope of the Recommendation, which is all-inclusive, covering all workers working under all forms or

arrangements. It, therefore, also includes those who are regarded to be most at risk, such as sex workers.

The provisions of our Recommendation will form a crucial platform and gateway to universal access to prevention, treatment and care and support. It pays special attention to occupational health and safety at work and also highlights the importance of addressing tuberculosis in HIV/AIDS workplace programmes.

Given the strong support in the Committee, I am sure that once adopted by the Conference on 17 June 2010 the Recommendation will become an indispensable tool for member States and social partners in addressing the serious issue of HIV/AIDS in the workplace.

I hope and expect that the Recommendation will guide the efforts of all of us and ensure that we work towards one common goal with the same single-mindedness that we applied to crafting the text.

Its accompanying resolution provides a road map for the future. It reinforces the fact that HIV/AIDS is a global challenge and as such demands a global response, based on a Recommendation that sets the standard for responding to the pandemic in a meaningful and timely manner.

Before closing, I would like to thank the Co-Reporter, the Chairperson and Vice-Chairpersons, all Committee members, and the secretariat. Your hard work was instrumental in the successful development of the Recommendation, the resolution and the report.

I herewith submit to you the report and the resolution for adoption by the plenary. As you know, the Recommendation is going to be voted on tomorrow morning. I call upon you to demonstrate your support and vote for the Recommendation. It would be a great source of pride for the Reporter and me, personally, as well as for all members of the Committee, to have drafted the 200th Recommendation of the International Labour Organization. Please make sure that your vote is cast.

Mr OBATH (Employer, Kenya; Employer Vice-Chairperson of the Committee on HIV/AIDS)

Let me from the outset say how pleased and honoured I am to speak on behalf of the Employers' group at the presentation of the work of our Committee to the Conference plenary for adoption. The two weeks we have spent together discussing the proposed Recommendation on HIV/AIDS and the world of work are part of a long journey we embarked on as tripartite constituents of the ILO. This journey, which I consider an epic, started in 2000, when the 88th Session of the International Labour Conference adopted a resolution concerning HIV/AIDS and the world of work. That resolution, submitted by the Employers' group and supported by other groups, recognized the enormous potential of employers' and workers' organizations, in partnership with governments, to contribute to the fight against the spread of HIV/AIDS and to support the needs of workers living with HIV/AIDS. It also recognized the unique opportunity presented by the workplace as a platform for a response to the scourge.

During the same session of the Conference, Mercy Makhalemele, a person living with HIV from KwaZulu-Natal, a place so dear to our Chairperson, Ms Nene-Shezi, stood here before us and challenged us to join efforts to fight stigma and discrimination in the workplace based on HIV.

The ILO Governing Body gave effect to the resolution by convening a tripartite meeting of experts in 2001 that developed the ILO code of practice on HIV/AIDS and the world of work. The code has served us well, giving guidance to workplace actors on how to deal with the pandemic in the world of work. One important characteristic of the code is that it has received worldwide support and consensus and has been translated into many languages. This strong support for the code was demonstrated by the fact that the Secretary-General of the International Organisation of Employers and the General Secretary of the ICFTU, now the ITUC, issued a joint declaration calling on their respective affiliates throughout the world to join efforts in order to ramp up the response to HIV/AIDS in the workplace by implementing the code. A number of bipartite meetings and capacity-building seminars have been held with the support of Dr Sophia Kisting and the ILO-AIDS programme to give effect to this joint declaration.

With the adoption by our Committee of a Recommendation on HIV/AIDS, we can say that we have gone a notch higher in this response. We have not only maintained our consensus on how to address a serious issue in the workplace, but have filled in the gaps that became apparent in the ILO code. We have updated it to reflect current realities, without confining its universality by dating it. Our Committee extensively discussed the guidelines in the new instrument and adopted them through consensus. Although we had passionate debates providing our perspectives on the preamble, definitions, scope, general principles, national policies and programmes, implementation and then follow-up, not a single vote was needed. We owe this to the spirit of camaraderie that prevailed in our Committee and to the wise guidance and leadership of our Chairperson, Ms Nene-Shezi, who made sure that everyone was part of the process.

I would like to pay tribute to our Chairperson and to the Committee members for a job well done. This was tripartism and social dialogue at work in the highest sense. I am pleased that our Recommendation recognizes the importance of cooperation and trust among employers and workers and their representatives when it comes to implementation of policies on HIV/AIDS.

Obviously we had difficult discussions, touching above all on the form of the instrument. Our group was of the view that this Recommendation would build on the strong support that the ILO code of practice has received and would not require ratification, thus contributing to quick action on HIV/AIDS in the workplace, in accordance with the urgency of addressing this issue. The Recommendation would also speak to both countries of low and high HIV prevalence, as it is important for those with low prevalence to redouble their prevention education and awareness, to keep prevalence as low as possible. And those with high prevalence need to not only provide care, support and treatment to infected and affected workers, but also to scale up their efforts in prevention. I am pleased to say that we have a truly global instrument.

I urge you, the delegates of the 99th Session of the Conference, to vote overwhelmingly tomorrow for this truly global instrument to respond to HIV/AIDS in the world of work. The Committee also adopted a resolution concerning the promotion and the implementation of the Recommendation on

HIV/AIDS and the world of work, 2010, this time submitted by the Workers' group. Our group strongly supported this resolution, for we believe that the ILO should take the necessary action to promote the Recommendation, assist member States and the social partners to implement it, and take the requisite action for its follow-up.

I would like to pay a special tribute to the Vice-Chairperson of the Workers' group, Mr Jan Sithole, for his wise leadership of the Workers' group and for his cooperation and partnership. Jan, it was a pleasure and an honour to work with you. I would also like to thank the Employers' group for their confidence in me, and my secretary, Frederick Muia, for his support and guidance. I would also like to pay tribute to Dr Kisting and to all members of the ILO secretariat for facilitating our discussions in a very professional manner. Finally, I wish to thank the Federation of Kenya Employers for nominating me to serve employers in Kenya in different institutions addressing HIV/AIDS in the country, including the National AIDS Control Council. Such positions have enabled me to come to grips with the challenges posed by the epidemic, and have allowed me to be able to contribute towards the discussion on this instrument.

Mr SITHOLE (*Worker, Swaziland; Worker Vice-Chairperson of the Committee on HIV/AIDS*)

It is an honour for me to express my support for the adoption of the Report of the Committee on HIV/AIDS in the World of Work and for the Recommendation and resolution now before this session of the Conference.

Many may ask why the workplace is made the anchor point in dealing with this pandemic. The answer is simple. At the workplace women and men of working age are gathered to earn their incomes and provide for their families. Together with their homes, the workplace is a very important aspect of their livelihoods. It is also a place where they produce, and as such their production contributes to the wealth of the countries they live in and makes profits for the enterprises they work for. HIV undermines this basic role of the workplace and therefore we have no choice but to join forces to combat it, both at the workplace specifically and in the world of work in general.

It would be negligence of the highest order to ignore the workplace in strategies to overcome this scourge. The wisdom of the ILO to produce the code of practice on HIV/AIDS and the world of work was visionary and noble. Over its nine years of existence, we have been able to reflect back and see the success of its interventions, and understand why it is used religiously. In some regions there has been an enormous behaviour change, which has led to positive responses in dealing with this scourge.

Despite all the positive changes realized since the adoption of the code of practice, it has also had its limitations, hence the need for an international legal instrument that will provide for supervision, evaluation and monitoring of the follow-up processes which the code lacks.

It was an honour for me to diligently serve the people of the world in being one of the pioneers and champions in the crafting of the first international instrument which, when applied, can effectively combat the negative impact of the pandemic.

As we produced this instrument we always had at the back of our minds that we were dealing with a

defiant pandemic: a pandemic that does not discriminate, that has systematically and consistently defied the finding of a cure, that does not stigmatize but reaches further when people stigmatize its victims, that is a weapon of mass destruction, that has made the majority of us regular visitors to mortuaries and graveyards, and that threatens child labour interventions by its capacity for producing child-headed families.

While mathematical principles state that two negatives make a positive, this pandemic makes poverty and hunger deadly partners the end result of which is death and misery. This pandemic makes employers lose skilled human resources. This pandemic makes workers lose members and compatriots. This scourge makes children lose parents and become orphans. This pandemic stretches national budgets to the limits and needs sustainable bail-out provisions without compromise, lest people perish.

This scourge, therefore, made our task similar to that of the United Nations Security Council: to find a tool to combat it and undermine its negative impact. This scourge, as long as a cure is not found, will successfully and flagrantly disregard the fundamental right to life.

Our understanding of these dilemmas meant that we must establish an international instrument with the broadest possible definition of a worker, a definition which covers jobseekers, job applicants, volunteers, domestic workers, laid-off and suspended workers, informal economy workers, armed and uniformed forces, migrant workers in origin, transit and countries of destination, families and dependants of workers, as well as the broadest possible definition of the workplace. We have insisted on privacy and confidentiality of data and records. We have emphasized voluntary counselling and testing. We have refused any form of mandatory testing. We have underscored social dialogue as a tool for the formulation of national policies and programmes to combat the pandemic. We have tried to remind all parties of their obligations and roles, such as reminding the G8 of its commitment to allocate resources to overcoming the scourge and governments to ensure that their budgetary allocations to public health demonstrate commitment also to the Millennium Development Goals.

We are proud to say that the journey started within the Office with the development of the code of practice, and which went an extra mile when the Governing Body agreed on the need to develop an international instrument, has come to its logical conclusion in the adoption of the instrument. However, this is only the starting point for implementation. The success of any action plan lies in its implementation.

The passion and commitment and quests to reach agreement were demonstrated by the fact that in two years of discussions the Committee has never needed to hold a vote, because all parties believed in the spirit of consensus. As such this document is truly an international collective agreement of the tripartite constituent members. This being an autonomous recommendation in dealing with the scourge, it has been the feeling of the workers that it cannot therefore be treated like all normal recommendations attached to Conventions, particularly when it comes to follow-up and reporting.

We are happy to say that, after lengthy discussions in the Committee, we eventually agreed on a resolution which accompanies this Recommendation.

Among other things, we have captured the following key factors in the Recommendation: universal precautions, and the agreement that nutrition plays an important role in prevention, treatment, care and support. We agreed that the notion of establishing sustainable income-generating projects for vulnerable groups is important. We also agreed that high-risk groups need to be brought to the mainstream as far as interventions are concerned. We agreed that political will and commitment are the best tools to provide an enabling environment to deal with this scourge decisively. As long as culture and behaviour change remain dynamic, they can be used positively to combat the negative impact of the scourge.

The proposed Recommendation and resolution, if adopted by this Conference, will provide the following: the role to be played by member States in follow-up and reporting mechanisms; the role of other ILO constituents, representatives of workers' and employers' organizations, in national policy formulation and their roles in the implementation of policies; the role of the ILO Office in assisting member States through various levels of technical assistance; and the role of the Governing Body to fast-track the process of implementation and follow-up.

The commitment demonstrated in the tripartite Committee gives me hope that this is an instrument that will hit the ground running, with the acknowledgment that it is an international minimum standard, and therefore achievable by all member States at all levels. All member States, who in their national Constitutions, have an obligation to protect the right to life of their citizens, have no choice but to put this instrument into practice voluntarily.

Laxity and complacency are not an option for tripartite constituents when dealing with this pandemic. It would be indeed a travesty of justice and a serious indictment upon member States if there was to be any delay in putting into use the contents of this instrument.

I would like to thank the Chairperson of the Committee and the Employer Vice-Chairperson.

I would also like to thank the Workers' group for the confidence they have put in me in pursuing this task. I also thank Dr Kisting and her team for all the work done. Thanks to the ILO staff for their kind collaboration, the International Trade Union Confederation (ITUC), and the Bureau of Workers' Activities (ACTRAV).

Our unwavering determination, commitment, dedication and unity of purpose have produced an international legal instrument: The autonomous Recommendation on HIV/AIDS in the world of work. We hope that this Recommendation will successfully help combat the unrelenting ravages of the pandemic around the world, and we are happy that this instrument entrenches all the pillars of decent work.

It is my belief that the failure to adopt this instrument is not an option and, if it happened, it would be carelessness of the highest order and tantamount to committing a crime against humanity.

Ms NENE-SHEZI (Government, South Africa; Chairperson of the Committee on HIV/AIDS)

As some of you know, this day, 16 June, holds a very special place in the heart of every South African. It was on this very day 34 years ago that the youth of Soweto in South Africa went onto the streets to give a voice and a face to the opposition

against the apartheid regime. For this reason, whenever I think of 16 June, I remember my first year at university and am amazed and encouraged by the profound impact that the protests had on the unfolding history of our country.

Having been chosen to chair the Committee on HIV/AIDS, I am especially touched that it is on 16 June that I can present to you a Recommendation that will equally improve the lives of many people worldwide who are affected by this global pandemic that threatens to undermine their rights to decent work and sustainable development.

