

Sixth item on the agenda:

A recurrent discussion on the strategic objective of social protection (labour protection), under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008

Report of the Committee for the Recurrent Discussion on Social Protection (Labour Protection): Summary of proceedings ¹

1. The Committee for the Recurrent Discussion on Social Protection (Labour Protection) set up by the Conference at its first sitting on 1 June 2015, initially consisted of 174 members (85 Government members, 19 Employer members and 70 Worker members). To achieve equality of strength, each Government member entitled to vote was allotted 266 votes, each Employer member 1,190 votes and each Worker member 323 votes. The composition of the Committee was modified eight times during the session and the number of votes attributed to each member adjusted accordingly. ²

¹ The resolution and conclusions submitted by the Committee for adoption by the Conference are published in *Provisional Record* No. 12-1.

² The modifications were as follows:

- (a) 2 June (sitting 2): 189 members (97 Government members with 1,387 votes each, 19 Employer members with 7,081 votes each and 73 Worker members with 1,843 votes each);
- (b) 2 June (sitting 3): 189 members (97 Government members with 1,387 votes each, 19 Employer members with 7,081 votes each and 73 Worker members with 1,843 votes each);
- (c) 3 June (sitting 4): 197 members (104 Government members with 15 votes each, 15 Employer members with 104 votes each and 78 Worker members with 20 votes each);
- (d) 3 June (sitting 5): 197 members (104 Government members with 15 votes each, 15 Employer members with 104 votes each and 78 Worker members with 20 votes each);
- (e) 9 June (sitting 6): 152 members (111 Government members with 88 votes each, 8 Employer members with 1,221 votes each and 33 Worker members with 296 votes each);
- (f) 9 June (sitting 7): 152 members (111 Government members with 88 votes each, 8 Employer members with 1,221 votes each and 33 Worker members with 296 votes each);

2. The Committee elected its Officers as follows:

<i>Chairperson:</i>	Ms J. Pitt (Government member, Australia) at its first sitting
<i>Vice-Chairpersons:</i>	Ms M.V. Giulietti (Employer member, Argentina) and Ms C.E. Passchier (Worker member, Netherlands) at its first sitting
<i>Reporter:</i>	Mr H. Chikova (Government member, Zimbabwe) at its fifth sitting

3. At its fifth sitting the Committee appointed a Drafting Group composed of the following members to prepare and submit a set of draft conclusions for consideration by the Committee:

<i>Government members:</i>	Mr K. van Damme (Belgium), Mr E. Korcagins (Latvia), Ms A. Bell (Chile), Ms K. Sparding (United States), Ms E. Ofori Agyemang (Ghana), Mr K. Cisse (Senegal), Ms R. Sirait (Indonesia), Mr K. El-Soodani (Iraq)
<i>Employer members:</i>	Ms M.V. Giulietti (Argentina), Mr S.E. Ladouyou (Côte d'Ivoire), Mr A. Mohammedain Sabeel (Sudan), Ms H. Morales de Labra (Spain), Ms A. Muntz (Netherlands), Mr D. Grozier (Australia), Mr G.-F. Lamy (Canada), Mr M. Aitken (United States)
<i>Worker members:</i>	Ms C.E. Passchier (Netherlands), Ms O. Lebotse (Botswana), Mr M. Kathan (Sri Lanka), Mr K. Ross (United States), Mr M. Norddahl (Iceland), Ms E. Norgang (Canada), Mr L. Vieira (Brazil), Ms C. Houlmann (France)

4. The Committee had before it Report VI, entitled *Labour protection in a transforming world of work* (hereinafter Report VI), prepared by the International Labour Office (Office) for a recurrent discussion of the sixth item on the agenda: "A recurrent discussion on the strategic objective of social protection (labour protection), under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008".

5. The Committee held nine sittings.

Introduction

6. The representative of the Secretary-General (Ms S. Polaski) noted that the recurrent item discussion on social protection was the sixth since the adoption of the Declaration on Social Justice for a Fair Globalization, 2008. She recalled that social protection, one of the four strategic objectives, comprised two complementary pillars: social security and labour protection. As per Governing Body guidance (March 2014), the discussion on labour protection focused on four policy areas: wage policies; working-time arrangements; occupational safety and health (OSH); and maternity protection, all of which were at the heart of the ILO's work and central to protecting workers from unacceptable conditions of

- (g) 10 June (sitting 8): 153 members (111 Government members with 136 votes each, 8 Employer members with 1,887 votes each and 34 Worker members with 444 votes each);
- (h) 10 June (sitting 9): 153 members (111 Government members with 136 votes each, 8 Employer members with 1,887 votes each and 34 Worker members with 444 votes each).

work. Report VI reflected the outcomes that were approved by the Conference Committee on the Application of Standards (CAS) at the 103rd session of the ILC in June 2014 on the General Survey concerning minimum wage systems, which recognized that the principles established by the Minimum Wage Fixing Convention, 1970 (No. 131), remained relevant, and which requested the Office to continue its technical assistance and research efforts on wage policy, and to develop tools and guides to assist constituents. She also noted that the report took into consideration the Conclusions of the Tripartite Meeting of Experts on Non-Standard Forms of Employment, held in February 2015, which had been endorsed by the Governing Body (March 2015), and which considered that: non-standard forms of employment (NSFE) should meet the legitimate needs of workers and employers and should not be used to undermine labour rights and decent work; that ILO constituents should take action to address potential decent work deficits in NSFE; and that the Office effort to support the conclusions should include knowledge-building, awareness raising and technical assistance.

7. The representative of the Secretary-General said that job creation was not sufficient to ensure improvements in standards of living, which depended on working conditions and regulations governing the four policy areas under discussion. Poor conditions of work at the enterprise level were linked to poor motivation and low productivity, while at the level of workers and their families they were associated with a range of safety and health risks and interfered with work–life balance. At the level of the economy and society, low wages could constrain household consumption and aggregate demand. Ultimately, labour protection deficits could imperil world peace, as stated in the ILO’s Constitution. The Committee’s discussion was therefore topical and timely, dealing with subjects which were at the heart of current debates on how to curb inequality.
8. In her introduction, the Chairperson said that labour protection had been at the heart of the mandate given to the ILO in 1919, and continued to be essential in the present day. The Committee had a real opportunity to harness people’s commitment to labour protection. She hoped that she would be able to bring her previous experience to bear, and trusted that the high expectations for the work of the Committee would be met.
9. The deputy representative of the Secretary-General (Ms M. Tomei) presented the highlights of Report VI. She explained that the report looked at the four policy areas of labour protection from the perspective of coverage, level of protection, and compliance. The inclusiveness of labour protection was reflected in the interplay between these determinants. She said that the employment relationship was becoming blurred as a result of ongoing changes in the world of work. The NSFE could create job opportunities and respond to demands of enterprises and workers for greater flexibility but could also weaken the protection of workers. She then presented trends in working-time laws, in actual hours of work, in part-time work, in wages and minimum wage fixing, in maternity protection, and in OSH. She highlighted major challenges such as exclusions from working time limits of domestic workers, agricultural workers, family workers and workers in small and medium-sized enterprises (SMEs); time-related underemployment in many developing countries; obstacles to work–life balance; and income insecurity created by working-time arrangements involving very short hours and highly variable schedules. Other challenges included low pay, inequality and declining wage shares of national income in many countries. While there were improvements in the duration of maternity leave and the introduction of paternity leave in some countries, 830 million women were not covered by maternity protection. According to ILO estimates, there were over 2.3 million fatalities a year due to occupational accidents and work-related diseases.
10. Regarding ILO responses, she emphasized that efforts had focused on extending labour protection regimes to all workers, including domestic workers and informal economy workers, adapting existing tools and programmes to changing realities and to different

types of countries, developing integrated approaches for groups and sectors that were more at risk, as well as connecting workplace interventions with sectoral or national policies and institutions. In the future, there was a need to better monitor and understand changes in the world of work, explore new synergies between labour protection and social security, and review the approach to labour protection to ensure fairer outcomes for all workers and greater balance in the distribution of risks between employers, workers and the State.

General discussion ³

11. The Worker Vice-Chairperson considered that the discussion should focus on: what needed to be done to achieve progress towards greater social justice; what kind of labour protection policies were needed in order to close gaps in protection; and what we could learn from each other, what we could do together and what we wanted the ILO to do. The discussion should not only be a global stocktaking exercise but a discussion about change. Although in the 1950s and 1960s it was believed that social and labour protection enjoyed by regular employed full-time workers would progressively become the universal standard, large parts of the global workforce were still working under unprotected or under-protected conditions, or did not even earn a proper minimum living wage. She expressed concern that competition through “poor” jobs was driving standards downwards rather than upwards. The challenge was for policy-makers to provide a regulatory environment that achieved social justice through a combination of direct state intervention and supportive measures that enabled workers to organize and pursue their interests collectively.
12. She questioned whether the trends described by the report, including the rise in casual and unprotected forms of work, were an inevitable outcome of globalization and technological change. Experience in some countries showed that, with the requisite political will, clearer rules and obligations could ensure that employers provided workers with contracts that reflected the reality of the work done. She was also of the view that globalization in itself could not explain the growing casualization and absence of labour protection in non-tradable sectors where most of the poorly paid jobs were to be found. She attributed this to labour market deregulation that allowed employers, including some public employers, to stay in control while outsourcing risk and responsibility. She stated that often labour protection was primarily regarded as a cost, while it should in reality be seen as an investment. Contracts between large firms and their subcontractors stipulated in great detail the quality of the product or service to be provided under threat of large penalties, but deny to take responsibility for wages and working conditions. She wondered why primarily female care workers were underpaid and over-exploited, and contended that this could not be explained by low skills and productivity levels. The Worker Vice-Chairperson asserted that the increased numbers of migrants formed a new underclass of unprotected workers doing dirty, dangerous and demeaning jobs. She suggested that rather than accept the absence of labour standards, protective policies were needed that integrated migrant workers into labour markets. She accepted that changes under way required the adaption and modernization of regulatory frameworks, but that there was no reason that technical progress should lead to social regress. In her view, there was no justification for shifting dangerous jobs to the developing world. All workers everywhere needed adequate labour protection. There was a need for good regulations and well-resourced public labour inspectorates to ensure that every job was a decent job. It should be possible to develop

³ Unless otherwise specified, all statements made by Government members on behalf of regional groups or intergovernmental organizations are reported as having been made on behalf of all Governments members of the group or organization in question who are Members of the ILO and are attending the Conference.

solid tripartite consensus on the need for adequate regulatory frameworks for labour protection.

13. The Worker Vice-Chairperson argued that labour protection could not be left to the market, which would inevitably lead to a race to the bottom. While labour protection was ultimately the responsibility of the State, binding agreements between workers' organizations and employers through collective bargaining offered the possibility of tailor-made solutions to labour market realities. She argued that in many countries many workers did not enjoy the right to organize and bargain collectively, or that access to these rights in practice was difficult. Increased labour protection required the empowerment of workers. Governments should be exemplary as employers and engage in collective bargaining with their employees. She quoted the tripartite meeting on NSFE which stated that the Office should evaluate "the need for additional international labour standards ... to address temporary contracts, including fixed-term contracts, and discrimination based on employment status". She recalled the founding principles of the ILO that peace was not possible without social justice, and argued that it was not acceptable in the twenty-first century that labour standards did not apply to the mass of workers most in need of them.
14. The Employer Vice-Chairperson described how technology, globalization and new demands of society meant that the world of work was subject to continuous change, leading to the decline of some industries and consequent loss of employment, but also to new opportunities for employment and economic growth. She cited the ILO Director-General's Report in asserting that these changes constituted a transformation in the world of work, and that the idea of a "job for life" had become outdated. These changes, which included the rise of the Internet and social media, demanded new skills and challenged those less willing to adapt. She noted that in calling on the ILO to take a braver approach to addressing these challenges, employers were not questioning the importance of fundamental principles and rights at work, but rather wanted to ensure these rights and standards were more meaningful in new work environments. She added that we needed to adjust to change and innovate rather than trying to stop change from happening, and that there was a need to adapt the protection of employees to the new context and to changes in the employment relationship.
15. The Employer Vice-Chairperson asserted that the four policy areas were important determinants of the competitiveness of enterprises, and their ability to innovate. The goal of the recurrent discussion was to learn from the experiences of both the Office and constituents with a view to building on successes or learning lessons for future action. The goal was not to take a position on the topics or to have a general policy discussion. She noted that the report, while providing a good backdrop for the discussions, was overly pessimistic, and that it was important to highlight the strides that had been made in reducing poverty over the past decades. She said she was not suggesting that the work was now complete, but rather that there was a need to address the remaining challenges in a way that recognized the changing reality of the world of work, with the decline of standard employment contracts and increased flexibility in the workplace. The challenges to labour protections did not have the same characteristics, urgency or intensity across countries, and there was a need to reflect these diverse needs in order for ILO constituents to effectively respond. The Employer Vice-Chairperson questioned the use of the term "universal labour protection", which seemed to encourage a single approach. Yet not everybody needed protections set by law, and there should be flexibility to choose which protections and from where. The term itself was ambiguous. She urged countries to be conscious not to increase the cost of employment, as this would restrict the flexibility required by workers and employers alike. Labour protection interventions often resulted in unintended consequences and a balanced approach was required. Different flexible work arrangements attempted to respond to these changes and provided a better alternative than informal employment or unemployment. She added that employers looked forward to finding ways

to adapt social protection to these forms of employment. Progress in the world of work should allow for opportunities and possibilities for transition and mobility, and this should be reflected in the conclusions.

16. The Employer Vice-Chairperson concluded that the tripartite constituents should work to ensure or extend adequate labour protection to those who needed it and in appropriate ways. Second, the discussion should remain focused on the actions of the Office and tripartite constituents, the impact they have had on ensuring labour protection, the remaining gaps, and how they could be filled and improved. Moreover, it was essential that parallel action be undertaken to promote the creation of income opportunities as a key means to ensure efficient labour protection.
17. The Government member of Latvia, speaking on behalf of the European Union (EU) and its Member States (hereinafter, the EU and its Member States), said that Report VI was of particular relevance in light of EU legislation related to labour protection, the EU Strategic Framework on Health and Safety at Work 2014–2020, and cooperation in partner countries. He noted that certain aspects of job quality, namely working conditions, work–life balance, employee well-being, and health and safety, were given particular attention. Of equal importance were gender equality and the need for more effective and inclusive labour protection measures. Differentiated and targeted measures were required to ensure effective labour protection which met the needs of workers and employers. Additional work related to the extension of labour protection to typically excluded groups was welcomed, since inclusiveness represented a major challenge requiring further action. The identification of the challenges faced by the EU and its Member States and of mechanisms of ILO assistance would contribute significantly to the improvement of labour protection measures. The discussion would guide the Office on how to respond to constituents’ needs most effectively.
18. The Government member of Uruguay, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), said that labour protection was essential for the dignity of all workers, and served as part of the means to formalize work. Labour protection also represented a political commitment to reduce inequality. However, advances made in the realm of labour protection remained unequal and specific actions were required to ensure the effective protection of the most vulnerable groups. She highlighted actions related to improving the effectiveness of labour protection for workers and emphasized the importance of collective bargaining. Collective bargaining played a fundamental role in the regulation of working conditions, and it could be complementary to law.
19. The Government member of Norway supported the statement by the Government member of Latvia on behalf of the EU and its Member States, and noted that while developments in respect of labour protection were headed in the right direction, it remained surprising that labour protection was not universal. Many, often large groups of workers, remained deprived of the protection they were entitled to. The number of workers not covered by regulations was increasing at least in part because of the increase in the use of NSFE.
20. The Government member of Belgium supported the statement made by the Government member of Latvia on behalf of the EU and its Member States. The four policy areas detailed in the report represented key elements, complementary and inseparable, of a strategy for sustainable development with equitable, inclusive and sustainable growth. The conclusions from the discussion should include OSH as an inherent right of workers, as it represented a precondition to achieve other social rights. He also expressed hope that the discussion would identify the different obstacles to achieve universal protection as well as measures to improve coverage, the level of protection and compliance. He underlined that any existing norms or revised or new norms should be accompanied by systematic

discussions in order to understand and promote good practice. To that end, he supported the idea of an observatory on labour protection that could identify and capture these good practices.

21. The Government member of the Philippines stated that the Philippines were pursuing a combination of approaches to address vulnerabilities especially in NSFE. A number of tripartite-endorsed reforms addressed the coverage of labour protection, the level of protection and the degree of compliance. These were slowly bearing fruit. She provided illustrative examples from the Philippines of interventions across the four policy areas of labour protection, such as the implementation of a wage reform called the two-tiered wage system, and preventive approaches to reduce and eliminate occupational accidents and illnesses.
22. The Government member of Hungary supported the statement by the Government member of Latvia on behalf of the EU and its Member States, and stated that in recent years Hungary had implemented several measures in order to promote a better combination of workers' security and employment flexibility, facilitating the entry into the labour market of those currently not in employment. A new labour code which came into force in 2012 introduced some NSFEs while ensuring general labour protection to all workers. She provided an overview of the country's systems in the realms of minimum wages, working hours, maternity protection and OSH. She concluded that the ILO should focus on studies, analyses and data collection on NSFE, since data available in that field was limited.
23. The Government member of Saudi Arabia reported that they had addressed the four policy areas raised in the report by convening three dialogues which addressed minimum wages, working time, and work of women. On the issue of women and maternity leave, the country would want to benefit from the experience of other countries to improve upon its work in that area.
24. The Government member of Australia stated that her country had a long-standing and robust workplace relations system. However, labour protection problems evolved, and Australia, like other developed countries, faced its share of challenges. As a result, it had been exploring options to uphold labour protection while adapting to the changes in the world of work. The Government had recently commissioned an independent review of its workplace relations framework and encouraged the ILO to pursue a similar evaluation through the Standards Review Mechanism (SRM), including a review of labour protection instruments, to ensure its ability to effectively respond to challenges in a transforming world of work.
25. The Government member of Turkey stated that while NSFE provided people with opportunities to enter the labour market, this new trend forced many workers to work under precarious conditions. She highlighted reforms and progress regarding labour protection that were recorded in Turkey, especially in the area of OSH, which was one of the priorities of the Turkish presidency of the G20 for the year 2015.
26. The Government member of the United States said that her country attached particular importance to the four policy areas of labour protection highlighted by Report VI. Recalling the purpose of recurrent discussions under the Declaration on Social Justice for a Fair Globalization, 2008, she hoped that discussions would promote understanding and advance shared interests to improve the working lives of people.
27. The Government member of Canada said that her Government supported the ILO in its initiatives to identify measures which would improve the level of labour protection, coverage, and compliance globally. Her Government had a particular interest in the newer dimensions of labour protection, such as psychological health in the workplace.

Accordingly, information relating to the good practices identified in other member States across the four policy areas, and in particular with regard to alternative regulatory models and psychological health and safety strategies, would be welcome.

28. The Government member of Trinidad and Tobago supported the statement of GRULAC, and observed that, as countries prepared to adopt a post-2015 sustainable development agenda with an increased focus on decent work, appropriate measures would need to be developed to address gaps in labour protection. His country's legislation covered the four policy areas discussed by the report, the implementation of which was the subject of labour inspection in both the formal and informal economies. The work of the Committee was of particular relevance as his Government embarked on the development of a labour inspection policy.
29. The Government member of Senegal noted that measures to protect workers needed to take into consideration new NSFE and widespread work in the informal sector. Senegal had developed policies and regulations to strengthen labour protection in the four policy areas. The ILO should continue to assist member States to implement labour protection policies. It should increase its support for initiatives to extend social protection to the informal economy. He expressed appreciation for the assistance his Government had received from the ILO and informed that the country was implementing a tripartite plan of action to promote the ratification of the Maternity Protection Convention, 2000 (No. 183).
30. The Government member of Switzerland highlighted the importance of monitoring the implementation of legislation on OSH. Rapid changes in the labour market presented new challenges in respect of ensuring the health and safety of workers and anticipating new risks. Legislation in Switzerland sought to protect workers through a dual focus on prevention and monitoring, with special emphasis on women and young people. She highlighted recent prevention measures developed in relation to the construction sector which had proved particularly effective.
31. The Government member of Niger recalled that his Government had supported the adoption of the subject of the recurrent item for discussion in the Governing Body. The Office had been right to focus on the threats to labour protection resulting from the financial crisis, conditions in developing countries and in the growing informal economy.
32. The Government member of the Russian Federation noted his country's efforts in advancing labour protection under all four policy areas. For example, in terms of OSH, there was a shift in attention towards prevention with direct involvement of employers, workers and trade union organizations, which could also monitor compliance with labour legislation. There had been intensive development of labour inspection, which had limited resources in the past. In this regard, inspectorate services needed to be modernized through the introduction of new tools using information and communications technologies and skill development.
33. The representative of Public Services International (PSI) noted that social protection in the framework of the Social Protection Floors Recommendation, 2012 (No. 202) would not be part of the discussion. Nevertheless, considerable attention was given to health and safety at work, a topic of interest for health and social services of unions affiliated to the PSI. She highlighted recent developments related to the ongoing collaboration between the ILO and the International Organization for Standardization (ISO) not mentioned in Report VI. In her view the signing of the Memorandum of Understanding (MoU) between the ILO and the ISO outsourced and privatized a standard concerning the management systems of OSH. The PSI called for the inclusion of this issue in the work of the Committee.

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34. The representative of the International Young Christian Workers stated that the key obstacle to universal labour protection was the shift away from standard, permanent, full-time employment to all kinds of NSFE. Such forms of employment should not mean non-application of standards, and their use should be strictly regulated by a legislative framework and/or collective bargaining. Second, non-discrimination should be the guiding principle in defining the rights of those workers in NSFE. He called on the ILO to develop an adequate instrument which provided focused strategies, assistance and guidance to countries assuring a decent level of labour protection both in standard and non-standard forms of employment. These could include a minimum living wage, an extension of maternity protection, and a standard-setting initiative in the field of paternity leave. Third, specific policy measures should be developed to prevent certain groups of workers to be trapped on NSFE. Finally, the ILO could explore ways of direct engagement with companies and unions in order to improve enterprise compliance with labour standards. As the report mentioned, enforcement initiatives and targeted approaches, as well as buyer–supplier responsibility agreements, had made positive contributions in a number of countries.