As you all know, the success of a committee is, indeed, the result of its collective effort and of the competence of its individual members. Most of the members of this Committee had already been actively engaged in our work last year. I would like to thank all of you for your hard work and the support you gave to our mission. I would also like to thank my Vice-Chairpersons, Mr Obath and Mr Sithole, for their spirit of cooperation, wise counsel and proactive approach to resolving difficult issues. It was, indeed, a great pleasure to work with individuals of your calibre. I thank you for the support you gave me.

Many thanks also go to the Reporter and Co-Reporter and to the Committee's Drafting Committee members for their excellent work. I would also like to thank Government members for their unfaltering support and their skilful interventions and coordination work that allowed the discussions to run very smoothly indeed, while ensuring that all important issues could be discussed in sufficient detail. I thank you.

Finally, I would like to thank the secretariat, Dr Kisting and the team of experts. Thank you for a job well done. You did great. On the podium, in the interpretation booths, as well as behind the scenes in receiving, translating and producing amendments, records and the instruments. Thank you for your support.

It is, indeed, with great satisfaction and pride that I stand here before you and I commend to you this first international labour standard on HIV/AIDS in the world of work. Throughout its 19 sittings, the Committee's work was marked by enthusiastic and unanimous support for a meaningful and effective Recommendation on HIV/AIDS. The Committee discussed and adopted the Recommendation in full consensus. Indeed, each of the provisions of this Recommendation had the unanimous support of each and every member of the Committee. Of particular importance is that all of us agreed that the instrument should take the form of a Recommendation. As some of you might be aware, this was an important point of discussion last year, but, through our deliberations, we were able to agree that a strong and effective Recommendation should indeed be our goal.

The work of the Committee and the strong consensus that shaped the Recommendation were an excellent example of tripartism in action, driven by the positive force of social dialogue, and a constructive partnership between the Worker and Employer Vice-Chairpersons, as well as a positive, constructive and proactive engagement of Government members of the Committee.

The collaborative approach to finding consensus among one another in the Committee and within groups, as well as between the groups, was commendable. It inspired all members of the Committee

and it found its reflection in this excellent result that we have achieved in the Committee: a strong international labour standard on HIV/AIDS in the world of work.

The Recommendation unites the corporate sector, trade unions and governments alike in a common cause to address one of the greatest global challenges of our time. As the majority of people affected are either workers or of working age, the crafting of this Recommendation should be a source of pride for the ILO and its tripartite constituents.

The Recommendation will, once adopted by the Conference on 17 June, make it a crucially important contribution to the global response to HIV/AIDS, as mandated by the Millennium Development Goals. It will help workplace interventions to become instrumental in achieving Millennium Development Goal No. 6, which seeks to reverse the spread of HIV/AIDS and to provide universal access to treatment for all those who need it.

The unwavering adherence to fundamental human rights and respect for human dignity guarantees that the Recommendation will be embraced readily by all those concerned. This Recommendation is strong on the protection of fundamental human rights, gender equality, reproductive health and rights, social protection, occupational health and safety and employment opportunities for people living with and affected by HIV/AIDS. It is also worth mentioning that the Committee emphasized the importance of individuals knowing their status through voluntary and confidential testing, but strongly rejected any forms of mandatory testing.

The inclusiveness of the scope of the instrument ensures that it covers all workers, in all arrangements. The unprecedented extension of coverage to armed forces and uniformed services will enable us all to widen workplace interventions to cover all working members of society. Another important development is that groups such as transiting and migrant workers are also covered by this Recommendation.

The importance that is given to youth in the Recommendation seems to me to be particularly significant today, given that it is 16 June, the day that the youth of South Africa in 1976 gave their lives in the pursuit of human rights against apartheid. Therefore, I am very proud to note that the Recommendation covers young workers, as well as trainees, interns and apprentices, and includes special provisions on combating child labour and child trafficking.

The Recommendation's emphasis on reaching workers as well as their families and dependants will make the workplace an integral part of national strategies as a gateway for universal access to prevention, treatment, and care and support. Prevention is at the heart of this Recommendation. It will reinforce worldwide world of work interventions, also in relation to tuberculosis, and support the ten priority areas of UNAIDS.

The other emphasis is on continuation of employment for HIV-positive workers, on one hand, and promotion of income-generating activities for HIV-positive persons, on the other, and this will help mobilize the full potential of the workplace for ensuring the continuation of treatment.

As we move forward with the dissemination, promotion and implementation of the Recommendation, the engagement of those that have given birth to it – the ILO tripartite constituents – will

indeed be crucial. In this context, the development of national tripartite policies anchored in human rights and directed at overcoming discrimination will take centre stage. Wide constituent engagement will be central to creating ownership and ensuring each and every policy and programme will be tailored to the needs and specificities of each country: its government and its employers and workers. Employers and trade unions will lead in their communities. Political leadership will be crucial to ensure full implementation of this particular Recommendation.

This Recommendation will not only serve as a foundation to guide constituencies in scaling up HIV response at a national level, but it will also further enhance the coordination of regional and international efforts. As such, it constitutes an important new tool for the international HIV and AIDS community as well as for the members of the UNAIDS family.

The Recommendation will certainly contribute immensely to global and country efforts to address HIV and AIDS, and I, as Chairperson of the Committee, sincerely hope that it will have your full support and that you will all be available to vote tomorrow. I count on you to be counted tomorrow.

Mr WALCOTT (*Employer, Barbados*)

On behalf of the Employers' group, and more specifically Barbados, I speak in support of the proposed Recommendation on HIV/AIDS and the world of work, 2010, and the supporting draft resolution now before the Conference.

Work on the preparation of an instrument to replace the ILO code of practice on HIV/AIDS and the world of work began at the 98th Session of the International Labour Conference in 2009 and was scheduled as a double discussion, to be continued and concluded at the 99th Session. At the outset, it was the Employers' very strong position that we should seek to have an autonomous Recommendation as we sought to combat the scourge of HIV and AIDS.

After considerable debate at the beginning of the 98th Session, the tripartite constituents agreed to debate and develop an autonomous Recommendation. Over the two years of discussion, a significant amount of trust has been built up between the social partners, and several of the contentious issues encountered were resolved by caucusing during the two sessions, with the result that none of our deliberations ever resulted in a vote. Debate was at times very robust and spirited, but never acrimonious.

Recognizing that the proposed Recommendation did not contain particularly strong provisions for follow-up and reporting, the Workers' group introduced a draft resolution inviting the Governing Body to take certain measures to support the implementation of the provisions of the proposed Recommendation. This draft resolution was negotiated by all parties and is fully supported by all parties who were present at meetings of the Committee on HIV/AIDS.

This proposed Recommendation and the supporting draft resolution are now presented to the general Conference for adoption. The following are some of the key recommendations made within the instrument, the scope of which has been expanded to define clearly which categories of workers are covered. There should be protection of human rights and fundamental freedoms and gender equality for

all, including workers, their families and their dependants. There is to be no discrimination against or stigmatization of workers, in particular jobseekers and job applicants, on the grounds of real or perceived HIV status. Workers, their families and their dependants should enjoy protection of their privacy, including confidentiality related to HIV and AIDS, in particular with regard to their own HIV status. No worker should be required to undertake an HIV test or disclose their HIV status. Testing must be genuinely voluntary and free of any coercion. Real or perceived HIV status should not be a cause for termination of employment. Protection should be ensured for workers in occupations that are particularly exposed to the risk of HIV transmission, especially nurses. National policies and programmes on HIV and AIDS and the world of work should be included in the Millennium Development Goals, especially in the areas of poverty reduction strategies, including decent work, sustainable enterprises and income generating strategies, as appropriate. All persons covered by this proposed Recommendation, including workers living with HIV and their families and their dependants, should be entitled to health services. Members should promote the retention in work and recruitment of persons living with HIV.

The foregoing represents just a few of the important provisions embodied in the landmark instrument before us as we seek to engage more fully in the work of the social partners and wider civil society to address the business concerns presented by the spread of this epidemic. This proposed Recommendation and the supporting draft resolution are fully endorsed by the Employers gathered here.

Original French: Mr BOISNEL (Government, France)

France welcomes this Recommendation, which it fully supports, especially as it has been strengthened on a number of important points such as protection against discrimination, occupational safety and health and international cooperation. There is genuine consensus on the substance, and for that we thank all those involved.

France is one of the countries most committed to responding to the pandemic in terms of international aid, and we therefore have several reasons for supporting the Recommendation. I shall mention three, each of them fundamental. The first is our duty to mobilize in the face of the pandemic. We are talking about millions of deaths, tens of millions of lives that have been devastated, years and years of retarded development in many regions of the world. Yet scientific knowledge is such that many of these disasters could be avoided if there was total mobilization. That is why it is so important that we combine our efforts at this Conference.

By adopting this Recommendation, the first international labour standard on the subject, the Conference will be making available an additional weapon to the international community in its fight against the virus – a weapon that will be especially effective because it has been forged on a tripartite basis.

The second imperative is that our efforts be both coherent and consistent. This is a priority for France as a whole and you, Mr President, know better than anyone that it is the case here. Our discussions this year have clarified the role of the people involved at the workplace. In this text, the workplace is not just the standard focus of an international labour standard; it is the very crux of a global strategy. You

would know better than anyone how important this is. From this point of view, the 2010 negotiation has made us move forward by clarifying the role of actors and clarifying the role to be played in the workplace. In this text, the workplace is both the classic object of an international labour standard, but also the lever of a global strategy for combating the pandemic that goes well beyond the remit of the ILO. The dual nature of the Recommendation posed a challenge, and the discussion that took place has turned it into an added value.

The third imperative is that of the Recommendation's effective implementation. Adopting the text is of course essential, but it is now that the work begins on which everything will depend. That is why France has supported everything that can facilitate and guarantee the application of the principles to be adopted by the Conference.

I am thinking here of some of the finer legal aspects of the Recommendation, but I am also thinking of the accompanying resolution which is a genuine road map that calls on the Governing Body of the ILO to provide an active follow-up.

Governments, of course, have the lead role in implementation, but it will obviously be the responsibility of all of us, and the Conference can be assured of the full commitment of France in this area.

France thus fully supports the adoption of the Recommendation and hopes that it will enjoy the most massive and unanimous support possible.

Original Spanish: Mr MÁRQUEZ (Employer, Panama)

Ten years ago, we began to understand HIV for the first time. My first thought about it, apart from personal tragedy of those affected, was the economic impact that it would have on companies in various ways.

Despite it being many years since this virus was identified, its impact and its effects on development have still not been fully understood in certain sectors in our countries.

For this reason, I am particularly interested in this topic and I have studied it and made economic projections. In my country, Panama, the amount of resources for treating and monitoring those with HIV/AIDS would cost half the national budget in an optimistic scenario, and double our national health budget in the pessimistic scenario, using the current treatment costs.

These costs will obviously have to come from somewhere, and the trend in countries, and in my country's health system, is to increase employers' social security contributions. This raises the costs that companies face, making them less competitive in comparison with those in countries where there is a low prevalence of HIV.

This does not even include the decrease in competitiveness suffered by companies as a result of the loss of trained and skilled workers with appropriate experience that will occur over the years.

With an increase in the number of people living with HIV/AIDS will come pressure on purchasing power. Aside from the personal effect that this will have, it will also have a negative effect on markets.

Given the experience of other countries that have seen companies close operations because of the effects of HIV, our countries in Latin America should make every effort to avoid this pandemic spreading further.

This is why, as an Employers' delegate, I ask the Employers and their social dialogue partners to ap-

prove and adopt this Recommendation for the good of all of our countries.

Ms LARYEA-DJAN (Worker, Ghana)

It is an honour to speak, on behalf of the Workers' group, in support of the documents on HIV/AIDS and the world of work.

The instrument that is being adopted is one that covers all citizens, respects privacy and confidentiality, without any compromise. It encourages voluntary testing, supports persons living with HIV/AIDS, protects all vulnerable groups and embodies the pillar of decent work, with a special focus on social dialogue.

The impact of poverty on the epidemic was an issue of concern to the Workers' Vice-Chairperson, and suggested that national policies should review the issues of disposable income and food security, and that nutrition should be an important component of treatment.

The Committee worked tirelessly to produce the Recommendation and resolution on HIV/AIDS and the world of work. During the tripartite sessions, members discussed issues with a real spirit of tripartism. Here let me commend the Chairperson, the Vice-Chairpersons and Government representatives for their tireless work. The Drafting Committee also did a lot of work together with the secretariat. We thank them very much.

The members of the Workers' group strongly support the Recommendation and resolution. We hope that all countries will be committed to their implementation at regional and local level, in order to combat HIV/AIDS at all levels, and we support this scheme. We hope that tomorrow everybody will cast their votes for the successful adoption of the Recommendation.

Original French: Ms STEPANOFF (Employer, France)

On behalf of the Employers' group, we are delighted to say that the overall goal of the Recommendation on HIV/AIDS and the world of work is clearly to provide better protection for those infected with – and affected by – the disease with respect to employment. This is a point in time in what we sometimes perceive to be a muddled sequence of events, giving rise to a range of conflicting impressions. There is the sense of urgency in the face of a pandemic that continues to spread in spite of nearly three decades of efforts to combat it, with two in five newly infected individuals going into treatment. There is the sense of discrepancy between the urgent need for awareness raising, prevention and health care and the long drawn-out process that has brought us together, when there is so little time for dialogue and gestation: just two 15-day periods to finalize a text and have it adopted by nearly 180 Members. There is the sense of expectation in the face of a crisis in which governments and enterprises need to prioritize and address a range of financial, economic, social and environmental issues which are all interdependent and of equal importance.

We must continue the work upon which we have embarked with the firm determination to carry it through to the implementation of this Recommendation, which we are certain the Conference shall adopt.

The stakeholders in the world of work are not naturally predisposed to leading the response to this pandemic, and they need support. We must there-

fore return to our respective countries, raise awareness of the Recommendation and, above all, inspire others with the outstandingly respectful and constructive spirit that has prevailed in the Committee. It is a matter of securing a commitment on all sides to seek a consensus and to foster the spirit of partnership we need to achieve our twin goal of preventing new infections and ensuring that the people living with HIV/AIDS play the active and dignified role in our societies that they legitimately wish to have and to keep.

Showing respect to those that are affected, of course, amounts to a matter of showing respect to ourselves, as human beings. Every person living with HIV/AIDS is a member of a family, a colleague in a workplace and a citizen of a nation. Let us never forget that. I invite you to think about this tomorrow when you vote for the adoption of this Recommendation.

Original French: Ms MOKRANI (Worker, Algeria)

On behalf of the Workers' group, I wholeheartedly support this proposed Recommendation on HIV/AIDS and the world of work, which will certainly contribute to the fight against the spread of the virus.

In Algeria, this Recommendation will reinforce the policies implemented for free, voluntary and anonymous testing, the fight against discrimination and the provision of care for those living with HIV and AIDS.

Original French: Ms GOUADI BOUZIMBOU (Employer, Congo)

On behalf of the Inter-Occupational Employers' Union of Congo (UNICONGO), I would like to say that HIV/AIDS, which has spread from being a strictly medical issue into the world of work, has become a universal concern, including for employers.

In the Republic of Congo, which has a prevalence rate of 3.2 per cent of a population of 4 million inhabitants, employers have become aware that this pandemic is destroying our society and is posing a huge obstacle to enterprise development.

Therefore, we have spared no effort in becoming part of the national programme against HIV/AIDS, and in our enterprise activities we have included, among other things, information and training for workers relating to HIV/AIDS. Today, the adoption of the Recommendation on HIV/AIDS and the world of work, at this 99th Session of the International Labour Conference, is going to be the expression of the determination of the parties to respond to HIV/AIDS in the world of work.

I would like to highlight in particular the sections of this Recommendation relating to scope and national policies and programmes, which are the result of very fruitful discussions during the work of the Committee. We note that no jobs, formal or informal, were excluded. As for policies and programmes, these will have to contribute both to protection against the discrimination and stigmatization of workers and their families living with HIV/AIDS and to the broadening and the improvement of treatment and access to treatment for HIV.

However, policies and programmes can only be beneficial if their implementation is effective. Therefore, it is only through a firm commitment to apply this Recommendation that we will be able to respond adequately to the challenge of HIV/AIDS

and thus benefit the cause of decent work and sustainable development.

Ms TYÖLÄJÄRVI (Worker, Finland)

On behalf of the Workers' group in the Committee on HIV/AIDS, we wish to express our support for the outcomes of the work of the Committee. We worked very hard and stayed late but there was a very good spirit of cooperation with the Employers' group and the Government group and with the ILO secretariat. We, as workers, highly appreciated this cooperation. We are very happy that, finally, we could agree on a very good Recommendation that will guide us and give added value in North and South, East and West.

I can echo the previous speakers in saying that this Recommendation has a wide scope and a clear section on anti-discrimination. It says "no" to compulsory testing in all sectors. It supports the development of national policies and programmes in consultation with the most representative employers' and workers' organizations. It also focuses on prevention, treatment, care and support, and it emphasizes the involvement and participation of persons living with or affected by HIV.

This Recommendation provides for appropriate measures with regard to occupational safety and health, as well as the protection of children and young persons whose carers are affected by HIV.

The Workers' group understands that the strength of this Recommendation lies in its implementation. We would like to cordially invite the Governing Body to take action, as proposed in the annexed resolution. We also wish to invite all of us, governments and employers' and workers' organizations, to take action in the implementation and follow-up, as agreed in this Recommendation and annexed resolution.

Wide international cooperation, especially with WHO and UNAIDS, is also necessary and the Workers' group encourages this. This Recommendation will help us to invest in the future, human resources and human dignity. All workers, including those living with HIV and AIDS, need our support to develop their full potential in the labour market. That is also good business and a good investment policy, especially in times of economic recession.

This Recommendation and annexed resolution have the full support of the Workers' group. We are confident that this Recommendation will also have the full support of other groups in the voting tomorrow.

Mr MDWABA (Employer, South Africa)

Today, in South Africa, we commemorate Youth Day, which marks the anniversary of the 1976 uprising, where the youth of our country rose up to protest against the apartheid education system, which promoted inequality. It was a demonstration against injustice, in pursuit of human rights, which resulted in innocent lives being taken.

It is fitting that, on the day when we remember this pursuit of fundamental human rights, we have come here to adopt the Recommendation, a global instrument to stem the impact of HIV/AIDS in the world of work.

The Recommendation is welcomed by employers in our country, and on our continent, which has suffered the most severe impact of HIV/AIDS. In our view, the Recommendation strikes a good balance

between the responsibility of member States, workers and employers, and draws on the expertise of the constituents and bodies such as UNAIDS and WHO.

Throughout our deliberations on the Recommendation, we have been conscious, as employers, to place this recommendation in the broader context of the world of work. We should not underestimate the extent to which traditional workplace programmes on HIV/AIDS need to be adjusted in order to include the informal sector, workers in all types of workplaces and under all kinds of employment arrangements. This is a challenge for all constituents.

We welcome the specific inclusion of tuberculosis as part of the HIV/AIDS response. HIV/AIDS has been well contextualized in the Recommendation in relation to other diseases that have an impact on the world of work.

It is seldom that a Recommendation is adopted with such a singular purpose and acknowledgement of joint responsibility. It is through collaboration that the impact of HIV/AIDS will be tackled in the world of work, thereby fostering decent and productive work and sustainable enterprises.

We are hopeful that this instrument will form the basis for concrete action that will stem the impact of HIV/AIDS in the world of work.

Original French: The PRESIDENT

That concludes our list of speakers. We are now going to proceed to the approval of the report, that is, the summary of the Committee's discussions, which you will find in paragraphs 1-843. If there are no objections, may I take it that the Conference approves the report?

(The report – paragraphs 1–843 – is approved.)

PROPOSED RECOMMENDATION ON HIV/AIDS AND THE WORLD OF WORK: ADOPTION

Original French: The PRESIDENT

We shall now proceed to adopt the proposed Recommendation on HIV/AIDS and the world of work. We are going to proceed paragraph by paragraph, starting with the Preamble.

(The proposed Recommendation – the Preamble and paragraphs 1–54 – is adopted seriatim.)

If there are no objections, may I take it that the proposed Recommendation, as a whole, is adopted?

(The proposed Recommendation, as a whole, is adopted.)

I would like to remind you that the proposed Recommendation will be submitted to a second vote tomorrow, Thursday, 17 June.

RESOLUTION CONCERNING THE PROMOTION AND THE IMPLEMENTATION OF THE RECOMMENDATION ON HIV/AIDS AND THE WORLD OF WORK, 2010: ADOPTION.

Original French: The PRESIDENT

We shall now proceed to the adoption of the resolution concerning the promotion and the implementation of the Recommendation on HIV/AIDS and the world of work, 2010, which is contained in the annex to the Committee's report. If there are no objections, may I take it that the Conference adopts the resolution?

(The resolution is adopted.)

Before moving to the next item on our agenda, I would like offer my heartfelt thanks and congratulations to the members and Officers of the Committee for their work. The result that we have achieved today, as so many speakers have reminded us, is the outcome of two Session of the Conference. I would also like to thank the Secretariat for its excellent support during this week.

REPORT OF THE COMMITTEE ON DOMESTIC WORKERS: SUBMISSION, DISCUSSION AND APPROVAL

Original French: The PRESIDENT

We are now going to move on to the report of the Committee on Domestic Workers, which is contained in *Provisional Record* No. 12.

I invite the Officers of the Committee on Domestic Workers to come to the rostrum: the Chairperson, Ms Trasmonte; the Employer Vice-Chairperson, Mr Rahman; the Worker Vice-Chairperson Ms Yacob; and the Reporter, Ms Herzfeld Olsson. I now give the floor to Ms Herzfeld Olsson to present the report.

Ms HERZFELD OLSSON (Government, Sweden; Reporter of the Committee on Domestic Workers)

I have the honour to present to the Conference the report of the Committee on Domestic Workers. In introducing the report and the proposed conclusions, I would like to give you a short overview of our work in the Committee, which shaped the report and the proposed conclusions.

Our work was characterized by a common determination to propose conclusions aimed at a meaningful and ratifiable standard to help improve employment conditions for domestic workers, a historically disadvantaged group of workers, as highlighted by the representative of the Secretary-General, Ms Manuela Tomei, when she introduced Report IV(2), on our first day. We were all convinced of the urgency of our task to adopt a text that would inspire and guide members in finding ways to provide domestic workers with the protection that they, as all other workers, deserve, and thereby take one important step towards our goal to make decent work a reality for millions of domestic workers around the world.

Our work included 21 formal sittings, including four consecutive evening sittings, several group meetings, a tripartite working group and a meeting of the Committee's Drafting Committee. The Committee succeeded in finishing the first reading of all 43 points of the proposed conclusions, a very ambitious task considering both the length of the text and the broad range of issues covered.

When the Committee started its work, the question of whether the proposed conclusions would aim at a Convention or a Recommendation, or both, was open. The decision was finally taken by a vote. Even if our votes reflected that there were different opinions on this issue among the delegates of the Committee, and that we therefore could not take the decision by consensus, the voting made it possible for the Committee to decide on this question in a quick and transparent manner. When we knew that our work would lead to a standard which would take the form of a Convention supplemented by a Recommendation, our work became better focused.

The definitions of “domestic work” and “domestic worker” and the scope of the proposed conclusions were agreed upon by a tripartite working party appointed by the Committee. The working party agreed that the definitions were to be inclusive, in order to ensure that all domestic workers in need of protection could benefit from the Convention. The working party also agreed that the possibilities to exclude groups of domestic workers from the scope of the instrument should be very limited, unless such groups of workers were provided with at least equivalent protection. It was crucial to the success of our work that these issues were decided at an early stage.

The Committee then turned to issues on which we shared a common understanding from the start. The Committee underlined the need to ensure that domestic workers enjoy all the fundamental principles and rights at work, as well as other human rights. The need to address the particular needs of young domestic workers and strengthen their protection was emphasized in our discussions, and is reflected in our proposed conclusions through the setting of a minimum age for domestic workers in line with the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and by ensuring that domestic work should not deprive them of, or interfere with, their education or vocational training.

An overall recognition in the Committee of the need to ensure that domestic workers enjoy fair terms of employment as well as decent working conditions, including minimum wage coverage, where such exists, and their right to privacy, was underlined, along with the need to safeguard the household’s right to privacy. The right of domestic workers to enjoy effective protection against all forms of abuse and harassment was also stressed. All these issues are reflected in the proposed conclusions.

The discussion on the points of the proposed conclusions concerning working time, health and safety, social security protection and enforcement mechanisms reflected the different views among the delegates on where to strike the right balance and achieve both a meaningful and ratifiable instrument. The Committee, however, shared the conviction that these crucial issues need to be addressed in a way that would not undermine our task to set a minimum standard for protecting domestic workers.

I strongly believe that, during the past two weeks, the Committee has produced a solid basis for the second discussion next year. Nonetheless, as the report indicates, there are some aspects of the proposed conclusions that will need further consideration next year. This is of course natural, as this year was the first reading of the proposed conclusions, but it also means that we have a big challenge in front of us.

The report of the Committee on Domestic Workers comprises a number of sections, including one containing opening statements where the Employer and Worker members, 85 Governments, a representative of the United Nations and some non-governmental organizations gave their overall views regarding the proposed conclusions. This is followed by a section on the consideration of the proposed conclusions, which records in summary fashion the discussions on 225 amendments submitted by a large cross-section of delegates, as well as a large number of subamendments. There is also a

section containing concluding statements, including the interventions made on 11 June 2010 before several delegates left Geneva, and a section containing the proposed conclusions as adopted and as finalized by the Committee’s Drafting Committee. Finally, there is the draft resolution to place on the agenda of the next ordinary session of the Conference an item entitled “Decent work for domestic workers”.

The report of our Committee’s discussion will be particularly important when we prepare for next year. It truthfully records what we did, how we did it and why we did it. Together with the follow-up work by the Office, it will guide our preparations for the session next year. I call upon us all to be even better prepared in 2011 in order to pave the way for constructive and focused discussions and finally achieve our common and extremely important goal to set a minimum standard of protection for domestic workers.