Point 1. Trends in labour protection

35. The Employer Vice-Chairperson said that the discussion provided an opportunity for employers to express how they saw the world of work and for the Office to better understand the needs of constituents with regard to the strategic objective on labour protection. The world of work had changed, presenting both new challenges and also new opportunities. She noted the diversity of situations and experiences across regions and countries, and the need to better understand the needs of ILO constituents in order to respond effectively to them. The discussion on wage policy ought to focus on the aspects of wages that protect workers against risk, not at the entire wage policy. The potential benefits of higher minimum wages came from the higher wages for affected workers, some of whom were in poor families. The potential downside was that a higher minimum wage could discourage employers from recruiting low-skilled workers. Those who participated in minimum wage fixing at national level needed to know what the trade-offs were. She also considered that wages could not always rise in the same proportion as productivity, and that macro productivity did not reflect the economic reality as much as firm-level productivity. Furthermore, the indicator of low pay used in Report VI reflected wage inequality rather than an inadequate wage.
36. The Employer Vice-Chairperson stated that flexible working-time arrangements could be useful for both companies and workers. Flexible working hours allowed for smooth transitions in the labour market which could be particularly useful for older workers moving into retirement and for younger generations who were entering the job market. Concerning OSH, she agreed that the focus should be on prevention, and new technologies could contribute to better working conditions and fewer accidents. She agreed with the common objective of zero accidents, but the means to achieve that result should not be standardized. There should be flexibility to choose the best means available to achieve that objective at the national or at the enterprise levels. Finally, she stated that it was in everybody's interest to give women equal opportunities in employment and invest in the future workforce through maternity protection. However, maternity protection might expose women to discrimination in hiring, if the cost was to be borne entirely by employers. It is in the interest of the whole society to offer adequate protection and invest in maternity protection by giving them the necessary means to have healthier children, who will in turn become the employers and workers of tomorrow.

37. The Worker Vice-Chairperson said the world of work had always been changing, going back to the beginning of the industrial revolution. Regulation had always been a response to changes and challenges in the world of work, and was meant to address ensuing problems and imbalances and therefore often lagged behind reality. In many countries there was a mismatch between the regulatory environment and the real world of work in which the protection needs of large groups of workers were insufficiently addressed. This was partly the result of globalization and technological development, but also of deregulation policies, sometimes prescribed as a recipe for enhanced economic performance and recovery. Despite economic growth, too many workers lacked a decent income and adequate protection. This was true for workers in both the formal and informal economy, as well as in standard and non-standard forms of employment. The wage share of national income had been declining in many countries, and wage dispersion had been rising. Many workers did not earn a minimum living wage; others had experienced stagnating or even declining wages. There were quite a number of countries where wages were not regularly updated or adjusted. Report VI showed that an increasing number of member States had introduced minimum wage legislation, which in her view was a positive development. However, there were some worrying developments that risked turning the minimum wage into an empty shell. These included: involuntary part-time work that did not offer sufficient income to live on; the use of zero-hours contracts that did not guarantee any hours of work; and high deductions for housing and other costs that left workers with little real wage in hand. The report pointed to the important role that minimum wages and collective bargaining agreements could play in providing an income floor and reducing wage dispersion. However, the level and coverage of, and compliance with, minimum wages remained a challenge, and innovative forms of regulation at the international level were needed. She mentioned the Maritime Labour Convention, 2006, as an interesting example of a bipartite mechanism to set minimum wage standards at a global level. While there were some encouraging examples of global framework agreements and of global industrial relations, many companies continued to use globalization to avoid or evade their responsibilities regarding wages and working conditions of their workers. Global brands and buyers had found ways to disguise the employment relationship using sophisticated supply chain management, outsourcing, subcontracting and agency work. At the same time, they were exerting such legal and economic pressure on their suppliers, that these were forced to compete with each other on labour costs, often leading to bad labour practices. The widespread use of NSFE had been instrumental to these strategies. Business models that used new technologies to organize work, had not always led to good-quality jobs but instead resulted in deteriorating working conditions. For instance, the introduction of “apps” to facilitate communication could also lead to deregulatory effects in what were until now well-organized branches and professions, with devastating effects for the protection of the workers concerned. She challenged employers’ argument that the “standard worker” was disappearing and that universal standards were outdated. In developed countries, around 70 per cent of workers worked in normal full-time permanent employment. Since the ILO’s founding, the realities covered by standard setting around the globe had always been very diverse and it was a deliberate choice to aim at the universality of standards. The challenge was to make existing standards relevant and effective for a wider array of realities in the world of work.

38. With respect to working time, the Worker Vice-Chairperson noted that full-time connectivity through emails and other means of communication permitted to communicate and work 24 hours per day, seven days per week depriving workers of proper rest time. This, in combination with NSFE, increasingly led to jobs in which irregular and unpredictable hours were the norm. Flexibility was only positive for workers if it provided them with the possibility to adapt working hours to their needs. For flexibility to be positive, it was essential to determine how much say they would have in the scheduling of their working hours. As for OSH, new forms of work had generated new health and safety risks, such as psychosocial problems, while the health implications of new technologies

and materials were yet unknown. Governments had the primary responsibility to set and enforce health and safety standards to avoid the recurrence of industrial and workplace fatalities. Improvements in maternity protection were noted with satisfaction, although extending universal coverage to all working women was still a pending task. She reiterated the need for clear government regulations and strong institutions for effective and inclusive labour protection. She cited a number of encouraging country examples of policy measures taken to address the main challenges of labour protection, which showed that change was possible when there was political will. Reference to OECD and World Bank research has shown that de-unionization led to inequality and a negative impact on growth.

39. The Government member from Latvia, speaking on behalf of the EU and its Member States, highlighted the importance of the gender dimension in the discussion. Women were under-represented in the labour market and the policies under discussion were central to addressing this. The EU had adopted a set of legislative acts setting minimum standards in Member States in order to improve the protection of workers and provide for equal treatment. In terms of health and safety, a comprehensive regulatory framework provided the minimum standards for the protection of workers' health and safety. He noted that "in-work poverty", often due to insufficient wages or insufficient hours worked, had increased in many countries. This should be monitored and addressed in close cooperation with the social partners and other stakeholders. He called for coherent policies that integrated activities at different levels to ensure continuous progress towards the complete elimination of unacceptable forms of work, accelerate the transition to decent work, and realize the fundamental principles and rights at work for all.
40. The Government member of Japan explained the current Japanese economic policy, so-called "Abenomics", which aims to exit deflation and expand national wealth through an economic stimulus package consisting of bold monetary policy, a flexible fiscal policy and a growth strategy that spurs private sector investment. The policy was already showing positive effects, including that average monthly income had reached a 15-year high. He explained that two types of minimum wages exist, namely a regional minimum wage that applies to all workers in a prefecture, and a specific minimum wage applying to workers in particular industries. The weighted average of the regional minimum wage had risen. He noted a decline in average annual working hours in Japan. He outlined recent measures to promote flexible working arrangements, including the cancellation of the moratorium on paying extra wages for work in excess of 60 hours in SMEs, which was included in the partially amended bill of the Labour Standards Law. He also described a new law designed to reduce deaths from overwork (*karoshi*) which required the Government to undertake research on the phenomenon and to promote greater work-life balance. He spoke about Japan's 12th Industrial Accident Prevention Plan which set targets for the reduction of workplace injuries and diseases, as well as focused areas of occupational accidents. He noted that the Industrial Health and Safety Law was revised in 2014 to introduce various measures to enhance labour accident prevention.
41. The Government member of the Philippines highlighted a number of challenges in relation to all four issues outlined in the report. Seasonal work had extended beyond agriculture and was contributing to the growth in NSFE. She noted that 99 per cent of enterprises in the Philippines were micro, small and medium-sized enterprises (MSMEs) that struggled with compliance because of low levels of awareness and limited financial capacity. She described wage reforms under way in her country, known as the two-tier wage system: the first tier was a compulsory basic minimum wage set above the poverty threshold; and the second tier was a voluntary productivity-based pay scheme. A new law extended standards on employment contracts, employment age, wages, weekly rest periods, leave benefits, rights to education and training, safety and health, and coverage under social welfare to domestic workers. She also drew attention to a national convergence programme for workers in the informal economy which contained specific commitments of government

and the social partners to guarantee access to essential health services, income support for children in education, health and nutrition, income assistance for workers in case of contingencies, and support for the elderly. She described a new department order on subcontracting, designed to ensure that only legitimate subcontractors could subcontract jobs or services ensuring compliance through the supply chain.

42. The Government member of Senegal, speaking on behalf of the Africa group, noted that reforms were under way in many countries in Africa. Most had minimum wages; standard and defined working-time provisions; and OSH regulations defined to encourage prevention. The ratification of relevant international labour standards by many countries provided the basis for a solid legal framework. However, the coverage of these regulations remained a challenge and many workers in the informal economy, NSFE, agriculture and the self-employed were excluded from protection. A number of countries in the region had embarked on legal reforms to extend labour protection to excluded groups.
43. The Government member of Tunisia noted the difficulty often faced in implementing what was stated in the law to realize decent work. In his view, challenges in the world of work could be effectively addressed through tripartite partnerships. The social partners and the Government in Tunisia had recently signed a pact aimed at promoting decent work, economic growth, working relationships and social protection, implemented by a national council on social dialogue. He acknowledged the responsibility of governments to respond to demands for an equitable system, but for this to be effective, it required the efforts of all actors.
44. The Government member of Kenya associated with the statement by Senegal, on behalf of the Africa group, and described some of the policy measures taken to address the challenges and ensure adequate protection. For example, it had reviewed labour laws in 2007 in order to prevent further casualization and extended certain provisions to all workers irrespective of the nature of employment. It had also extended the length of maternity protection, introduced paternity leave, and extended social security coverage to previously excluded workers like domestic workers. It also introduced a dispute resolution mechanism to resolve the backlog of labour cases in court. At the same time, important challenges remained, such as the lack of capacity of labour inspection in all sectors, but particularly the informal economy. In addition, Kenya was implementing a new OSH policy, including awareness raising through mainstreaming in school curricula, but had yet to ratify essential ILO Conventions related to OSH. Emerging economic sectors, like oil and gas, also presented particular challenges as they required specific regulations in order to extract the resources in a safe manner.
45. The Government member of the Bolivarian Republic of Venezuela highlighted the progress made during the last 15 years in the field of employment, social security and labour protection. He indicated that a new labour law introduced in 2012, based on the Constitution, stipulated a 40-hour working week, maternity and paternity paid leave, full freedom of association, and the prohibition of any type of discrimination. This was supported by a “school–factory” programme. Since 1999, there had been 29 increases in the minimum wage levels.
46. The Government member of India stated that its Minimum Wages Act had been adopted in 1948, and that the Government’s commitment to the principles of a minimum wage had only strengthened with time. Wages had been revised from time to time in accordance with the principles laid out in the law. The Government’s employment guarantee scheme had had a beneficial impact on wage levels, and strengthened collective bargaining. He noted that his Government was in the process of enacting a comprehensive code on wages that would expand the scope of the prohibition of discrimination and review the minimum wage system to take into account the skills required, the difficulty of the work to be

assigned, the cost of living, the geographical location and other factors. He reported that the maximum working hours in India were 48 hours per week. A comprehensive draft code on OSH and working conditions was being discussed, using the Occupational Safety and Health Convention, 1981 (No. 155), as a touchstone to review the law and extend its coverage.