My thanks go to our Chairperson, Ms Trasmonte, and the two Vice-Chairpersons, Mr Rahman and Ms Yacob, who were driven by the common commitment towards making decent work a reality for millions of domestic workers across the world. The Government members, who placed their faith in me when nominating me as a reporter, were also major players in arriving at a successful conclusion of our work. I thank them for their patience and constructive inputs. I would like to also acknowledge the contributions of the secretariat to the production of this report of our Committee’s discussions. Their competence, hard work and motivation have been a tremendous effort to this process.

With this, I would now present the report on the Committee on Domestic Workers with the proposed conclusions to the International Labour Conference for adoption.

Mr RAHMAN (*Employer, Bangladesh; Vice-Chairperson of the Committee on Domestic Workers*)

As I said in my opening remarks at the end of the Committee’s first sitting, it was the hope of the Employers’ group that our cooperation will result in the framing of conclusions that will help improve conditions for domestic workers.

The Committee’s report presents a draft text containing a summary of our discussion and of recommended provisions for a Convention supplemented by a Recommendation. We ask the Conference to adopt this report.

In our closing remarks at the last sitting of the Committee, we expressed concern about the scope and outcome of the Convention. The text of the Convention, as it stands now, is non-ratifiable by most countries. Everybody seems to know this, but only our group really cares about it. Our vision of a Convention is not a flagship text which will never be ratified, but a tool which will be implemented to better protect domestic workers. This makes us really wonder why we have a text that will be useless as a legal instrument and will once again make the standard-setting process irrelevant. Fortunately, we still have one year to improve the current text and adopt an instrument which will genuinely improve the situation of domestic workers. Given the length of the two texts and the huge number of points on which discussions have been postponed, the task will be considerable.

Next year the process has to be transparent and democratic. One group should not be excluded from

the debate. The Committee made progress when there was real tripartite dialogue, as was the case in the working group established to define domestic workers. It is regrettable that we were not able to continue with working groups.

But above all, we really need to look at our working methods so that tripartism is preserved and the conditions exist for a real social dialogue, which was not the case this year.

We also have to avoid being disturbed by NGOs and others who do not adhere to ILO parliamentary rules and behaviour. There are a number of issues concerning the working methods of this Committee which we will be following up in the Governing Body. The ILO's objective of protecting domestic work has our support, and we are committed to it.

The Employers' group asked for a vote on two important issues on which I would like to dwell for a minute. Firstly, we asked for a vote on the form of the instrument, as it was a key point for our group. We were in favour of a Recommendation, which would have been more appropriate at present because it would have provided the flexibility member States need to provide coverage for such a diverse range of activities. It would have enabled member States to implement both existing and new laws for domestic workers, as appropriate and viable for their current circumstances. It would also have immediate effect, whereas a Convention, especially in its present form, might never have any real effect.

Unfortunately, most Governments did not have the same view. However, we accept the outcome of the vote and we will work constructively towards the adoption of a Convention and a Recommendation, if that is the will of the Committee next year.

I would nevertheless like to stress the concerns of my group on the voting process, especially since someone voted for a government who was not from the Government group, unfortunately without much reaction from the Office.

I would also like to mention the second vote, as it was even more important for us. While we were discussing freedom of association of domestic workers and social dialogue, some members of the Committee refused to see in the text an acknowledgement of the right of employers of domestic workers to create associations or to join employers' associations. How can we promote social dialogue and collective bargaining without employers' rights? For that matter, how can there be domestic work without employers? This attitude was unacceptable and that is why the Employers' group asked for a vote. Fortunately, Governments changed their mind during and after the vote and this fundamental principle for employers was finally accepted in spite of the negative vote.

Despite these incidents, which should not be repeated next year, the Employers' group has always adopted a constructive approach to this issue. The regulation of domestic work is atypical, and we feel that there are definite risks involved in the creation of a standard for domestic work. We believe that the text, as it stands, could have a potentially detrimental effect on the employment of domestic workers. The term "domestic work" is unique, particularly in relation to other kinds of work. In its breadth, scope and characteristics – for both employers and employees – the text now contains a better definition of domestic work which should be applied.

We are pleased that the text excludes occasional domestic workers such as babysitters. It also recog-

nizes the rights of domestic workers, but it does not mention their responsibilities. That is something we will address next year.

With regard to the employers of domestic workers, we believe the Committee should have differentiated between employment agencies and individuals. Since the first are covered by the Private Employment Agencies Convention, 1997 (No. 181), the instrument should focus on the employment relationship between the domestic worker and the householder. People employing domestic workers are not employers in the usual ILO sense, and this should be recognized in the instrument. They do not necessarily have the legal expertise. A rigid instrument such as we have now would almost certainly lead to an increase in the informality of domestic work, with the regulation being too complex to be used by a family, and/or to an increase in unemployment.

We should avoid an outcome that might be the opposite of our objectives. If we read the text with the eyes not of an ILO constituent but of a householder, the text is very difficult to apply.

The final text should include more clauses designed to increase householders' awareness of their rights as well as of their responsibilities. There are cases of abuse of householders by domestic workers, especially older householders. Flexibility and progressive implementation are essential here, since the situation of the domestic worker sector in each member country is very different.

Member States should be able to increase working age limits gradually and introduce other regulations as appropriate, so as to prevent the risk of a massive shock in the market for these services.

We should bear in mind that domestic workers are often remunerated in cash as well as in kind, in the form of food and housing among other things. This in itself is one of the ways in which domestic work differs greatly from commercial work. One of the most important issues we have addressed in relation to these concerns is the quality and nature of accommodation, as well as better living conditions.

The issue of privacy is important for both the domestic worker and the householder, and we consider that the text recognizes this point.

The question of inspection has not yet been discussed. We have to bear in mind that in many countries it is nearly impossible to enter private homes and inspect the living and working conditions of domestic workers, as a conflict may occur between the right to privacy of the householder and the right to safety and protection of the worker. Once again, flexibility is essential to any instrument we adopt.

Our group regrets that there is no focus on domestic work as a major source of employment. With increasingly ageing populations and an increasing female workforce, member States are experiencing a growing need for domestic work and other home services to assist children, householders and the elderly. The growth of these personal domestic services is linked to the development of the local economy. The increasing pressure created by these issues reinforces the need for an effective instrument that can be, and is, widely ratified.

In a context of massive unemployment, domestic work can help member States to meet three main challenges: creating permanent jobs – the increasing demand for domestic work affords job opportunities that are particularly suited to the low-skilled unemployed, while also providing assistance for vulner-

able, fragile members of society; fighting against undeclared work in the informal economy; finding a solution to an improved work-life balance.

The increasing participation of women in the labour market, changing life patterns and the demographic pressure of an ageing population have made the reconciliation of work and family life a major issue in the public policies of member States. This aspect primarily concerns women, since they carry most of the responsibility for keeping house, bringing up children and caring for elderly dependants. There is enormous potential for job creation in this sector which can help to meet increasing social demands worldwide.

It can contribute to a greater welfare for the citizens, to the wellbeing of employees and to greater gender equality. This kind of work is expanding and will consequently play an increasingly important role. It therefore needs to be organized effectively. Employers can, and should, play an important part in the effective organization and professionalization of this work.

I would like to thank the Office and the members of the Committee for their active support.

Finally, I would like to reassure the Conference on the commitment on the Employers' group to the adoption of best possible instrument. An ILO instrument would be a good tool for protecting domestic workers by recognizing their rights and responsibilities, by providing them with procedures in the case of abuse, and by providing rights for householders. As I have mentioned, however, some points are still missing.

We have reached the middle of the bridge and there is a long way ahead of us before the adoption of the right instrument to protect domestic work, but this Conference can rely on our group to continue to play its part in working towards a meaningful instrument.

Ms YACOB (Worker, Singapore; Vice-Chairperson of the Committee on Domestic Workers)

We are gathered here today not just to endorse a set of conclusions on decent work for domestic workers. We are here today to create history. We are here today to achieve a vision. The history that we are creating is to adopt decent work standards for millions of domestic workers who have hitherto been unprotected.

The vision we aspire to achieve is to give them better rights and help them combat exploitation, abuse, victimization and poverty. Too many have died, been seriously injured, or have been trafficked and sold as slaves, in the hands of employers, employment agencies and syndicates. Many do not enjoy the decent working and living conditions enjoyed by other workers and live in abject poverty.

We have kept silent and turned a blind eye to their plight for far too long. It may surprise you to know that we have ignored their plight since 1948, when their concerns were first raised in this house, but were never pursued. In the meantime, they continue to remain invisible, unseen, and unappreciated because they work in homes, away from the public eye.

In adopting these conclusions, we have shown that we have the moral courage and conviction to do what is right. We do not pretend that these conclusions alone and the Convention and Recommendation to be adopted next year will in themselves bring an end to the suffering of our domestic work-

ers. But at least what we are adopting is a start, where there was none before.

It is clear to all of us in the Committee that our work will protect one of the most vulnerable groups in our society: women and girls, many of whom are migrants and members of historically disadvantaged communities. You will hear some of their stories later on when they make their interventions.

Given the context, I am sure that those of you who participated in our Committee's deliberations understood why our Workers' bench, particularly in the first couple of days, was brimming with great enthusiasm and showed some emotion. After all, we are all human beings and emotion is part and parcel of being a human being and expressing ourselves. But we believe that it is a natural reaction after experiencing so many years of disappointment and frustration. I want to assure all members of this house, that the emotions and enthusiasm shown never affected, influenced or disrupted the work of the Committee.

There was strong agreement in our Committee that the decent work deficits suffered by domestic workers are also basic human rights issues. Strong standards are therefore necessary to address the situation, which is why our Committee decided that nothing less than a Convention, supplemented by a Recommendation, would suffice.

The ILO has adopted more than 180 Conventions and many of these have been ratified by many States. It is presumptuous to assume that governments cannot accept a Convention on domestic workers, and that a Convention creates rigidity.

Having agreed on the nature of the instrument, our next important task is to make sure that we have standards that we can all be proud of. The Workers' group feels that we have reached very good conclusions, which will form a good basis for our discussion next year.

One point that came across strongly in all our deliberations is that all countries, regardless of their level of development, are concerned about the marginalization of their domestic workers. We would like to see how this sector can continue to grow, since it has enormous potential for job creation, but we must remind ourselves continuously that the growth of this sector and its contribution to the GDP of any country should not be promoted at the expense of the domestic workers. The growth and expansion of this sector is meaningless to the millions of domestic workers, and maybe millions more in future, if this growth is at the expense of their welfare and wellbeing. What we seek to achieve is formalization, not a continued informality and exploitation of people in this sector.

The ILO Office prepared excellent reports on the laws and practices in many countries, highlighting the significant gaps in decent work deficits that exist in many places. This further proves the need for strong and good instruments to guide countries in making their laws and labour markets more inclusive, and reducing the marginalization and isolation of domestic workers. Who better to decide on that than the governments themselves, many of whom voted by a big majority to support a Convention supplemented by a Recommendation? That is an act that affirms that there are considerable deficits in law, legislation and practice in many countries and that good instruments are needed to guide them to overcome these deficits in order to promote decent work for their domestic workers.

A number of countries, including developing countries, like South Africa and the Philippines, have shared with us the progress made in their laws to protect domestic workers. Although the examples are the exception rather than the norm, they show that our task to enhance protection and provide decent work for our domestic workers is achievable. Even as we look at relevant examples, we understand that there are diverse national specificities and differences in legislative systems. The Committee accepted the merits of maintaining a degree of flexibility in order for governments to gradually introduce some of the required changes. In our view, having strong standards and flexibility are not incompatible. What we have to avoid, however, is having standards for domestic workers that are lower than those for other workers.

As a former ILO Director-General astutely observed, accepting substandards would be tantamount to accepting that certain categories of workers would qualify as subhumans. Strong standards do not mean that we should confine ourselves to the lowest common denominator. While those standards might not be immediately compatible with a country's laws, it is something that can guide future action, motivate and inspire us to scale higher peaks.

The Workers' group welcomes the emphasis on basic human rights and fundamental principles and rights at work, and in particular, the right to freedom of association and collective bargaining, of which many domestic workers are deprived.

In asking governments to remove obstacles to domestic workers' rights to freedom of association and collective bargaining, we are not saying that these rights should be denied to employers. We have repeatedly said, together with some governments, that we respect these rights which are enshrined in the core Conventions of the ILO. We did, however, question whether it was appropriate to talk about employers' rights in a paragraph which deals with empowering domestic workers to achieve decent work by assisting them in forming trade unions and bargaining collectively with their employers. We felt that this would be better reflected as a separate point, specifically recognizing employers' rights. This can be found in paragraph 24(b) of the conclusions, with the proposed amendment as submitted by the Workers' group.

We welcome greater clarity in the definitions of domestic work and domestic workers, whether they are employed by households or employment agencies. The minimum age of employment must be in accordance with ILO standards, since child labour is rampant in domestic work. We agreed that written contracts are essential, particularly for migrant domestic workers, in order to establish the existence of an employment relation, as well as to provide evidence when there are disputes about terms of employment.

The conclusions refer to decent working conditions, such as wages, rest days, normal hours of work, repatriation costs, occupational health and safety and social protection, which are common for other workers. Certainly, we do not want to deny our domestic workers of at least one rest day a week, because we know that domestic work is extremely arduous and physical. That principle is already extensively enshrined in ILO instruments for other workers and in the laws of many countries. Surely, we do not want to deny domestic workers at least one rest day a week.

We also have more specific terms, such as "decent accommodation and living conditions". These are specific to domestic workers, particularly those who live with their employers. They are important because there are employers who make their domestic workers live in the dog house and who provide absolutely no privacy leaving their domestic workers vulnerable to all forms of abuse. We are also happy that specific references are made to migrant domestic workers, since estimates in all regions show that their numbers will increase in many countries owing to ageing populations and declining birth-rates. Any good standard must address the specific concerns of migrant domestic workers as they are the most vulnerable of all.

We also agreed on the need for stronger protection against abuses, such as unfair termination of employment, confiscation of identity papers and harassment, as well as effective access to dispute settlement mechanisms.

Often, migrant domestic workers are already whisked out of the country before they can even file their claims. They are sent back home, and their claims to arrears of salaries and other payments remain unmet.

The Workers' group does not believe that according these basic rights to domestic workers would result in rigidity. It will be left to governments to decide whether the same decent standards of work that are applicable to other workers should also be applied to domestic workers.

The Committee's discussions were not always easy, but, until today, I believed that good sense and good faith had prevailed. If we fail, we are failing the millions of domestic workers who are depending on us. Many times during the deliberations we, in the Workers' group, had to remind ourselves that regardless of the group that we belong to, we need to rise above our own narrow and parochial interests, and to focus on the task at hand.

Our vision of helping domestic workers to achieve decent work is much bigger than all of us. The weight of that responsibility is upon all of us. I am grateful that the ILO has provided an excellent platform for dialogue among the three social partners to build consensus and find a tripartite solution to the complex and challenging subject of decent work for domestic workers. In our view, this is the ILO at its best, the only forum where all the three parties can be heard on an equal footing, and which we need to cherish and protect.

I am, therefore, surprised to hear that there are groups who feel that their views have not been heard. Regarding the points raised by the Employers, all the three parties had an equal right to voice their views on those issues, to state their positions and to persuade the other social partners on their points of view. This was the ILO at its best, promoting social dialogue and giving an opportunity for all the three social partners to articulate their views and express themselves, in order to influence the other social partners.

On the issue of the Working Party, we should not focus merely on process. The Workers' group came to participate in the discussions in good faith, with the belief that we must focus on the outcome and that good conclusions are necessary to ensure the welfare of domestic workers. Whether discussions are in the context of the Working Party or the full Committee on Domestic Workers, the issue is how serious are we, how much good faith we have, and

how concerned we are with the fate of these domestic workers.

My group is particularly grateful to the numerous governments that made very strong interventions in support of domestic workers. In adopting these conclusions, we have made it possible for domestic workers to become visible, to have a voice and to join the ranks of other workers.

The discussion in the Committee evoked many memories of my childhood, since my mother was a domestic worker. I remember following my mother, a small thin woman, to her workplace, a big house where she used to cook, wash and clean. In fact, she did everything for a salary that was barely sufficient to feed all of us. The story did not end so badly for me because we had an excellent education system in my country, where I could go to the same good government school as the daughter of my mother's employer. Although we were poor, my mother insisted that I must go to school. I was lucky, but not so the children of many domestic workers, who end up as domestic workers themselves, or as child labourers.

The discussions and conclusions that we have reached are not merely words, but have real meaning and I know that we can alleviate the suffering of domestic workers and make a real difference to their lives and that of their families.

I want to take this opportunity to thank the Chairperson of our Committee, for her efforts to help us reach a conclusion, the Employer Vice-Chairperson and the Employers' group, and the Government members that participated and gave their strong endorsement, the Committee secretariat and my Workers' group colleagues, who have given me unstinting and unconditional support, including International Trade Union Confederation and ACTRAV colleagues.

We have a good set of conclusions, but much remains to be done before the 100th Session of the International Labour Conference, when the Convention and Recommendation on the rights of domestic workers will be adopted.

We want to achieve good decent work standards that we can all be proud of and which will provide real protection for domestic workers. We dared to take the first step this year and, in doing so, have created history. Let us make sure that we continue to have the courage next year to achieve the vision that we have set for ourselves. I know that we can count on you to do the right thing by the millions of domestic workers who depend on your support.

Ms TRASMONTE (Government, the Philippines; Chairperson of the Committee on Domestic Workers)

I have the honour, in my capacity as the Chairperson of the Committee on Domestic Workers, to present to you some observations on the proceedings of the Committee.

A little less than two weeks ago, we started our discussion on domestic workers. The Committee has now concluded its work.

"Historic" is the word which has been repeatedly used in our deliberations. Indeed, this is the first time that the International Labour Conference has discussed the possible adoption of new international labour standards aimed at affording domestic workers the respect and rights that they have been denied for too long. It is symbolic that the Committee on Domestic Workers held its first sitting in this conference hall.

These past 12 days have been very tough. We had a total of 21 sittings, including several evening sittings. We all worked long hours, with passion and determination to finish. Discussions have been lively, frank, full of insights and, at times, challenging. Despite some differences in views, Employer, Worker and Government members have maintained their commitment towards delivering better living and working conditions for domestic workers.

We managed to complete the discussion on the 43 points of the proposed conclusions and deal with over 220 amendments received by the Committee. We grappled with difficult concepts, divergent national experiences, and even the intricacies of the Standing Orders. All of these have been learning experiences for us.

In spite of the captivating moments and the urgency of the World Cup, we have managed to remain focused on our goal, working together with mutual understanding to promote decent work for domestic workers.

In the deliberations of this Committee, common aspirations have emerged. There was broad support for: new standards on domestic work that are robust, flexible and guarantee minimum protection to domestic workers, while allowing for wide ratification and continuous improvement of domestic workers' working and living conditions; practical and realistic guidance to ensure that coverage is implementable, rather than a mere commitment on a piece of paper; better knowledge and assimilation of successful national practices in areas such as working time, occupational health and safety, social protection for domestic workers and law enforcement; and statistical information on domestic work.

I have been touched by the determination of over 200 active participants to complete the work, and their commitment to a meaningful outcome. I have been impressed by the knowledge of the labour inspectors and policy level officials from approximately 90 countries who participated in this Committee. We have learned a great deal about pioneering legislative and policy initiatives that have made a difference to the daily lives of domestic workers in different countries.

We owe the results of our endeavours to the determination and competence of many individuals: the Employer and Worker Vice-Chairpersons of the Committee. I highly appreciated their professionalism and motivation, and their strong voice on behalf of their respective groups.

Other important contributions were made by the Reporter, the members of the Drafting Committee, and the speakers for the regional groups. I would like to highlight the active participation and insightful contributions of the Government members, who worked tirelessly, both during and outside of the sittings.

I would also like to thank the Office for the long hours and hard work it put into this Committee. In spite of sleepless nights, it managed to support the Committee in this historic challenge with skill, grace and good humour.

I am therefore very honoured to present to you the outcome of our Committee's deliberations. I believe we have created a solid basis for more focused discussions next year.

Ms WITBOOI (Worker, South Africa)

I have worked for 12 years as a domestic worker and have dedicated 28 years of my life to campaign-

ing for the rights of domestic workers. I am currently the General Secretary of the South African Domestic Service and Allied Workers Union, which is part of the Congress of South African Trade Unions (COSATU). I am also very honoured to be the Chair of the International Domestic Workers Network, which speaks out for millions of domestic workers around the world. It is on behalf of these workers that I want to thank the ILO for the opportunity to participate in this Conference. Allowing this participation has made visible the work of millions of domestic workers. So please forgive us if, at times, we allow ourselves to get carried away by the excitement of this historic moment when the voices of domestic workers are heard for the first time at the international level.

With the help of many supporters, friends and allies, we have managed to bring domestic workers to the ILO, and I am sure you will feel the spirit and see the hope and expression on our faces. We wanted to show you the importance of domestic workers, who contribute to building the economies of the world by looking after your families and your homes. We are sure that, for the first time, the delegates at this Conference could feel, hear and experience the unity among the domestic workers, and maybe we will convince you that united, we can move mountains.

We have been waiting 63 years for this to happen, and we cannot lose this opportunity to appeal to you all to please secure the minimum labour standards for the millions of domestic workers who are still unprotected in their respective countries.

As you know, my country has gone through changes since the election of our new democratic Government 15 years ago. From 1997 to 2003, doors have been opened for domestic workers to speak out about their circumstances. As a result of our campaigning and work with our supportive Ministry of Labour, a democratic Government, and several employers' organizations, domestic workers have been able to enjoy the labour laws of our country. We are fortunate to have strong domestic workers' leaders and trade union federations, who together made it possible for domestic workers to be included in four key labour laws. In fact, most of the proposed conclusions discussed in this Conference, some of which have caused intense debate these last two weeks, have already been implemented in my country. Employers and domestic workers have benefited from having a contract of employment which has enabled both parties to negotiate fair working conditions. So, if South Africa can achieve it, I am sure the world can do it as well. And our appeal to our Government is to assist us in convincing other governments that to grant domestic workers a Convention with strong recommendations will only lead to better working conditions for all.

We hope that we can bring this experience to the ILO, in order to create an international instrument that will not only protect domestic workers, but will also give us back our dignity and allow us to walk tall, just as any other workers in the world!

We thank you and we will see you all in June 2011, with the hope that will continue to burn in our hearts, and we will walk away from the ILO with a Convention with strong recommendations. We wish you all a safe journey home.

Original French: Ms STALPAERT (Worker, Belgium)

As a representative of a trade union of a Member State of the European Union, I would like to make an appeal to governments of western countries.

The adoption of a Convention on domestic work is also very important for these governments. Western countries, which include the Member States of the European Union, are often the host countries for migrant domestic workers. The activities of these domestic workers contribute to allowing the workers of western countries to take part in the economic life of their own countries. So, because domestic workers provide assistance to families in their daily lives, a better balance can be created between the family, private and professional life of these other workers. In this way, the quality of life of the families that employ domestic workers can be considerably improved.

This phenomenon is going to increase. In view of the ageing population and increases in the number of women working, the need for help in daily life is going to increase and will create a further surge in the demand for workers from other countries. In the future, home help and care will become indispensable for the proper functioning of the economy.

Studies show that, in the years to come, western economies will not only have to call upon skilled workers, but certain tasks will be offered and attributed to migrant workers.

If we want to avoid a situation where these migrant workers are swallowed up by the informal sector, it is essential that the Convention, which must contain minimum protection measures for these workers, taking into account the specificity of their work and equality of treatment, is widely ratified.

In Europe, we are still very proud of our social model and also of the fact that most of our workers have good social protection, in particular with regard to health, safety and human development. We would like to offer this kind of protection to domestic workers as well, paying particular attention to those who have to move in order to find work, namely migrant workers. One of the main concerns, which will have to be dealt with next year, is the issue of illness and maternity protection.

During the Conference this year, we have taken a step in the right direction. In 2011, we will have to build on that work.

Original French: Mr MADENGAR (Employer, Chad)

The 99th Session of the International Labour Conference entrusted one of its committees with the review of the proposed Convention on domestic workers. The Employers' delegation of Chad commends this initiative, which enabled us to focus our attention on many of the practical aspects of decent work and to come up with a legal instrument applicable to all.

We fully appreciate the importance of this issue, not only for workers, but also for employers and governments. Each party really committed itself to ensuring the successful completion of our discussions, and with it the successful completion of the proposed Convention and Recommendation.

The Workers' representatives fought, and rightly so, to uphold the cause of the millions of their comrades who are toiling without always reaping the benefit of their work. They want to be able to tell them that at long last they, and their employers, will

have instruments specifying rights and clear obligations, which are fully understood by all, and on the basis of which each will be able to better defend his interests.

The Workers' representatives also asked us to understand how much, in particular in the regions, both men and women workers are expecting from our discussions. We would emphasize the courtesy and understanding that enabled us to complete our discussions within a reasonable timeframe. We have fully grasped the seriousness of the situation and the urgent need to find solutions, but in a realistic manner in order to give every chance of success to our agreements, by enlisting the support of the Governments that have to ratify them within a reasonable deadline.

The Employers are fully aware of this very serious situation, which is difficult to deal with under a single legal system, and given the very diverse nature of such work. The Employer, as you know, is acting in a spirit of pragmatism and seeks to achieve clear, simple decisions that are understood by all, and that always comply with the law. Saying this in no way undermines respect for workers' rights, which in Chad is based on unwritten cultural practice and often leads to compromise on the basis of family spirit.

Governments have also fully recognized their responsibility. As Governments, they are the first to be called on as they have the power to take the required measures in consultation with their usual partners. They also have the capacity to implement the measures.