47. The Government member of the United States stated that the decoupling of wages from productivity in her country meant that over the last four decades the vast majority of workers had not shared in the country's economic growth. Rising income inequality had hit workers at the lower end of the wage spectrum particularly hard. Productivity and real gross domestic product (GDP) per capita had risen since 1979, yet real wages for most workers had stagnated and the poverty rate was as high as it was in the late 1960s. While there was a national minimum wage, it had not kept pace with inflation. As a result, the Administration was seeking to raise the minimum wage and to update it every year. While Congress was yet to enact the necessary legislation, some states had already established higher minimum wages. She noted that, while legitimate independent contractors had a role to play in the economy, employees were too often misclassified as independent contractors, denying them protection. Her Government recognized that part-time work or other flexible working arrangements could be beneficial and could help workers gain a foothold in the labour market. However, unpredictable and "on-call" work schedules could mean a significant fluctuation in family finances which was not good for workers, their families or the economy. Some states had begun to address this issue by considering legislation establishing a minimum number of scheduled hours and setting schedules in advance to allow for better planning by workers. Turning to challenges in respect of OSH, she reported that a study released by her Government's Occupational Safety and Health Administration estimated that the financial and social impacts of the more than 3 million occupational illnesses and injuries annually in the United States were huge, with workers and taxpayer-supported programmes paying most of the costs. The most effective way to address OSH was to prevent workplace injuries and illnesses from occurring in the first place. With regard to maternity protection, recognizing that the United States was one of the few countries in the world that did not offer paid maternity leave by law, she noted that her Government had been studying other countries' paid leave policies. Several states had, however, already put paid family, medical and sick leave into effect. She concluded by recognizing the important role of trade unions and collective bargaining as critical to guarantee complementarity with national legislation.
48. The Government member of Saudi Arabia noted that the country had updated rules and regulations in recent years to improve working conditions and protect workers' rights; 38 articles of their Labour Code had been amended and a number of initiatives had been implemented to enhance labour protection. In September 2013 the Ministry of Labour launched an innovative programme for wage protection to ensure that workers' salaries and entitlements were received in a timely manner and under the contract terms agreed. Under this programme, the salaries had to be paid through bank transfers and a file (certified by the bank) uploaded onto the site of the Ministry. His Government would respect all obligations and ensure compliance of ILO standards. Nevertheless there were still a number of challenges, particularly regarding the enforcement of laws and regulations, the adoption of a minimum wage in the private sector, as well as limits on daily hours of work.
49. The Government member of Turkey said that it had adopted a new law on OSH in 2012. The law covered all forms of workplaces – public and private – and all types of workers, including apprentices. It was followed by the issuance of 36 pieces of secondary legislation. In addition, the labour inspectorate and the OSH directorate had been strengthened with new and qualified staff. Turkey had recently ratified the Safety and

50. The Government member of Norway stated that since the opening up of the EU and European Economic Area, Norway had experienced relatively high labour migration. This had brought some challenges in terms of ensuring decent wage levels for all and OSH for migrant workers. The regulation of the labour market had been handled by the social partners, but since 2004 Norway had used the extension of collective agreements as a tool for securing minimum wages and working conditions in some branches such as construction, cleaning and agriculture, and had introduced new legislation to secure compliance with extended collective agreements. The Labour Inspection Authority had also been substantially strengthened.
51. The Government member of the Republic of Korea said that with the growth of various forms of employment, such as part-time and fixed-term work, the Korean labour market was shifting away from regular employment. The Government was working to ensure that such diversity in forms of employment did not affect wages and the protection of workers and had instituted reforms that covered wages, working hours, OSH and maternity protection for both part-time and fixed-term workers. The minimum wage had been steadily increased and, to reduce the risk of industrial accidents, a risk assessment system had been made mandatory. Measures had been taken to base wages on performance and competencies instead of seniority. A survey on working hours and overtime would inform new policy decisions which would be the subject of tripartite consultation.
52. The Government member of Jamaica said that the general regulatory mechanism for wages was the minimum wage mechanism, which set a national minimum wage as well as sector-specific minimum wages. Flexible working arrangements that included part-time work with benefits had been implemented, and work was under way on OSH legislation which would also cover informal economy workers. Maternity protection was afforded to workers but domestic workers were receiving paid leave only if they contributed to the National Insurance Scheme.
53. The Government member of the United Arab Emirates said that with rapidly changing labour markets, dynamic strategies were needed to provide better protection for national and foreign workers. New working-time arrangements had been implemented and several restrictions on migrant workers had been relaxed, including those on the change of employer, work opportunities for family members of migrant workers, and part-time work. Hours of work and minimum wages were now stipulated by law.
54. The Government member of Egypt said that the Constitution of Egypt referred to OSH as an objective and that a new labour code was being prepared in consultation with social partners. Labour protection was mutually beneficial for workers and employers, as it also provided protection of production and productivity, and would reduce social conflict. Egypt had adopted a minimum wage for civil servants and was working on the adoption of a fair minimum wage in the private sector. Other initiatives undertaken included the strengthening of labour inspection and collective bargaining and measures to increase the employment level of women.
55. The Government member of Morocco explained that since the adoption of new constitutional guarantees in 2011, there had been important advances in guaranteeing fundamental rights in Morocco. She explained that the Government's employment strategy focused on expanding employment opportunities and social protection and improving working conditions as a means of promoting decent work, stability and prosperity. Her Government aimed to complete legal reforms to ensure OSH, promote collective bargaining, and reinforce its capacity to enforce labour law. She stated that the

Government had introduced unemployment insurance, and insurance to cover work accidents. She mentioned the development of new laws on OSH, on the protection of domestic workers and craft workers, and to provide universal social security and medical coverage to non-salaried employees.

56. The Government member of Trinidad and Tobago stated that labour protection was regulated through laws and collective bargaining. His country had a Minimum Wages Board, and had introduced a national minimum wage in 1998 covering all workers including domestic workers and those in the informal economy. Legislation limited the weekly hours of work to 40 hours per week. This limit was accompanied by provisions for overtime pay. There was, however, no limit on overtime hours or the number of days a worker could be required to work and this gap could lead to excessive hours. The country also faced challenges with respect to the late payment, underpayment and non-payment of wages. Paid annual and paid sick leave only applied to particular sectors; many workers in construction and manufacturing did not enjoy these entitlements. He explained that all working women were entitled to 14 weeks of maternity leave, to reasonable time off for prenatal care, and to extend maternity leave for a further 12 weeks. The costs of maternity protection were shared by the State and the employer, and there was no entitlement to paternity leave, although this had been established in some collective agreements. The Government was looking to review the OSH Act.
57. The Government member of Zimbabwe stated that globalization and the advent of new technology had brought about negative and long-lasting challenges for business and labour. He called for globalization with a human face where working conditions did not deteriorate. He called for the ILO to assist countries to introduce progressive legislation to improve OSH, social dialogue, and the nine branches of social security as provided by the Social Security (Minimum Standards) Convention, 1952 (No. 102). He explained that Zimbabwean legislation only covered four of the branches, and that his Government intended to introduce maternity protection based on social insurance extending maternity protection to all women workers and replacing the current employer liability scheme. The Government member of Zimbabwe explained that the Government was seeking to extend social protection through deliberations at the Tripartite National Forum, a tripartite social dialogue body which would be established in statute before the end of 2015.
58. The Government member of Brazil stated that in recent years his country had implemented specific public policies to improve working conditions. The level of social protection had been increased not only by legislation, but also through awareness raising, taxation, and social security. With regard to minimum wages, Brazil had increased its minimum wages using a formula which included both GDP, growth and inflation; this not only increased the purchasing power of the minimum wage but decreased poverty and inequality. Increases in the minimum wage related, above all, to the dignity of the workers; the policy itself also served as the main channel through which the income distribution was improved. Maternity protection had been extended to domestic workers in 2014. Headway had also been made on issues related to OSH and the number of fatal accidents had been reduced, but challenges remained. Alongside these advances, the issue of coverage remained essential and in this regard it was important to reinforce the international normative system. Moreover, collective bargaining could complement existing legislation. For example, collective bargaining had allowed for a reduction in the standard work week for specific sectors. Finally, labour protection represented a key element for sustainable economic development as well as society as a whole.
59. The Government member of China noted three main issues: the challenges experienced; the measures taken thus far to address these; and areas for future progress. Regarding challenges, he stated that the coverage of legislation remained insufficient, and that an inadequate number of labour inspectors had limited the inspectorate's capacity to ensure

compliance. Moreover, different types of enterprises, business models, and types of employment used within the various enterprises had complicated efforts to enforce labour regulations. With regard to measures taken thus far, headway had been made using minimum wages, and working time had also been regulated; while the law permitted certain exceptions, the general limit was eight hours a day and 40 hours per week. Legislation had also provided for at least one day of rest per week. In the realm of maternity protection, women were entitled to grants and allowances from the Government. Overall inspection efforts had also been strengthened; hotlines were introduced for employees and campaigns had been launched to promote compliance. Free litigation had also been introduced for workers. Turning to the future, there was a need to further improve labour protection laws, to strengthen inspection and enforcement efforts, and to increase coordination with judicial authorities.

60. The Employer Vice-Chairperson considered that changes in the world of work should be seen in a positive light. Changes presented new opportunities and it was important to adapt to make the best of these emerging opportunities. Deregulation facilitated the flexibility much demanded by employers and workers. She added that flexible work arrangements were not necessarily unstable, and that workers' perception of job security also depended on conditions in the labour market such as unemployment rates. She argued that well-designed and regulated NSFES could both protect workers and help enterprises adapt to market demands. Flexible arrangements could also lead to a better work-life balance. With regard to the minimum wage, she noted the potential benefits that came from higher wages for affected workers, some of whom were in poor or low-income families. The potential downside was that a higher minimum wage could discourage employers from employing low-skilled workers. Decisions related to minimum wages should be taken in a national or subnational context. With regard to OSH, she questioned the idea that all technological advancements introduced new OSH risks and encouraged the Office to undertake further research on the issue, with a more balanced approach. She noted that it was important to consider whether there was discrimination against hiring women as a result of maternity protection, and added that women should not be disadvantaged from accessing employment opportunities due to increased cost burden on employers.
61. The Worker Vice-Chairperson welcomed the general message from governments, confirming their commitment to labour protection and assigning the ILO an important role in supporting their efforts. In response to the remarks made by the Employers' group, she explained that her group had nothing against change. However, regulation often lagged behind changes in the world of work, highlighting the need to review standards within the ILO to ensure that they remained relevant to the twenty-first century. Existing standards should be fit for purpose, providing effective protection for all workers. The need for new instruments depended on the objectives that they would pursue. The Tripartite Meeting of Experts on Non-Standard Forms of Employment had established common ground on the needs of employers and workers, and had identified challenges. She noted that the term "flexibility" could refer to both positive and negative changes from the perspective of workers. Approaches, which took into consideration the needs of employers as well as the needs of workers and their families, needed to be found. The Committee should consider how to build on the consensus reached by the Tripartite Meeting of Experts on Non-Standard Forms of Employment, drawing on the support of the Office. Supply chains were now a central feature of the world of work and, although they would be the subject of an extensive discussion at the 105th Session of the Conference, the current discussion would be incomplete without taking them into consideration.