For this reason, we deplore that during our discussions, the Governments sometimes seemed to back the Workers without taking into account this vital overall balance, which rests on a tripartite vision that is the only way of achieving realistic, and therefore achievable, compromise. We must work constructively together because nobody has anything to gain from acting individually.

We are fully aware that the situation of domestic workers varies according to regions and countries, and this means we must be very cautious in order to achieve an applicable Convention or Recommendation. This diversity can basically be broken down as follows.

First of all, the Asian, African and Latin American countries export workers, and domestic workers with very low incomes go abroad to support their families. Their Governments do everything in their power to uphold their interests, but without any great success. This is why a legal framework will be very helpful for all concerned.

We would like to emphasize that in Chad domestic workers are usually integrated into the families that employ them and therefore they enjoy social well-being. These domestic workers also have services and assistance that bear no relation to their salaries. We have a solidarity that is based on the values of justice drawn from our culture. However, not everything is perfect. Following the long conflict suffered by Chad, many young people, driven by extreme poverty in their regions, are swarming in growing numbers to the major urban centres and to the capital looking for a better life. Unfortunately, as these young people are not looked after by the Government, they are exploited shamelessly by households unaware of the law. The Government has said that it will be dealing with this issue henceforth.

We also have the Gulf States and the Arab countries, which have the means and the will to treat domestic workers well but which encounter the hostility of the placement agencies that impose their rules on the households and the domestic workers. More formal employers are not affected, but this situation is a strong incentive to adopt a legal framework to put an end to such injustice.

In Europe and North America, social welfare is usually effectively regulated and workers who are legally present in the countries are protected in the same way as national citizens. However, the world has become a small village and optimization of this uniform approach is always helpful.

We wish to commend everyone's support of the need to improve the situation of domestic workers. We feel, above all, that prejudices must be set aside as there is no panacea and everyone is equally affected. We are together.

Mr MACKAY (*Employer, New Zealand*)

I make these remarks in support of the comments made earlier by the Employer Vice-Chairperson of the Committee on Domestic Workers. The work this year is completed, and the Employers' group supports the outcome. It is, however, only a step rather than a leap that we have taken towards our common objective of meaningful and effective protection of domestic workers, especially with respect to those many domestic workers who have limited or no access to the basic protections already enjoyed by workers generally throughout the world.

There are some aspects of the adopted provisions, relating to the adoption of a Convention and Recommendation, which are less than ideal from the perspective of all parties.

Some governments feel the approach that has emerged is too prescriptive for it to be easily implemented in their countries. Workers elected to withdraw many amendments that were clearly significant to them in favour of being able to adopt a complete text at the conclusion of last week. Employers did too for the same reasons.

But these issues are not gone; they are always going to be important.

Next year, we will convene again to continue the discussion and ideally to reach a conclusion. I would like to put those who will participate in next year's decision on notice that the Employers will be taking a constructive and focused approach to facilitate the achievement of our common goal.

However, a meaningful outcome must be a balanced one.

We had some pointed discussions about whether or not the proposed instruments should focus solely on domestic workers as the recipients of the protections afforded by the instrument, or whether the rights, obligations and responsibilities of employers should also have a place.

Let me say here and now that the Employers believe that they should. After all, there is no domestic work without domestic employment. An employment relationship is not whole unless the workers' and employers' respective rights, obligations and responsibilities are not only understood but are also respected by both parties.

Thus, we believe that the instruments that emerge from next year's concluding discussion on decent work for domestic workers should provide a balanced perspective; one that guides member States in creating frameworks, laws, regulations, information

and assistance that enables all parties to the employment relationship to fulfil their roles professionally and well.

So, next year will be a time to listen to others' concerns as much as it will be to strive for those elements that are held dear by the respective legs of the tripartite stool. If we do not listen well, or if we strive too hard for our own objectives without consideration of others', at least one of the legs will fail.

We all know what happens when one leg of a tripod is removed. Not only do we end up compromised, in an unflattering position, but we are then also rendered powerless to help others.

In other words, a failure to achieve a balanced outcome will result in compromising our common goal to protect domestic workers.

And it will be our fault.

For it is we – the members of our respective delegations to the ILO – and the governments, employers' and workers' associations back home who give us our mandates and messages who can make our goal a reality. It is we who sit here in this house who deliver those messages. Most important of all, it is we who can do the listening. It is we who can facilitate understanding and, finally, it is we who can shake hands on a job well done.

I look forward to shaking hands with you all next year.

Mr KLOOSTERMAN (*Employer, United States*)

To begin with, I commend the Office for their hard work and professionalism in our Committee. Despite their best efforts, the process in our Committee broke down this year, and I hope we can fix it for next year's discussion. The International Labour Conference is meant to be a tripartite discussion. In our Committee, it became a four-part discussion, involving Workers, Governments, Employers and NGOs. It is also optimistic to refer to much of the process in our Committee as a discussion.

Our discussion broke down in two key regards. First, it broke down through a lack of decorum. It is hard to have a meaningful discussion when the Employer Vice-Chairperson is hissed at and booed following his comments. In addition to the hissing and booing, there were ovations and sustained applause following some Government and Workers' comments. We also saw a variety of singing and dancing acts in our room. Before the Conference even began, we saw demonstrations aimed at specific Employers' delegates.

Now, it was very lively, but none of these incidents added anything to our discussions or aided us in completing our work.

Second, the last couple of days of our work involved almost no discussion because parties did nothing more than withdraw proposed amendments and expressly postponed discussing them until next year. So, we really have accomplished little more than just adding a load to our workload for next year.

On a much more positive note, our Committee did have an excellent example of the tripartite process in the form of a small working group that has been mentioned and that was asked to formulate some key definitions in the instrument. I was honoured to be a member of that group, and I commend my Worker and Government colleagues who took part in that group, along with the ILO staff who helped

facilitate our work, for their hard work and their willingness to work toward a solution we could all live with.

Finally, and I told you I would be brief, what is clear to me from the past two weeks is that all of the parties in our Committee do have the same core goal in mind. We all recognize the difficulties faced by some domestic workers, and we all want a strong instrument that recognizes and addresses those difficulties and provides for decent work. But, as we begin preparing for next year's discussion, I urge my colleagues to focus on an international instrument that can be ratified rather than a strong political statement that is impossible to ratify.

Original Spanish: Mr FERRER DUFOL (Employer, Spain)

I will divide what I have to say into two parts, one a question of substance, the other of form.

As we move into the future, doors are opened to new approaches to work that help progress our achievements and improve aspects of labour relations in domestic labour. I would like to highlight, and this is the question of substance, that, from our point of view, domestic labour does not have typical labour relations, but, instead, special relations, given its specific characteristics.

The head of the family, the employer, is not driven by profit; there is no fiscal consideration, as there would be in an enterprise, or even in a micro-enterprise. They do not receive any benefits or incentives, as employers or employment creators would. The home is not a workplace.

In other words, the specificity of its labour relations stems from the very nature of domestic work; it is bilateral and it is a question of providing personal services in exchange for some kind of salary, or sometimes a percentage of that salary is paid in kind.

It does not create direct or indirect economic benefit, nor does it produce any product that is put on the market or service that could generate benefit and would justify the head of the family establishing obligations or responsibilities, as in a company or a micro-company.

It is on these parameters that any future planning or strategies to help us improve the rights of domestic workers must be based, in a way that is compatible with the conditions of the employer or head of the family and also with the special considerations of this particular type of labour relations.

Now to the question of form. Having said this, I would like to appeal for calm, reflection and professionalism in dealing with this special issue, which affects so many people both as contracting and contracted parties, in a tripartite manner that involves social partners and governments, without any exception.

This year, we have witnessed with some concern a shift in the atmosphere in which this Committee has carried out its work. Correct behaviour and parliamentary language should be maintained at all times and there should be no irregularities in the voting. The credibility and the prestige of the ILO depend on this.

Ms SULISTRI (*Worker, Indonesia*)

Domestic workers have for too long been denied equal treatment and basic human rights. Exploitation and discrimination on racial and gender grounds is still our daily experience, both in developing and industrialized countries.

In Asia, 80 per cent of migrant workers are recruited through agencies. Most of these women leave behind their entire families to care for the families of others in cities around the world, sending the majority of their meagre income to their children back home. When they arrive at their new jobs, many of them are exposed to abuse, such as confiscation of their passports, forced pregnancy tests, contract substitution, harassment and false accusations and many live under the constant threat of losing their job and being forcibly repatriated.

In my region, the activities of uncontrolled and unscrupulous recruitment agencies explain why the wages of domestic workers are lower than other workers in the formal sector. The absence of labour legislation allows many employers to evade regulation and minimum standards, which actually do not cover domestic workers. The false assumption that domestic work is based on a family relationship in the private arena reinforces that domestic work is considered as informal work and, therefore, should not be covered by labour law. Why should domestic workers not enjoy, like other workers, minimum protection? Why should we not enjoy the most basic human rights, such as the right to dignity, the right not to be exploited and the right to have a say about our conditions?

Many domestic workers are overworked and underpaid, with no compensation for their extremely long working hours, no overtime and no holidays. They are isolated, without social protection, occupational safety and health, maternity leave or sick leave.

Domestic workers live in isolation, often out of reach of trade unions and are deprived of the right to negotiate conditions with their employers. Moreover, the work of many households is performed by child labourers. A similar situation of exploitation is experienced by migrant domestic workers, most of whom are not informed about the conditions in destination countries, including with regard to language, labour law and overall social life. They suffer discrimination both as domestic workers and as migrant workers.

There is a crying need for an international instrument in the form of a Convention accompanied by a Recommendation. We all have a responsibility in the ILO to address this issue. First, we must ensure that domestic workers enjoy the right of freedom of association and access their right to collective bargaining as well as basic human rights. Second, we must address the specific working conditions of domestic workers, including those who live in or have multiple employers, taking into account the precariousness of our work.

Member States should also establish criteria for the certification and control of the activities of employment agencies, conduct regular inspections of the employment contexts, provide accessible complaint mechanisms and ensure that fees incurred by agencies are not deducted from the remuneration of the domestic workers.

To conclude, we strongly hope that constituents of the ILO will contribute to make decent work and decent life a reality for the millions of domestic workers. We know that all our problems will not be solved simply by adopting the international instrument, but we also know that without a strong international labour Convention, this unique agency will have failed in its mission to bring about decent work and social justice. You have made history this

year by giving us a voice. Let us all make history next year by giving the ILO the instruments it needs to achieve decent work for domestic workers.

Original Spanish: Ms BAUTISTA (Worker, Mexico)

I have been a domestic worker for more than 22 years. I am part of the tripartite delegation of Mexico and am speaking on behalf of the domestic workers of Latin America and the Caribbean. We support and fully endorse what was said by the spokesperson for our group in the Committee on Domestic Workers. Bearing in mind that the right to decent work is a human right, for both men and women, and considering that human dignity is non-negotiable, we as domestic workers firmly believe that decent work is an inalienable and non-transferable right which should reflect the dignity of the individual and is fundamental in terms of making progress towards a democratic society.

However, there are more than 100 million domestic workers in the world, including child labourers, and our basic rights are neither recognized nor respected. We are often invisible from a social point of view and are excluded from public policies. Thus, in the vast majority of cases, our work is neither valued nor considered as an occupation that brings added value to the development of our countries. It continues to be accepted that we can work without an employment contract or a schedule, with an excessive workload, without sufficient pay, and sometimes with no pay at all.

Another fundamental aspect is that we are not included in the social security systems enjoyed by other workers. Moreover, violence in the workplace is a daily occurrence and can take the form of psychological and physical mistreatment and sexual abuse. In this context, discrimination against us because we are women and because we are women workers employed in the home makes us even more vulnerable to exploitation. We are isolated and it is difficult for us to organize collectively to defend our human and labour rights.

Legislative protection is minimal or non-existent in many countries, which makes it impossible for us to gain access to labour justice. We must add that, generally, we have no rights to organize in a trade union. It is very important now to turn this relationship of exploitation into an ethical labour relationship based on rights and to recognize the value of the work that we are doing as domestic workers.

Therefore, we consider that a Convention supplemented by a Recommendation provides a framework for social dialogue where the political actors give us recognition and guarantee that we enjoy our full rights as citizens and workers, so that in each country legislation can be adapted and so that we, as workers, can enjoy our rights.

This is possible if there is political will, as is the case in those countries that have made progress with legislation recognizing the rights of domestic workers, such as Uruguay, El Salvador, the Plurinational State of Bolivia, Costa Rica and Brazil. We believe that our human right to work, as laid out in the four pillars of decent work promoted by the ILO, includes non-discrimination and equal opportunity, meaning a decent wage, decent conditions regarding occupational safety and health, stable employment, non violence and access to social security, so that we have somewhere to live, health care and a decent retirement. It also includes the recognition of freedom of association and the right to organize, guar-

anteeing the full enjoyment of our labour rights, and social dialogue as a tool to enable us to reach the necessary agreements within a framework of respect and tolerance, as has been seen in this Conference, which has enabled us to adopt a draft text which we will continue working on for the second discussion.