Point 2. Obstacles hindering universal labour protection

62. The Worker Vice-Chairperson said that the main barrier to the implementation of labour protection was a lack of universality. If labour standards were not applied to all, it would be increasingly difficult to apply them even to some. She considered that, by definition, a minimum wage should be understood as a minimum living wage, covering minimum costs of living that were essential for a decent life. Establishing systems in accordance with the Minimum Wage Fixing Convention, 1970 (No. 131), and with the Social Protection Floors Recommendation, 2012 (No. 202), would be instrumental in providing income security for all, including young people, who were often excluded from such provisions. Furthermore, the Protection of Wages Convention, 1949 (No. 95), was an important instrument to counter the rampant problem of non-payment of wages, payment in kind, partial payments and illegitimate deductions. Regarding the elimination of precarious forms of NSFE, the Committee should endorse the proposals made by the Tripartite Meeting of Experts on Non-Standard Forms of Employment and agree to priority actions in that regard. She drew particular attention to the recommendations 8(b), (c), (d), (h) and (k). Furthermore, the implementation of the Employment Relationship Recommendation, 2006 (No. 198), provided an effective way to eliminate disguised employment relationships, such as those affecting “unpaid volunteers”. The Recommendation noted that, as a starting point, that it was the facts, and not the name, of the contract that is decisive for its legal status. The Decent Work Country Programmes (DWCPs) should include, as a priority, the provision of assistance to governments to help them address unprotected forms of work.
63. The Worker Vice-Chairperson considered that minimum wage legislation alone could not realign wage growth and productivity growth, which required coordinated collective bargaining systems to shape wage developments across enterprises in line with national productivity growth. Sector-level bargaining, for example, could both create wage solidarity across enterprises and allow the most innovative and productive entrepreneurs to make an extra profit. Productivity by itself, however, was not a good standard for wage determination. There were many jobs for which it was impossible to measure productivity, or for which productivity gains were limited. The ILO was well placed to provide fact-based evidence to underpin the important role of coordinated collective bargaining systems. On working time, the ILO had been instrumental in establishing standards in relation to working time and it had a significant role to play in providing guidance on new working-time trends. There was more common ground on this topic than it sometimes appeared. But these could only be found within a stable framework that excluded excessive or abusive working-time arrangements, and also ensured that workers had a say in the organization of their working-time pattern. A modern guidance to working time also needed to take a gender perspective and ensure equal treatment by taking into account the many hours of unpaid care work currently mainly done by women. On maternity protection, significant progress had been made, but follow-up from the Office was required to promote the Maternity Protection Convention, 2000 (No. 183), and the Workers with Family Responsibilities Convention, 1981 (No. 156). Regarding OSH, the ILO General Survey on Occupational Safety and Health (2009) considered OSH to be an easy point of entry for the extension of basic protection at work to the informal economy. The more than 40 ILO instruments in the field of OSH were a relevant body of regulation and the Labour Inspection Convention, 1947 (No. 81), was the key instrument to enforce OSH at the workplace as compliance with OSH would be difficult without a sound system of labour inspection. ILO Guidelines on OSH management systems (ILO-OSH 2001) should be used as the only reference by the ILO constituents in crafting OSH programmes.
64. The Employer Vice-Chairperson recalled that the objective of the recurrent discussion was not to discuss policies but rather to discuss what the ILO and constituents had done, what had been the impact of their actions, and how these could be improved. She agreed that

workers who needed protection should be afforded adequate protection in appropriate means, tailored by national circumstances. Collective bargaining was not the only way of dealing with labour protection. However, before discussing the possibility of new standards, there should be an assessment of already existing ILO instruments to determine whether all workers were adequately covered by them. The universality of coverage also raised the question of who should bear the cost of such coverage. Adequate coverage depended on national circumstances and available resources. There was no “one-size-fits-all” approach to labour protection. Creating income opportunities was the best means of ensuring labour protection.

65. The Employer Vice-Chairperson emphasized that minimum wages needed to be distinguished from living wages, a concept which had never been defined in a tripartite discussion or used in any ILO Convention or Recommendation. Further issues on how the minimum wages should be fixed and negotiated could be referred to the outcome of the discussion by the CAS of the General Survey concerning minimum wage systems (2014). She said that minimum wage fixing had to reflect national circumstances. She further stressed the importance of policies that promote sustainable enterprise growth and higher flexibility. The resources that countries had for protection coverage should also be given consideration. An environment that promoted transition from the informal to the formal economy should also be fostered. She noted that rigid labour laws made compliance more difficult and cited the example of the EU European Commission’s Regulatory Fitness and Performance Programme (REFIT) as a good practice initiative. All workers who needed protection should receive it, but not everybody needed to be covered by the same protection. This depended on the resources and policy options available to each country.
66. The Government member of Latvia, speaking on behalf of the EU and its Member States, again stressed the gender dimension of labour protection. Ensuring effective labour protection was key for the participation of women in the labour market, for their equal treatment, and for their health and dignity. The changing patterns of employment relationships called for frameworks that could meet the needs of both workers and employers. In the context of the EU, issues related to NSFE were being addressed through social dialogue at industry level as well as through directives setting minimum standards, for example on temporary agency work, fixed-term work, and part-time work. Regarding implementation, the new EU Strategic Framework on Health and Safety at Work 2014–2020 identified the need to improve the implementation of OSH legislation, in particular in micro and small enterprises. He emphasized the pivotal role of labour inspection and considered that effective labour and social protection could contribute to addressing the challenge of in-work poverty.
67. The Government member of Senegal, speaking on behalf of the Africa group, explained how the challenges facing the African continent were unique due to high levels of poverty, self-employment, precariousness and informality, including artisanal production as well as casual labour in the agricultural sector. Legal protections and compliance ought to be enhanced, including through stronger labour inspectorates and sanctions. He also argued that collective bargaining had to be strengthened as a means of ensuring that wages did not continue to fall. Social dialogue needed to be modernized so as to improve the effectiveness of reform efforts. There was a need for specific legislative measures in relation to agriculture, artisanal production or fishing that better reflected the realities of specific sectors. He argued that OSH policies and an effective labour inspection system ought to be based on good labour statistics.
68. The Government member of Japan stated that, while average hours of work were falling in Japan, long hours of work were still a problem, particularly for men in their thirties. The Ministry of Health, Labour and Welfare had launched an “overwork elimination campaign” in November 2014, and stepped up inspections to eradicate excessive working

time of 100 hours overtime in a month. He reported that the law had become operational in the context of frequently reported deaths from overwork (*karoshi*) and that every November was to be “Karoshi Awareness Month”. In Japan, more than half of employees suffered stress at work, and the Ministry of Health, Labour and Welfare was encouraging employers to take measures to prevent, and respond early to employees’ mental health problems. He outlined that, in 2014, the Industrial Health and Safety Law was amended to include systems to prevent diseases caused by poor mental health, and to require employers to implement stress tests for their workers, to be undertaken by medical professionals. He informed that the percentage of women taking parental leave had risen but that a large number of women were forced to quit their jobs because of difficulties to balance work and childcare. He described how the Childcare and Long-term Care Leave Law had been amended in 2009 to include provisions for a short working hours system, restrictions on overtime, extension of leave periods and a system to encourage fathers to take leave. He outlined the introduction of the *Ikumen* Project, which portrayed men who take parental leave and their companies in a favourable light. He also emphasized that contrary to what was stated in paragraph 99 of Report VI, part-time workers were not excluded from maternity benefits.

69. The Government member of the Philippines noted that some of the obstacles hindering universal labour protection included the proliferation of NSFE, particularly subcontracting. She then pointed to some of the Philippines’ achievements within the four policy areas. The minimum wage reform described earlier in the discussion had enabled the country to reduce the number of minimum wage levels set below the poverty threshold. In the realm of OSH, there was pending legislation to criminalize non-compliance and issue standard warnings regarding the OSH requirements in workplaces. Overtime had also been imposed for hours worked outside of normal hours. In addition, as had been previously mentioned, labour protection measures had been extended to domestic workers and a remediation reform had been instituted. Laws regulating contracting and subcontracting had been strengthened alongside the implementation of active labour market policies aimed to integrate these workers into regular forms of employment.
70. The Government member of Canada stated that widening the labour protection net and overcoming related obstacles had been a priority. Recently, regulations concerning the rights of interns under federal jurisdiction had been modified to ensure that they received OSH protections and were covered by basic safety standards. The Government had also proposed amendments to their Labour Code which allowed for new short- and long-term leave for family responsibilities and an increase in bereavement leave. While vulnerable groups, like temporary foreign workers, were entitled to the same workplace laws as residents, workers’ awareness of these rights continued to present a challenge. Given the federal, provincial, and territorial division of core labour functions, coordination and cooperation within and across jurisdictions continued to be important for cohesive domestic labour protection across the country.
71. The Government member of the United States stated that obstacles to universal labour protection often related to: exemptions under the law; weak enforcement of laws; and a lack of workers’ awareness of their rights and entitlements. Some countries had sought to broaden legal coverage to previously uncovered categories of workers; the United States had done so in 2014 when it revised regulations to ensure that direct care workers and other caregivers were protected under the Fair Labor Standards Act. This has been challenged in the courts and litigation was ongoing. To improve enforcement efforts, compliance, and worker awareness, well-functioning labour inspectorates with tools, technologies, appropriate training for inspectors, and clear and concrete inspection guidelines and methodologies were also essential. In the United States, wage and hour enforcement efforts had been strategically targeted to industries which employed large numbers of vulnerable workers; results had also been seen in terms of back wages secured

for workers who had been victim of these wage violations. Efforts had been made to adapt OSH enforcement to the changing world of work through an outreach initiative to increase protections for temporary workers. Added resources had also been devoted to compliance assistance to help employers and other stakeholders better understand and comply with federal labour standards. In response to the earlier discussion by the Vice-Chairpersons, some uncertainty arose regarding the definition of the minimum wage and minimum living wage. She noted that it would be important to clearly define and distinguish one term from the other. This was essential as the difference in the definition of these two terms could alter what certain parties agreed or disagreed with during the debate.

72. The Government member of the United Arab Emirates emphasized the importance of guaranteeing a basic wage for workers. Wages were an essential component of social protection; social protection included four pillars in the United Arab Emirates. The first pillar involved the payment of wages from the employer to the employee via electronic bank transfer; this system ensured payment of wages to workers and provided a mechanism through which the Government could identify non-compliance. The second pillar imposed sanctions and penalties on employers which had not complied with the system. The third pillar enabled workers to legally appeal their claim for non-payment or underpayment in the event of wage violations. Finally, the fourth pillar provided an electronic mechanism through which employees could report wage violations. In light of the comprehensive system in place, most employers complied with regulations in place.
73. The Government member of Indonesia highlighted some of the obstacles to improving labour protection. These included the limited capacity of labour inspectors. To improve the coverage and the level of protection, establishing a law or regulation which stipulated protection for all workers, including maternity leave, was necessary. In terms of protection through social security, Indonesia had a national social security system with programmes that cover both formal and informal workers for five benefits: health care, pensions, old-age savings, death benefits, and worker accident. Formulation of social protection through dialogue and engagement of social partners was important. The ILO should continue to provide advisory services to constituents in this regard.
74. The Government member of Trinidad and Tobago stated that the country had developed two initiatives to formalize the informal economy and to address the working conditions of vulnerable workers, particularly domestic workers, as well as workers in micro and small enterprises. The first initiative was the labour advocate training programme which was started in 2012 to expand the reach of the labour inspectorate by training community advocates to become activists for decent work in their communities. Training consisted of a five-day programme which included modules on industrial relations, fundamental principles and rights at work, labour standards, minimum standards of employment, child labour, forced labour, maternity protection, equal opportunities, and HIV and AIDS in the workplace. The second initiative focused on the development of a register for domestic workers. The register was expected to serve as a mechanism for a more proactive response, going beyond the traditional forms of interventions by inspectors. The register captured data in order to proactively monitor decent work standards for domestic workers.
75. The Government member of the Islamic Republic of Iran stated that labour protection was important for sustainable economic growth and the protection of the rights of workers in all sectors. Even though the country was yet to ratify Convention No. 131, it was committed to implementing minimum wages. The tripartite supreme labour council was responsible for fixing the minimum wage level, taking into account the rate of inflation and the living expenses of workers and their families. Employers were required by legislation to carry out job classifications and pay equal wages to men and women performing work of equal value. Any discrimination on the basis of age, type of contract and gender was

prohibited. A new regulation on maternity leave provided 36 weeks for maternity leave and two weeks for paternity leave in the public sector.

76. The Government member of Tunisia stated that Tunisia was focusing on adapting national legislation to international labour standards whether in the area of minimum wage, OSH, maternity protection, or working time. It was important not to exclude workers belonging to any category. He stated that it was necessary to apply legislation to provide universal protection for all workers and Tunisia did not accept any violation of minimum wages. Maternity protection was guaranteed by legislation and no reason was acceptable for the exclusion of any category of workers. He explained that tripartism and social dialogue played a critical role in Tunisia.
77. The Government member of Jamaica said that emerging forms of working relationships challenged traditional means of regulating labour protection by creating loopholes that employers were able to use. One example was that of employment relationships in the private security industry in her country, where guards were often classified as independent contractors. Domestic work was another area in which there were obstacles to affording labour protection. Workers typically worked on a part-time basis for different employers, and many employment relationships went undeclared. While regulations on flexible work arrangement could provide the means of addressing the issue of part-time work, there were fears that clamping down on informal domestic work would drive the sector deeper underground and aggravate precarious situations.
78. The Government member of Chile said that her country was in the midst of a labour reform that sought to increase the protection of labour and human rights, and to reverse the persistent levels of inequality in the country. Labour law reform was one of four structural reforms being undertaken along with changes to the Constitution, tax reform and educational reform. Progress had been achieved in the four areas of labour protection, particularly with regard to the minimum wage, the extension of protection to domestic workers and the development of an OSH policy. The minimum wage had increased gradually to arrive at an “ethical salary” (*salario ético*) and had been extended to all sectors, but there was a need to strengthen and extend collective bargaining, particularly to SMEs. She said that the country would ratify the Private Employment Agencies Convention, 1997 (No. 181). Regarding labour inspection, experience showed that supportive rather than disciplinary measures were more successful in ensuring compliance with OSH regulations. However, a number of obstacles to progress still remained and changes could not be fully implemented without institutional change. In particular, Chile was carrying out a review of the labour inspectorate including the use of information and communication technologies to improve effectiveness. The judiciary was also undergoing a process of reform. Both these measures were aimed at ensuring that workers had access to means of redress. In view of its extensive reform programme, her Government would be interested in learning about international experiences in addressing problems of inequality.
79. The Worker Vice-Chairperson in response to the concerns raised by the Employers’ group, recalled that tripartite consensus, the universality of standards, and achieving minimum levels of protection had been at the heart of the work of the ILO since its creation. Accordingly, international labour standards were de facto developed in such a way that they could be adapted to national circumstances. Furthermore, the discussion had indicated that governments were committed to universal standards and worked to implement international labour standards in their countries. Although a number of governments had referred to challenges in providing protection for domestic workers, the discussion of such challenges was encouraging in that it confirmed the relevance of the work of the ILO and indicated that domestic workers were finally becoming more visible. Regarding the EU REFIT (Better Regulation)-agenda, although there was general consensus that improving regulations was a positive step, differences arose regarding the direction that such

improvements should take. In any event, the discussion at the European level would necessarily take ILO standards and decisions into consideration and the social partners would ensure that it remained committed to labour protection.

80. The Employer Vice-Chairperson mentioned the lack of universality in the ratification of ILO standards. Therefore additional standards did not necessarily mean the extension of protection, as had been suggested by the Workers' group. The focus should first be on reviewing and updating existing standards, and that is why the Employers' group had agreed with the launch of the SRM, which relied on tripartite consensus. The promotion of the ratification of the Termination of Employment Convention, 1982 (No. 158), could not be supported by the Employers' group, since they had not supported its adoption. This is regarding the level of minimum wages. When set too high, young workers may particularly suffer from adverse employment effects. Concerning working time, the 2011 Tripartite Meeting of Experts on Working Time Arrangements provided a good set of conclusions. On OSH, the Employers' group agreed with the Workers' group that access to safe and effective OSH practices should be non-discriminatory and should be extended to workers in NSFE. Additionally, she considered that the endorsement of the Conclusions of the Tripartite Meeting of Experts on Non-Standard Forms of Employment by this Committee was not needed, as those conclusions had already been endorsed by the Governing Body. Nevertheless, this Committee could promote the follow-up of those conclusions.
81. The deputy representative of the Secretary-General clarified that the Tripartite Meeting of Experts on Non-Standard Forms of Employment – that had taken place in February 2015 – had adopted a set of conclusions. Those conclusions had been submitted to the Governing Body to seek authorization for their public dissemination which had been granted. As per Governing Body guidance, it was expected that this Committee would take those conclusions into account and that they would feed into the discussion that was taking place.

Point 3. ILO policies and technical assistance on labour protection

82. The Employer Vice-Chairperson pointed out that, in order to better evaluate and review the work done by the Office, the ILO's Programme Implementation report 2013–14 ought to have been included as a point of reference for the discussions. This would have enabled the Committee to look at resource allocation, what projects had been implemented, and what had been achieved in terms of labour protection by the Office. The report's suggestion to extend coverage to groups that were previously excluded was oversimplified. The extension of labour protection needed to be assessed to determine the intended and/or the unintended consequences for enterprise performance and worker well-being.
83. The Employer Vice-Chairperson noted that the ILO approach to wage policy was focused on extending minimum wage protection. The use of a minimum wage to address inequality was misguided; minimum wages are used to reduce in-work poverty. She encouraged the Office to analyse the unintended consequences of minimum wages. Referring to the Minimum Wage Fixing Convention, 1970 (No. 131), she noted that minimum wages should be agreed with workers and employers, should take account of the level of development, the standard of living, productivity, and the role of government in social transfers. The *Global Wage Report 2014/15* contained some information on wage inequality between men and women, nationals and migrants, and formal and informal workers, but a better understanding of wage gaps per country sector was needed. The ILO needed to look into the reasons and factors behind gender pay gaps, rather than focusing on equalizing salaries for sexes. She raised concerns about the ill-defined concept of the

“living wage” as distinct from the “minimum wage”, and suggested that this only contributed to conceptual confusion.

- 84.** The Employer Vice-Chairperson noted that the Tripartite Meeting of Experts on Working-time Arrangements and the 2015 Tripartite Meeting of Experts on Non-Standard Forms of Employment had pointed to the positive aspects of flexible working arrangements for employers and workers alike. She questioned the ILO’s focus on the “correct number of hours to work”. Flexible work arrangements provided an important tool for sustaining enterprises and preventing job losses. She argued that flexible work arrangements were here to stay, and that the Office should focus on developing innovative approaches to extend labour protection to new forms of employment contracts, while ensuring that it did not discourage businesses from hiring. Report VI was overly focused on employees and ignored the issue of enterprises’ ability to offer full-time work and pay their employees, particularly in SMEs. She suggested that many workers – and women in particular – actively chose to work part time.
- 85.** The Employer Vice-Chairperson stated that workplace accidents were not necessarily linked to the contractual situation of workers, and that the work of the ILO with respect to OSH should not only focus on labour inspections. While it was impossible to determine in any reliable way whether psychosocial hazards at work were becoming more commonplace, the fact that unemployment had negative psychosocial effects was known. She suggested that well-intentioned efforts to improve OSH in workplaces needed to ensure that they did not increase unemployment or drive individuals into the informal economy. She cautioned that the Maternity Protection Convention, 2000 (No. 183), could, by placing the entire costs associated with maternity protection on employers, increase discrimination against hiring women, and that it was important to discern if maternity protection was having this effect.
- 86.** The Employer Vice-Chairperson was of the view that ILO work should focus on assessing the impact of labour protection measures on SMEs and enterprise sustainability. It was in the interests of SMEs to provide healthy and safe working environments so as to remain competitive, but they needed to have the necessary frameworks in place that did not place additional and unnecessary burdens on them. There were countries that carried out regulatory impact assessments, and the ILO needed to draw on their expertise to build its competence in this domain. She said that every labour protection measure, like taxation and social security contributions, had a trade-off in terms of employment and income opportunities, and that the ILO needed to broaden its focus beyond simply looking at the risks, to also look at the other factors to ensure that labour protection measures do not inadvertently result in both the employer and the employee being worse off. She urged all parties to work toward addressing the challenges in attributing adequate labour protection to those who needed it, in an appropriate way.
- 87.** The Worker Vice-Chairperson began her intervention by noting that the concept of a minimum living wage was not new to the ILO. It was in fact referred to in the ILO Declaration of Philadelphia (1944), which stated: “The Conference recognizes the solemn obligation of the International Labour Organization to further among the nations of the world programmes which will achieve: ... (d) policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection”.
- 88.** The Worker Vice-Chairperson was of the view that competitive advantage of the ILO lay in its ideas, expertise, and standards, notably in areas related to: the development of labour market regulations which promoted social justice; advice on social, economic, and financial policies to achieve social justice; assistance to member States which enabled

them to ratify and implement international labour standards; its ability to foster and engender effective social dialogue and collective bargaining; its ability to strengthen the capacity of workers' organizations; and its position as a centre of excellence for comparative labour market data and policy-oriented research. In summary, the ILO's most important role was to help governments and social partners choose and implement the right policies, labour market institutions, and protection systems while promoting social dialogue. In this regard, the ILO's evidence-based and analytical approach was most appreciated.

89. The work on the Domestic Workers Convention, 2011 (No. 189), was an exemplary undertaking by the Office; this comprised the preparatory work by the Office, including the quality of the law and practice reports, the considerable number of ratifications in a short period of time, the Office's support to the newly founded International Domestic Workers Federation, and the expedient and professional assistance provided to governments considering ratification. The entire process had shown that unprotected workers could be organized and rallied around the promotion of ILO standards. It had also demonstrated that the ILO could have a major impact in many countries and in the lives of many people.
90. Another example of outstanding success was the ILO's *Global Wage Report*. It had become a unique source of global wage data and trends, and its authority as a publication had grown over the years. It had been used in academic and policy debates and had given the ILO considerable visibility. Trade unionists had also found the publication a useful resource for discussions on wage policies at the national level and in collective bargaining. The General Survey on the Minimum Wage Fixing Convention, 1970 (No. 131), also represented an excellent example of high-quality comparative global information on law and practice in many countries, helping to implement the Social Justice Declaration "to ensure a just share of the fruits of progress to all and a minimum living wage to all employed and in need of such protection".
91. In the realm of OSH, following the discussion of the General Survey, a plan of action to achieve widespread ratification and implementation of Convention No. 155, and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), had been adopted. This provided an excellent way of using the Committee of Experts and of translating their findings and recommendations into practical policy guidance. The high quality of background reports prepared by the Office for tripartite expert meetings was also of great value to constituents. In summary, the focus of the ILO should include an approach which provided expertise and knowledge based on: ILO standards, the guidance from supervisory bodies, best practice, and high-quality research.
92. The ILO should also be a place for rapid response and intervention when workers' fundamental rights were violated. Since the ILO was the only international organization where workers could turn when their rights were violated at the national level, the ILO support was extremely appreciated by independent workers' organizations across the world. It also represented one of the greatest services the ILO could offer to support enabling conditions promoting decent work and labour protection. The ILO's work to strengthen the capacity of workers' organizations was also extremely important. A strong technical capacity of these organizations was a prerequisite for effective social dialogue and collective bargaining. To conclude, the ILO's approach to its technical work should strengthen its authority and relevance as a dynamic and modern organization which promoted standards and their implementation.
93. The Government member of China, speaking on behalf of the Asia and Pacific group, noted that the ILO's policies on labour protection had served as good references for member States in the formulation of their own policies; its technical assistance had also

enhanced their capacity to formulate laws and regulations on labour protection. In particular, the ILO Turin Centre had provided excellent training which had contributed to the ability of member States to ratify and implement ILO Conventions. Great importance was also attached to the ILO's technical assistance; it was expected that this would continue, particularly with regard to the formulation of labour protection policies and capacity building to implement relevant Conventions. It was also hoped that the ILO could collect and disseminate good practices on labour protection for workers in the informal economy. Finally, their group would actively engage in the implementation of the SRM. Of greater importance was to enhance existing capacity and mobilize adequate resources to enforce existing labour standards on labour protection.