These examples show that change is possible and it is what gives us hope that a Convention and a Recommendation on the rights of domestic workers could make a difference and improve the living and working conditions of millions of women working as domestic workers.

Original French: The PRESIDENT

That concludes the list of speakers; we will move on to the approval of the report, that is, the summary of the Committee's discussions, which you will find in paragraphs 1–1,134 of *Provisional Record* No. 12. If there are no objections, may I take it that the Conference approves this report?

(The report – paragraphs 1–1,134 – is approved.)

**CONCLUSIONS PROPOSED BY THE COMMITTEE ON
DOMESTIC WORKERS: ADOPTION**

Original French: The PRESIDENT

We will now move on to the adoption of the conclusions proposed by the Committee, part by part.

(The conclusions – paragraphs 1-45 – are adopted part by part.)

If there are no objections, may I take it that the Conference adopts the conclusions as a whole?

(The conclusions, as a whole, are adopted.)

**RESOLUTION TO PLACE ON THE AGENDA OF THE NEXT
ORDINARY SESSION OF THE CONFERENCE AN
ITEM ENTITLED “DECENT WORK FOR
DOMESTIC WORKERS”**

Original French: The PRESIDENT

We will move on to the adoption of the resolution to place on the agenda of the next ordinary session of the Conference an item entitled “Decent work for domestic workers”. If there are no objections, may I take it that the Conference adopts this resolution?

(The resolution is adopted.)

I would not wish to conclude without thanking the Officers and the members of the Committee for the excellent work they have done. I would also like to thank the secretariat, which has contributed so much to the proper functioning of the work.

**REPORTS OF THE CHAIRPERSON OF THE GOVERNING
BODY AND OF THE DIRECTOR-GENERAL:
DISCUSSION (CONT.)**

The PRESIDENT

We will now resume our general discussion of the Reports of the Chairperson of the Governing Body and of the Director-General.

Original Spanish: Ms GARCÍA COCHAGNE (Minister of Labour and Employment Promotion, Peru)

I would like to acknowledge the very important and fine work done by the ILO in the field of social justice and both human and labour rights, through promoting decent and productive work in conditions of equality.

As part of its commitment to the Global Jobs Pact, Peru has taken on the task of tackling the impact of the economic and financial crisis, and promoting a productive recovery based on investment, employment and social protection.

In order to overcome the crisis, the Government of Peru adopted the Economic Stimulus Plan, which promotes public investment, funding for micro-, small and medium-sized companies, as well as a focus on vulnerable sections of the population, by creating part-time work and public policies for re-training workers who have lost their jobs.

During the three years prior to the crisis, more than 1.5 million jobs were created. Thanks to the economic and social measures that were adopted in Peru, employment growth was maintained in spite of the crisis. In 2009, formal employment in private, urban companies with ten or more workers rose by 1.3 per cent. Moreover, in March of this year, formal employment in this sector grew by 3.3 per cent compared to figures for March 2009. The service, trade and mining sectors made the largest contribution to this success, as these sectors employ 66 per cent of workers.

We agree with the Director-General that solid, sustainable and balanced global growth, which fosters the creation of jobs, is the only way forward. As a result, our strategies and public policies keep this objective in mind.

Peru has made significant achievements with respect to social development and combating poverty. Since 2004, extreme poverty levels have been reduced by 6 per cent and poverty by 14 per cent.

With regard to the Millennium Development Goals, and in line with evaluations carried out by UN bodies, Peru has achieved Goal 4, which relates to infant mortality. In relation to the other targets, important progress has also been made. We therefore estimate that we will achieve all the targets within the stipulated time frame, namely by 2015.

These achievements have been possible thanks to the social policies introduced by the Government, which promote productive employment and decent work, as laid down in the Global Jobs Pact and the Declaration on Social Justice for a Fair Globalization.

The Ministry of Labour has implemented three programmes. The first is called *REVALORA PERU*, and focuses on protecting jobs and promoting the employability of workers who have been affected by the international financial crisis. Free courses, relating to professions that are in demand in the labour market, have been given by prestigious institutions to 14,300 young people aged between 18 and 29. The second programme, *Construyendo Peru* (*Building Peru*), has generated 271,000 temporary jobs for poor and extremely poor unemployed people in both rural and urban areas, and has mainly benefited women who are the main breadwinners, young people, disabled people and elderly people. *PROJOVEN* is the third programme which, during the past three years, has trained 31,000 young people aged 16–24 from low-income families, and given them the opportunity to develop their skills, in order to enter the job market.

In addition to these programmes, public and private investment has also created opportunities and generated employment. We are aware that the employment we create must be productive and decent and comply with the social and labour standards that protect the workers.

In order to do this, we have strengthened our labour inspection system. This has meant that, since 2008, more than 27,000 workers have joined the labour market and are now covered by welfare and pension benefits. We are pushing forward measures to punish non-compliance with safety and health standards at work, with a prison sentence of up to ten years for any failure to respect safety and health legislation which exposes workers to serious injury or death. We are also eradicating discrimination against women, domestic workers, the disabled, as well as people with HIV/AIDS and other vulnerable groups, by strengthening our legislative provisions.

In Peru, changes have taken place in the field of social justice with the introduction of a new law on labour court procedures, which allow workers access to a faster and more effective justice system.

The Government of Peru would like to express its support for the four objectives pertaining to decent work, in order to ensure progress towards social justice, democracy and social cohesion.

(Ms Powell takes the Chair.)

Mr KUTI (*Worker, Hungary*)

After two decades of being a so-called transition economy, terms like fair globalization, employment issues and decent work sound even more important to Hungarian workers than they were 20 years ago.

The future of our economy could depend on us bringing some one million Hungarians back into the legal economy and raising our chronically low levels of employment. To that end, it is crucial to create decent jobs and to transform the black and grey economy into a white economy. Domestic workers must not be discriminated against on account of the fact that their workplace is the home, the family shelter, where they are usually working alone. They must be allowed to benefit from equal conditions, fair contracts and a safe, accident-free, working environment; and an opportunity for protection and representation, freedom of association and training.

Mother Nature is in constant competition with humankind and sometimes defends herself against us. AIDS, one of the most widespread diseases of our age, is one of her tools. Many people are affected, to varying degrees, on every continent. This fact must be acknowledged but not accepted. We have to fight it by every means in terms of treatment and, most importantly, prevention. In the meantime, the people affected must be excluded neither from society nor from the labour market. We must give them the chance to become fully-fledged members of the world of work. The necessary preventive measures are contained in the revised proposed Recommendation on HIV/AIDS and the world of work which we are aiming to adopt.

Finally, as a firm believer in tripartism, let me draw your attention to a number of developments in our country. The speed at which Hungary introduced legislation just a few weeks after its parliamentary elections, even before the setting up of the Government, led to wild speculation, misunderstandings, feelings of insecurity and a general fear for the future among the workers. Those feelings grew especially strong in the civil service when the new majority pushed a new law through parliament without any prior consultation with the employees' representatives. This law makes it possible to lay off employees in various government offices on the spot, without any justification. This is an unaccept-

able step backwards, and the Hungarian trade unions have expressed their solidarity with our brothers and sisters in the civil service in taking action against those measures, and are grateful for all the support received in the struggle.

Similarly, the high-speed legislation process has caused problems in that serious economic issues and proposed measures likely to affect large numbers of people are made public day by day, and we see not the slightest sign of whether the Government intends to negotiate with us within the framework of a social partnership.

On the other hand, we have seen some negotiating initiatives in other sectors that might give us some hope and confidence. The Hungarian trade unions do hope that this silence in the realm of social dialogue is temporary, and that negotiations are about to begin at the highest level, too. But until then, right here and now, we say, loud and clear: "No labour legislation without tripartite consultation."

As you can see, our work and our position are not easy. Fortunately, however, we have had help, even in these hard times. The ILO Office in Budapest has been one of the helpers. On behalf of the Hungarian trade unions, I thank you for all the support we have received from colleagues at the Office. It is good to know that we have such professional help at hand to assist us in achieving our goal of fostering genuine, ever-deeper, social partnership.

Original Arabic: Mr HAMAD MOHAMED FUDULLA
(*Government, Sudan*)

The agenda of this session of the Conference is particularly important, given the issues it includes, in particular the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, child labour, domestic workers and HIV/AIDS, as well as employment.

We are trying to ensure decent work, overcome poverty and take measures to achieve the Millennium Development Goals and implement the 2008 Declaration on Social Justice for a Fair Globalization. We welcome your activities to address these issues, which affect certain categories of the population.

These problems also affect us, and we agree wholeheartedly that child labour is a priority issue, especially given its dangerous nature. We are taking serious measures in Sudan to overcome the exploitation of children and have drafted a list of dangerous work prohibited for children, which has been considered in consultation with the social partners.

I would also like to say that basic education is available free of charge for all, without discrimination. We think that schooling plays a very important role in the fight against child labour. Our Government's priorities include updating the policy for poverty reduction and attracting and maintaining external support, in order to address this issue, which affects the majority of people around the world. Regarding employment, we have established a national pact in consultation with our social partners, in light of the Global Jobs Pact, in order to overcome unemployment.

This year we have been able to meet a goal, which used to be a dream: the organization of fair, free and transparent elections, which have enabled us to build the foundations of democracy in our country. All the people of Sudan have shown their satisfaction with this, and the world knows that strengthen-

ing democracy in a country as large as Sudan is not an easy task.

It is clear that everything we have achieved will help strengthen stability and development, and support investment, agriculture, industry, trade, and the economy as a whole. The country is on the brink of a promising future.

We are now preparing for a referendum for the southern part of Sudan to vote for unity or separation. Our brothers in the south of Sudan would like to have unity, to bring together all parts of the country and start afresh with stability and development after a period of separation and war. The State, together with its African and Arab brothers, and the international community, and particularly the State of Qatar, is seeking to establish lasting peace with the armed groups. We are trying tirelessly to enter into dialogue with those groups to find solutions to the problems in our country. The efforts we are making will surely end in peace.

We would like to thank the people and the Government of Qatar for all the efforts they have made to bring the conflicting parties together and bring an end to this fratricidal conflict.

Sudan, both the people and the Government, will always support its brothers in the occupied Palestinian territories. We condemn all the violent practices against the people of Palestine, as well as the threats to their security and their lives, more proof of which lies in the brutal attack against the peace flotilla that was intending to distribute humanitarian aid to the people of Gaza. I call on you all to bring an end to the situation in Palestine.

Ms LAKIĆEVIĆ STOJAČIĆ (*Government, Serbia*)

The topics on the agenda of the Conference are also important for the Republic of Serbia, and our ongoing commitment is to accept all international labour standards and incorporate them into the national system of Serbia. In that context, it is my pleasure to underline that the Republic of Serbia has ratified all the fundamental ILO Conventions, among which are those that ban child labour. Every year, new Conventions are ratified, and we shall continue with this practice in future. Here, I would particularly like to emphasize the exceptional commitment of the ILO to this issue, and to pay respect to the great efforts that the ILO has put into eliminating all forms of child labour.

The Republic of Serbia is actively involved in ILO activities related to domestic workers. It is a significant issue for our country, and led to the launching of the initiative to regulate the situation of these workers in a more adequate manner in the Republic of Serbia and abroad.

Within the context of alleviating the consequences of the crisis, the Republic of Serbia is committed to consistent achievement of the goals defined in the Global Jobs Pact adopted last year, as well as to the continuous application of standards embedded in the ILO strategic objectives that are also the subject of this Conference. The National Employment Service has developed programmes to prevent long-term unemployment and promote youth employment and employment of particularly vulnerable categories of the population, and the role of the Social and Economic Council is of particular importance. Having said that, I want to underline that no new law in the area of labour and social rights is adopted without taking the social partners' opinions into consideration.

I can freely say that the Declaration on Fundamental Principles and Rights at Work and the Declaration on Social Justice for a Fair Globalization set the strategic direction for action by institutions in the Republic of Serbia in the conditions of global economic crisis.

As for monitoring and application of the ILO Declaration on Fundamental Principles and Rights at Work, I would particularly like to emphasize its significance in the areas of freedom of association, elimination of all forms of forced and compulsory labour, effective elimination of child labour and elimination of discrimination in employment.

Also, I would like to say that this ILO document has promoted a new approach to all these issues among member States, and that it was an immediate stimulus for the harmonization of legislation in the countries across the world on the principles enshrined in it.

I would like to emphasize that, in the previous period, thanks to the ILO, social dialogue and the practice of tripartism between governments and representative organizations of workers and employers have grown into one of the most important methods of addressing social problems in all countries.

Mr URGAMAL (*Government, Mongolia*)

A year ago we held very rich discussions at the 98th Session of the International Labour Conference on the job deficit created by the global economic crisis and ways to recover from this crisis. Despite some positive signs observed since then, the global economy has not fully recovered. Developing countries particularly are still suffering from its consequences. Signs of the economic recovery have not been robust. The same applies to the employment recovery. If we can further boost the recovery to overcome the economic crisis in the shortest possible time, this will eventually make a significant contribution to improving the livelihoods of millions of people all over the world and reducing unemployment and poverty, which are common problems for developing countries.