94. The Government member of Latvia, speaking on behalf of the EU and its Member States, welcomed the specific point of discussion devoted to actions taken by the ILO which enabled constituents to improve labour protection measures. In this regard, the data collection and analytical activities which had been undertaken by the Office, such as the *ILO Global Wage Report* and the *World Employment and Social Outlook*, were particularly relevant. Further strengthening of this analytical work was encouraged. The continued provision of technical assistance, notably through evidence, guidance, and capacity building, which enabled countries to adopt national policies and legislation related to labour protection, was also appreciated. The EU–ILO cooperation on a series of projects which had aimed to improve labour protection worldwide was important in this respect. The outcome and recommendations of the ILO Tripartite Expert Meeting on Non-Standard Forms of Employment was also welcomed as was the work on facilitating transition from the informal to the formal economy; the Recommendation, which would likely be adopted during the ILC, would facilitate the elimination of one of the main drivers of labour protection deficits. The ILO's work to promote the inclusion of decent work and full and productive employment within the UN post-2015 Development Agenda was also appreciated, as was its contribution to the G20 regarding safer workplaces. Looking forward, the ILO should enhance its efforts to promote labour protection to ensure the development of balanced, inclusive, sustainable, and coherent policy answers to the growing challenges in the current world of work.
95. The Government member of Senegal speaking on behalf of the Africa group stated that the policies of the ILO had been of great benefit to African countries and a great deal of importance was attached to the technical support received. She cited the HIV and AIDS and the World of Work Recommendation, 2010 (No. 200), and the DWCPs as examples of areas where the ILO's support has been valuable. She also noted the relevance of ILO Conventions and Recommendations related to wage policies, working time and OSH. With regard to OSH, she stated that some African countries had been trained by ILO experts and the support in this regard had been positive. She however noted that not all countries had benefited equally from this technical assistance and it was essential for the ILO to ensure more uniform support. It was also noted that the number of experts in the region should be increased to boost the ILO's technical capacity on the continent. The technical assistance should always be tailored to the needs of the constituents.
96. The Government member of Nigeria noted that, as the largest country in Africa, its need for support had been increasing. The country had experienced some insurgencies and violence, which had been affecting the world of work. Her Government appreciated the need to extend labour protection to the informal economy, which was huge in many developing countries. The informal economy, in her view, should be understood and appreciated as part of the culture of the people. Even though its formalization was important, it should not be seen as “irregular”. She asked for an increase in the number of staff and expertise in the Abuja Office in order for the ILO to adequately respond to the increasing demand for labour protection.

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97. The Government member of Japan noted that, in support of the Asia–Pacific countries through multilateral and bilateral channels, his country had supported Viet Nam in establishing a national occupational accident prevention plan and had provided legislative support for OSH. This support was provided in connection with the ratification of Convention No. 187, by Viet Nam. Viet Nam had been selected because the country had an increasing number of work-related accidents due to its rapid industrialization, and the prevention of these industrial accidents was a pressing issue. With regard to minimum wages, the ILO had been providing training courses based on international experience and upon the request of member States. The Government of Japan had also provided support in the process of determining wages for countries in the Asia–Pacific region through national experts and by supporting the activities of ILO experts.
98. The Government member of Uruguay stated that the ILO had been a source of constant support and an important reference point with respect to labour protection, citing ongoing work to train negotiators in the area of collective bargaining as an example. Training had also been conducted for constituents in the area of setting minimum wages. She noted a new law introduced in 2006 that expanded the use of collective bargaining as a tool for labour protection to the rural sector, domestic workers and public sector workers. She also highlighted the introduction of a law which regulated night work. Maternity leave had been increased from 13 weeks to 14 weeks in the private sector, and work was ongoing to increase it from 13 weeks to 18 weeks in the public sector.
99. The Government member of Mexico stated that the ILO had provided extensive support through various conventions and technical assistance. Initiatives that had encouraged participatory processes had contributed to better occupational safety and health. ILO support had also helped in the establishment of legal frameworks that had extended labour protection to workers.
100. The Government member of Botswana noted that the country’s Employment Act provided the basis for the determination of minimum wages and that a tripartite board regularly met to recommend minimum wage adjustments. A study had been conducted with ILO support to inform the work of the board. She stated that Botswana had also just completed a feasibility study on a pension scheme with a view to preventing people from retiring into poverty. A bargaining council had recently been established in the public sector. She highlighted the development of a national workplace policy on tuberculosis and HIV based on the HIV and AIDS and the World of Work Recommendation, 2010 (No. 200). An OSH policy was being established and efforts were ongoing to align the work on maternity protection in Botswana to the Maternity Protection Convention, 2000 (No. 183).
101. The Government member of the Philippines indicated that the Labour Laws Compliance System had received support from the United States through the ILO to help improve the effectiveness of labour inspection with regard to general labour standards, OSH and labour rights. Her country had furthermore joined the ILO Global Strategy on OSH and hoped to begin work in the area. The ILO had actively campaigned for the adoption of a domestic workers act, and had provided guidance in crafting rules for its implementation. It was currently providing technical advice on minimum wage setting for domestic workers and on the development of impact assessment methods. The ILO had also provided assistance in the form of a grant to conduct consultations on the two-tiered wage system. It continued to assist her Government in assessing the implementation of its minimum wage policy and its outcomes.
102. The Government member of the United States said that the ILO had helped constituents to address the challenges discussed through assistance to strengthen national legal frameworks and awareness-raising efforts. ILO research and publications had also been useful in informing policy discussions. Furthermore, efforts to integrate labour protection

elements into wider DWCPs had been effective. His Government had supported a number of ILO projects, which provided examples of good practice. Those projects included the safety and health youth project under the Occupational Safety and Health Global Action for Prevention Flagship Initiative; and the Promoting Compliance with International Labour Standards Project in Colombia which enabled the social partners to identify complaints on the use of ambiguous and disguised employment relationships, and raising awareness of the broader scope of the National Protection Programme for union officials and activists. Another example of support was the Promoting Fundamental Principles and Rights Project in Sri Lanka that developed an automated Labour Inspection System Application which had modernized labour inspection practices. His Government also continued to support the ILO's Better Work Programme, which provided a trusted source of information on multinational brands. Furthermore, its sustained engagement with factories was having a significant impact on working conditions and workers' well-being.

- 103.** The Government member of Morocco stated that her Government had received assistance from the ILO in the implementation of a number of projects, with a particular focus on protecting the labour rights of young people, women and migrant workers. She highlighted a project that sought to promote social dialogue by providing support to institutions through capacity building for the labour inspectorate and those working in the field of OSH. Her country hoped that the ILO would continue to provide support in those areas.
- 104.** The Government member of the Russian Federation said that, although measures had been taken on a tripartite basis to ensure compliance with the Occupational Safety and Health Convention, 1981 (No. 155), there were challenges in covering workers in the informal economy. The Government sought to address the situation by introducing changes to the Labour Code, in particular regarding the practices of private employment agencies, and by developing a system to improve the effectiveness of labour regulation, applying a risk-oriented approach through federal surveillance. A project on labour inspection sought to make the system more transparent, and a labour inspection internet portal had been set up to help workers protect their interests. The measures had seen a threefold decrease in occupational fatalities, according to studies carried out by the ILO. He requested the ILO to continue to disseminate best practices on OSH.
- 105.** The Government member of Panama stated that her country had received technical assistance for the implementation of ILO Conventions related to labour protection, including advisory services for human resources services and worker' and employers' organization, which sought to strengthen social dialogue. The minimum wage in her country was adjusted every two years, and also covered domestic workers. Collective bargaining had furthermore proved effective in the construction sector. The regional programme on OSH promoted compliance with regulations, and legislative provisions established hours of work and provided maternity protection for women. Her Government would, however, appreciate the ILO's continued assistance through advice and capacity building to continue to strengthen working conditions.
- 106.** The Government member of Iraq noted that armed conflict and the threat of terrorism had resulted in a number of rapid and negative changes in his country, and he appealed to the ILO to study the issue of labour protection in crisis and post-crisis situations. Nevertheless, some positive steps had been achieved in his country. Social dialogue based on technical assistance from the ILO and other organizations had resulted in the development of promising legislation on fundamental principles and rights at work and human rights, workers' pensions, optional worker protection and protection for self-employed workers and those working in the informal sector. The Government had also recently established the country's first unemployment benefit measures and had updated maternity protection provisions to increase coverage. In the area of OSH, all workers had the right to medical examination. Working hours regulations covered the public, mixed and private sectors.

However, his country had a large and expanding informal economy, which left many groups unprotected, in particularly women and children. There was a need to establish a minimum wage policy. He called on the ILO to grant his country increased technical assistance.

- 107.** The Government member of Tunisia stated that ILO's programmes and technical assistance were providing useful guidance to constituents on ways to achieve social and labour protection in the four policy areas mentioned in Report VI. However, these were not always adapted to the economic and social situation. More realism was needed as the closer the technical assistance was to the reality of developing countries, the better its chances of success. The enforcement of legislation and the promotion of a more rationalised technical assistance were needed to protect workers. A tripartite approach was the best way to strengthen labour protection. There was also a need to strengthen labour inspection to prevent accidents and illnesses as a result of poor working conditions.
- 108.** The Government member of Turkey said that the tragic workplace accidents experienced last year had triggered an increased cooperation between her country and the ILO. A national tripartite meeting on improving OSH in mining had been organised by the Ministry of Labour and Social Security and the ILO. In addition, a technical assistance project on OSH had been set up in January 2015 by the ILO. The objective of that project was to facilitate the improvement of OSH at national level, particularly in the areas of mining and construction, taking into account relevant commitments made by Turkey in the context of the ILO and in consultation with the tripartite constituents.
- 109.** The Government member of Saudi Arabia outlined her Government's reforms to provisions for maternity protection. She stated that working women were now entitled to ten weeks paid maternity leave starting four weeks prior to the delivery date; the right to extend this period for a further month without pay; and in cases where the child was sick, the right to four months paid leave. Working women were entitled to one hour for breastfeeding per day, taken over one or two breaks. Her Government was developing a draft resolution to organize day-care services for children within private sector companies, regulated by the Ministry of Labour. She outlined the Government's five-year plan in OSH, which included the development of a national OSH policy; the integration of the labour inspection and OSH systems into a single system; the training of labour inspectors; and awareness raising on OSH issues. She then thanked the ILO for technical assistance and training.
- 110.** The Government member of Jamaica focused on four thematic areas. First, on freedom of association and collective bargaining, she observed that Jamaica's Labour Relations and Industrial Disputes Act had been amended to allow non-unionized workers to access the Industrial Disputes Tribunal. Second, Jamaica sought to address youth unemployment within the framework of the ILO's global Work4Youth Project, improving the employability of school leavers and providing grants to develop the capacities of young entrepreneurs. Third, on social protection, the ILO had strengthened the capacity of social actors with respect to domestic work, HIV/AIDS and child labour. Finally, the ministry was currently in the process of drafting a new OSH legislation, informed by a draft bill prepared by the ILO's subregional office, and had made a request to the ILO for technical assistance.
- 111.** The Government member of Egypt expressed appreciation for support received from the ILO to build the capacity of the labour inspectorate. He expressed support for the ILO's activities on formalization of the informal economy and emphasized the need to adopt realistic programmes that took into account the relevant national conditions. He invited the ILO to disseminate knowledge and publications to all countries. He highlighted the assistance received from the ILO for the establishment of social dialogue councils in all

provinces in Egypt; these played an important role in promoting labour protection, such as in respect of working time and maternity protection. A new labour law, developed through tripartite collaboration, would be approved, and was expected to provide a higher level of protection for workers. In terms of OSH, he requested further assistance from the ILO for their effort to make the working environment safe and to improve protection for workers in SMEs and in the informal economy.