With a view to keeping workers in existing jobs and protecting the workers who lost their jobs, every country has responded to the economic crisis in its own way with a range of measures. In response to the economic crisis, Mongolia has been striving to ensure the stability of the financial sector, minimize public deficits and improve social protection. Yet our efforts to overcome the global financial and economic crisis alone cannot help us achieve our desired results. Many enterprises have been suffering from financial and economic difficulties, resulting in the loss of thousands of jobs. Therefore, globally coordinated and coherent action is needed to overcome this global crisis with as few casualties as possible. Among other things, improved cooperation among developed nations that are leading in the global financial and banking sectors and with international financial institutions is also crucial to this end. Both developed and least developed countries will benefit from such cooperation.

One of the major challenges that developing countries are facing is a fiscal deficit. Lessons from different crisis response measures taken by national governments have shown that support for small and household-based enterprises has been a very effective approach. Not many developing countries, however, are able to adopt and implement this ap-

proach extensively due to their limited resources and increased fiscal deficits. In our case, we have undertaken various measures such as implementing public works programmes; reducing additional economic burden on employers; easing eligibility criteria for unemployment benefit; extending its duration; and increasing the level of unemployment benefit, within our capacity. These measures have duly contributed to job retention and temporary income generation for the unemployed. We have also focused on protecting the most vulnerable and poorest members of the society by maintaining the progress achieved in the areas of education and health and introducing targeted social welfare services. In reforming our social welfare system, we have been closely cooperating with international financial and developmental institutions, and learning from other countries' experiences. During this exercise, we have learnt that it is not wise to increase public spending without thorough consideration and just relying on rapid growth of unsustainable natural resources-based revenues.

Another lesson we have learnt from the crisis is that development of a reliable social security system, particularly pension, unemployment and health insurance schemes is essential for protecting workers even in a non-crisis period. The Government of Mongolia is closely cooperating with the ILO to improve its social security systems. We believe that this cooperation will result in better social security and better old-age income protection for Mongolian people. I would like to take this opportunity to thank the ILO for its recent initiatives to help national tripartite constituents implement the Global Jobs Pact which was adopted at the 98th Session of the International Labour Conference last year. The Government of Mongolia very much welcomes this initiative and stands ready to follow up at the national level.

I hope all of you agree that international labour migration has been causing particular problems for both countries of origin and countries of destination in the light of the global financial and economic crisis. Migrant workers, especially irregular migrant workers, have been hardest hit by losing their jobs first. Therefore, national governments should take concrete steps to manage labour migration in more humane manners and help migrants in such difficult times.

Since Mongolia joined the ILO family, we have been effectively and successfully cooperating with this Organization for over 40 years in many different areas. We are looking forward to continuing our cooperation in the fields of employment promotion, wage policy and statistics, labour law revision, pension reform, occupational safety and health and better application of international labour standards. To date, Mongolia has ratified and is implementing 16 ILO Conventions, including all eight core Conventions. In this regard, I am pleased to inform you that Mongolia has ratified the Amendment of the ILO Constitution of 1997.

I would like to conclude my speech by reaffirming our commitment, on behalf of my delegation, to invest all our efforts to realize the internationally agreed objective "Decent work for all".

Original Russian: Mr SHCHERBAKOV (Representative, General Confederation of Trade Unions)

I would like to stress that the Report of the Director-General, *Recovery and growth with decent work*,

and its conclusions, are specific and practical. We agree fully with the conclusion that, in our current situation, sustainable, balanced growth, accompanied by the creation of many jobs, is the only way to move forward towards economic recovery and to exit the crisis. An appropriate emphasis is placed on necessary international and regional measures to ensure recovery of the financial system through increased social dialogue, which is essential for avoiding social exclusion.

In this context, it is all the more important that the ILO as a global tripartite organization can be used as an instrument for developing balanced programmes for recovery from the crisis, taking account of the interest of different countries, regional structures and their social partners. I must express satisfaction that the expertise of the ILO has been recognized at the meetings of the worlds' leaders, including the G8 and G20, and also by international financial and trade organizations.

In the current crisis situation, the documents adopted by the ILO over recent years are extremely valuable. I am referring in particular to the Declaration on Social Justice for a Fair Globalization and the Global Jobs Pact.

At the recent session of the Executive Board of our Confederation, we emphasized that in this situation in which CIS countries are developing and implementing measures to overcome the negative impact of the crisis on their national economies, focus on the Conventions and programme documents of the ILO could help to remove the temptation to settle economic problems by curtailing workers' social rights.

The General Confederation of Trade Unions will continue to monitor the ratification and implementation of ILO Conventions in the countries of the CIS. We feel it is essential to give new impetus to the standard-setting activities of the ILO, in order to regulate newly arising problems in labour relations. New or updated Conventions and Recommendations could provide a direction for developing approaches to settle these problems in different countries and regions.

The CIS countries have suffered to varying degrees from the crisis. Looking at the CIS as a whole, GDP fell last year by 7 per cent, industrial production fell by 10 per cent and investment fell by 16 per cent and the number of unemployed under the ILO calculation method last year reached 10 million, which represents 7.5 per cent of the economically active population.

Although since the end of last year, in most of the countries of our region, owing to measures taken, and the active involvement of trade unions, the decline of the main economic indicators has either stopped or been reduced significantly, it would be premature to say that this represents a recovery from the crisis.

At the beginning of the crisis, the Confederation prepared a programme of action to limit the negative effects of the crisis. Last year, the Council of the Confederation adopted a declaration on the socio-economic situation of the member States of the CIS and trade union activities in the context of the global economic and financial crisis, which was distributed among the Heads of State of the CIS countries.

Further developments have shown that the conclusions drawn and measures proposed in this document were absolutely appropriate. In April this

year, after further appraisal of the socio-economic situation in the CIS countries, we recommended that member organizations become more actively involved in drafting strategies for post-crisis development, taking into account the technological, structural and contextual modernization, in order to avoid reforms being implemented to the detriment of living standards and revenues of workers.

Trade unions of the CIS are paying particular attention when implementing anti-crisis measures to the principles of decent work for all. These words "for all" are particularly important in the current situation because in countries where social injustice and poverty persist, working conditions are worsening, and discrimination against certain sectors of workers is increasing.

In the context of these efforts, the Confederation is continuing its campaign in the CIS for a minimum wage that is no lower than the minimum level of subsistence. As a direct result of this campaign, State guaranteed salaries have increased between two and nine-fold in the different countries of the CIS, which has increased consumer purchasing power and reduced the gap between the minimum wage and the minimum level of subsistence. We now have set ourselves an additional task, to ensure that a minimum wage is based on a higher index, that of the minimum consumer budget.

Original Spanish: Mr ESPARZA FLORES (Representative, Trade Unions International of Workers in Energy)

As workers, we wish to express our consternation at the current economic and financial crisis, during which we have seen mass dismissals of workers and the loss of ground previously gained.

They told us that globalization, increased flexibility and privatization would make life better for all of us, that our developing countries would join the first world, that economic growth would be underpinned by sustainable development, that more and better jobs would be created. Of all these promises, none have been kept. We see only hunger, unemployment and social disintegration.

In the case of my country, they prefer to increase taxes and cut public services than to charge the wealthy. Petrol prices are going up. We, the working classes, say that it was international financial institutions, in cahoots with corrupt governments, that created this global crisis. We also say that we will not allow workers' rights or international conventions to be violated. We ask for no more, but we will accept no less.

We have heard again today from employers, asking us to be flexible. They hoard their gains and share their losses. The real Mexico has seen more than 1,000 public enterprises privatized in the last 28 years, with the same promises of job creation and a better economy for all workers. Today, it is home to the richest man in the world and 60 million who live in poverty. Eight million people neither study nor work. Three million children work in the production sector without receiving wages. Some 22 million Mexicans are in the United States. That is the reality, not the wonderland described last Monday by the Secretary for Labour.

The only way of achieving freedom, social justice and democracy is through unity among workers and solidarity between young and old. We feel solidarity with and respect for the striking workers in Europe. I am sure they will send shockwaves through their

countries and the whole world and win a better standard of living.

The best way of defending the right to strike is by exercising it. The problems of the world will not be solved through intervention or armed conflict, or with racist and discriminatory legislation like Arizona's SB1070 immigration act. If we want to improve things for everyone, why invest in military bases? In a democratic country, democratically governed, there is respect for laws, workers and unions, international conventions, and life, which no one has the right to take away. In Mexico, even human rights are not respected, much less labour rights.

The energy crisis, a result of reductions in fossil fuels production, has shown us that multinationals are only interested in profit at all cost, extracting every last barrel of oil from our Mother Earth. What will happen, when in Mexico we know that our proven reserves will only last ten years? Multinationals are now looking at biofuels, devastating huge tracts of land and increasing the prices of basic foodstuffs. Capitalists are only interested in money-making and profits. They are more interested in filling the tank of a vehicle than a human stomach.

The steps we must take are very clear. This economic model has run its course. It serves only the few.

We want to tell this Conference what is happening to workers in Mexico.

On 6 June, through violent military intervention, workers belonging to the mining union at the Cananea mine in Sonora, one of the most important centres of copper production, were driven out. They had been on strike for almost three years over violations of safety and health provisions in the collective agreement. This mine belongs to the same group as Pasta de Conchos, where 63 miners were killed almost four years ago.

I want to take this opportunity to explain the dispute involving the Mexican Electrical Workers Union. On 10 October 2010, our premises were seized by armed police and the military, without any warning. Two hours later, an administrative decree was issued, causing 44,511 workers to lose their jobs overnight.

We cannot allow this to happen. Pregnant women and workers on the verge of retirement were thrown into the street. The collective agreement in force was thrown out. More than 22,000 helpless pensioners were abandoned.

I have to raise this issue, because that is why we are here. A few days ago, they began to talk of a courageous move to do away with collective agreements. Courageous? Brutality that flouts international conventions? How is this courageous? Defying reason, defying the prestige and intelligence of this Organization? Courageous for defying national and international labour legislation through the de facto destruction of a decentralized public enterprise? For sweeping aside a collective agreement, 95 years of union struggle, more than eight months of workers' resistance and 52 days of hunger strike by 93 of our comrades in the Plaza de la Constitución?

We have had no reply, which is why, in November 2009, we presented a complaint to the Committee on Freedom of Association of this respected Organization. We urge that this complaint be admitted during this 99th Session of the International Labour Conference and examined as a priority, because the

lives of our comrades and the welfare of our families are in danger.

Original Spanish: Mr MORALES GAUZIN (Government, Mexico)

The Government of Mexico would like to exercise the right of reply to the statement made by Mr Esparza Flores.

Original French: The PRESIDENT (Ms POWELL)

The right of reply is granted for two minutes, addressing only the statement referred to, and there will be no reply to the right of reply.

Original Spanish: Mr MORALES GAUZIN (Government, Mexico)

The Government of Mexico, exercising the right of reply, would like to clarify some of the points made by Mr Martin Esparza Flores.

I would like to start by pointing out that Mr Esparza is not part of the Mexican tripartite delegation attending this Conference. Moreover, Mr Esparza does not represent the Mexican Electrical Workers' Union (SME), since the election that theoretically re-elected him General Secretary was declared null and void by the competent courts.

Concerning the complaint presented to Committee on Freedom of Association to which he referred, and I would like to point out that there is no indication that the liquidation of the Central Light and Power Company would be contrary to the principles of freedom of association. We are therefore confident that the decision that will be taken by the Committee in that regard will be in conformity with the procedures and principles of freedom of association.

The decision to dissolve the enterprise was the result of an analysis in which serious structural problems were identified, and for that reason the Gov-

ernment of Mexico decided to wind up the enterprise as it was an expensive and inefficient public body. Throughout the process, the labour rights of the former workers and of retirees were respected, and the decree closing the enterprise in no way impaired the activity of the Mexican Electrical Workers' Union, nor was it contrary to any of the principles of freedom of association, given that the union continues to exist and to function in a normal fashion, carrying out its activities in full freedom.

In this regard, the Government implemented a package of measures to protect the workers' rights and to give them new opportunities for employment or starting up businesses, and also offered severance pay to former workers far in excess of that provided for by the labour legislation in such cases, which was paid to a large number of former workers.

In order to reintegrate the former employees in the labour market, they were offered several options: employment in the Federal Electricity Board, recruitment workshops, participation in employment exchanges of the National Employment Service, retraining in other occupations and training in work practices.

In addition, former workers have the opportunity to open a franchise, join a cooperative or start their own business providing services to the Federal Electricity Board or to the public in general.

The Government of Mexico therefore reiterates, as stated by the Secretary for Labour and Social Welfare, Javier Lozano Alarcón, in this same forum a few days ago, its full respect for workers and their individual and collective rights; but its highest priority is abiding by the law and ensuring competitiveness and productivity, so as to offer decent work for all.

(The Conference adjourned at 7.15 p.m.)

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