112. The Government member of Brazil emphasized the role of the ILO as the key forum for identifying global problems and trends in the world of work and sharing experiences and best practices. In Brazil, ILO Conventions helped to foster the national debate and constituted a reference for national policies. The policy of strengthening the minimum wage was one of the best examples in which the work of the ILO effectively contributed to achieve better levels of labour protection. ILO Convention No. 131 guided member States to set a minimum wage that could satisfy the basic needs of workers. Between 2003, when a policy to increase the purchasing power of the minimum wage had been adopted, and 2014, the minimum wages had increased by 70 per cent in real terms. A new law regulating domestic work, approved in 2015, required the employer to contribute to the *Fondo de Garantía*, pay overtime for night work, and pay indemnities in case of unfair dismissal. Domestic workers were also entitled to unemployment benefits, childcare assistance, insurance against accidents at the workplace, advance notice in case of employment termination, and normal hours of work fixed at 8 hours per day or 44 hours per week.
113. The Government member of Indonesia appreciated the ILO efforts to enable national constituents to improve labour protection in respect of the coverage of measures, the level of protection and the degree of compliance. Additional ILO action was needed to enhance governments' capabilities to formulate and implement policies. It was important for the ILO to facilitate the sharing of best practices and to provide assistance to member States on minimum wage fixing, taking into account diverse national circumstances. The ILO could also contribute to enhancing the competence of labour inspectors and mediators in respect of international labour standards on issues such as wage protection; working and rest time in the fishing, maritime and transport sectors; protection of workers in SMEs, agriculture and the chemical industry; and maternity protection.
114. The Government member of Afghanistan stated that, since the establishment of the Liaison Office of the ILO, work had been undertaken in a wide range of areas including: employment policies and strategies; labour law reform; international labour standards; skills development, technical education and vocational training; employment creation and labour migration; capacity building for the Government and social partners; labour market information and analysis; child labour issues; returnee livelihood issues; and area-based economic analysis. In 2010, the Government of Afghanistan and employers' and workers' organizations signed the country's first DWCP (2010–15) defining three priorities: promoting productive employment through labour market indicators and skills development; promoting and applying international labour standards with a focus on core ILO Conventions; and strengthening employers' and workers' organizations in order to develop their capacity to contribute to national policy formulation and improving industrial relations at all levels. The ILO had committed expertise and resources to support these priorities. He noted that his country was already seeing results. He outlined some continuing challenges, such as the low capacity of training providers, the lack of qualified trainers for women and in rural areas, and the difficulty in breaking away from the traditional roles of women.
115. The Government member of Switzerland pointed to Viet Nam as a good example to show that when tripartite partners witnessed progress at the enterprise level, they were more willing to support legislation. ILO technical cooperation projects such as Sustaining

Competitive and Responsible Enterprises (SCORE) and the Better Work Programme worked on a tripartite basis and showed that increasing awareness among constituents helped to promote progress. She stated that global and integrated approaches also had an impact to improve OSH at country level, as the example of Bangladesh made clear. Switzerland particularly supported the work of the ILO on the link between the productivity of enterprises and the protection of workers. She further said that stronger labour protection required compliance with international labour standards and national laws by enterprises, and praised the role of the ILO's Better Work flagship programme for its successful results in this area.

- 116.** The Government member of the Dominican Republic stated that her country had ratified the Social Security (Minimum Standards) Convention, 1952 (No. 102), and Conventions Nos 183, 187 and 189. She requested the ILO to further support the effective application of these standards.
- 117.** The Government member of Ghana concurred with the statement of Senegal on behalf of the Africa group. She noted with appreciation the support Ghana had received from the ILO over the years to develop a wide range of policies and instruments under the DWCP, including the launch of the National Employment Policy, in April 2015. The National Labour Act of 2003 provided a national daily minimum wage determination for both formal and informal workers. She mentioned the newly formed Union of Informal Workers' Associations and the important role it played in facilitating compliance through awareness raising and advocacy in the informal economy. She acknowledged the assistance provided by the ILO to the country's new maternity protection instruments, which were in the process of being developed to ensure compliance and give a legal backing to paid maternity leave. Paternity leave had also been recognized within the public services. The Government was working towards a revised all-encompassing OSH policy and a corresponding bill to ensure coverage and full compliance. She concluded by stating that the best form of social protection was decent employment.
- 118.** The Worker Vice-Chairperson stated that she was impressed by all the activities and interventions described by the governments, and commended the Government of Brazil for the approval of the new law on domestic workers. She hoped that other countries would follow suit.
- 119.** The Employer Vice-Chairperson, returning to an earlier discussion, noted that while the term "minimum living wage" was not new to the ILO, a definition had never been established on a tripartite basis, as was also acknowledged in the General Survey (2014) on minimum wage systems. Concerning discussion point 3, she considered that better use could be made of ILO's limited resources by directing these to those member States most in need of assistance. She appreciated the example provided by the Government of the Philippines of innovative and best practice approaches to ensure voluntary compliance. Lastly, she agreed with the Government member of Ghana that decent work was the best way of achieving labour protection.

Point 4. Guidance on further ILO action on labour protection

- 120.** The Worker Vice-Chairperson was encouraged by the rich contributions of Governments, which showed the good work done in member States drawing on ILO expertise and guidance. The discussion had also highlighted the fact that informal and non-standard forms of employment often excluded workers from protection, and that barriers to collective representation prevented workers from accessing their rights. She then outlined a number of steps that could be taken to address the three challenges of level, coverage and compliance. It was necessary to promote the ratification and effective implementation of ILO Conventions and other instruments, including Conventions Nos 95, 131, 155, 183, the Labour Inspection Convention, 1947 (No. 81), as well as the Part-Time Work Convention, 1994 (No. 175). It was also necessary for the Office to provide much more technical advice based on the Employment Relationship Recommendation, 2006 (No. 198), which was the most recent and innovative instrument to address the problem that people were denied their rights because of disguised employment relationships or other contractual arrangements.
- 121.** The Worker Vice-Chairperson further suggested that the Committee request the Office to provide proposals on closing the regulatory gap for NSFE. For example, with the exception of Convention No. 158, ILO instruments did not provide guidance on the use of fixed-term and temporary contract labour. Furthermore, workers employed by temporary agencies or labour brokers often could not join trade unions of their choosing and could not bargain collectively with workers in the user enterprise with whom they work side by side. New technologies had created new possibilities for working-time arrangements, but also new risks. There was a need for creative thinking in order to achieve protection against long hours of work and purely profit-driven flexibilization, without losing the positive potential of greater flexibility and choice. It was not only new technology, but also greater female labour market participation, demographic change, and more gender-balanced family models that led to new demands and needs, for instance for workers to have more say in the scheduling of their working hours. She proposed that the Office organize a tripartite meeting on work-life balance so as to have an in-depth debate on this issue.
- 122.** The Worker Vice-Chairperson stated that while the ILO had been instrumental in establishing social protection floors as one of the elements of basic income security, another crucial element was a minimum wage people could live on, which was dependent on both sufficient hourly work rates and sufficient hours of remunerated work. More work was required to promote minimum wage-setting mechanisms as foreseen in Convention No. 131, in addition to research and policy guidance to prevent abusive working-time arrangements where people are no longer able to depend on predictable working hours and a predictable income. This could be a topic of one of the future *Global Wage Reports*. Furthermore, given the clear link between income security and maternity protection, work should be done to promote the ratification of Convention No. 183, and the Workers with Family Responsibilities Convention, 1981 (No. 156), for social security systems which guaranteed income security during maternity leave and improved childcare options for working mothers. Recommendation No. 202 would be a very useful instrument to guide this work.
- 123.** The Worker Vice-Chairperson stated that there was a need to further understand barriers to collective bargaining, both from the perspective of regulation and working arrangements that lead to de facto exclusion. Good systems of labour protection relied on a combination of state regulations and negotiated solutions, but this required the active promotion of collective bargaining by governments and policy support for extending coverage. Workers should be able to organize freely in the organization of their own choosing. The ILO should compile examples of innovative solutions achieved through collective bargaining and of inclusive approaches to extend the coverage of collective bargaining. It should be a

cutting-edge innovator in this respect providing member States and constituents with new ideas and guidance. She emphasized the need to continue to provide capacity building for trade unions. Many workers came to trade unions with low levels of education, and the changing world of work placed ever increasing demands on them. She called for the development of dedicated training programmes covering wage policy, working-time arrangements, OSH and maternity protection.

124. Regarding OSH, the Worker Vice-Chairperson noted that the ILO had a long history of setting standards and was the most inclusive, transparent, representative and democratic organization to develop and set these standards. She raised concerns about recent private standard-setting initiatives which could not enjoy the same authority and did not benefit from the joint expertise of the tripartite constituencies. The ILO *Guidelines on occupational safety and health management systems, ILO-OSH 2001*, provided a reference for ILO constituents in the development of OSH programmes based on an integrated approach. Those guidelines were still very relevant and should be promoted. Labour inspections were essential to ensure that laws were enforced and prevention was promoted, and this required well-resourced labour inspectorates. At the workplace, health and safety results were improved when an OSH representative was present. The ILO should support member States and social partners to increase their capacity and expertise on OSH through: better data and information collection and sharing, including on psychosocial risks; support to the development and improvement of national legislation, regulations and policies; and the enhancement of the capacity of labour inspectorates and of health and safety specialists among the social partners.
125. The Worker Vice-Chairperson emphasized the need for the ILO to be a centre of excellence in respect of knowledge and research on the four areas of labour protection. Comprehensive databases on wages, work accidents, working time, and good comparative analyses of labour legislation in those areas were needed. The ILO should also support countries to measure their progress towards decent work and give them the possibility to compare themselves with their peers. There was also a need for the ILO to better use the high-quality expertise and guidance from the CEACR, the Committee on Freedom of Association, and the CAS as a basis for knowledge and policy advice to help member States to improve their own regulatory framework in full compliance with international labour standards. Looking forward, a crucial question was how to shape and regulate the future world of work. The outcome of the Committee should be a building block and integrated into the future of work centenary initiative.
126. The Employer Vice-Chairperson re-emphasized the need to recognize changes and evolutions in the labour market, and not to limit labour protection to the employment relationship and employment contracts. The responsibility for labour protection should not fall entirely on the employer. Appropriate protection should be offered to all who needed it in appropriate ways and the level should be determined at the national level. The associated costs should be more widely spread. Universal labour protection was a value-laden concept and ambiguous. The universal treatment of labour protection would risk masking both the diverse country contexts and the diverse needs of workers.
127. The Employer Vice-Chairperson noted that changes in the world of work demanded an increased need for flexibility on all sides, and the ILO's work should focus on promoting that flexibility. She mentioned point 8(g) of the recommendations of the Tripartite Meeting of Experts on Non-Standard Forms of Employment which focused on the need to analyse, document and disseminate information on approaches to extend employment-based social security to workers in NSFE which can ensure appropriate levels of protection, including during transitions in the labour market, while preserving the sustainability and effectiveness of social security systems. Additionally, making reference to point 8(j) of the recommendations of the meeting, she reinforced the need to analyse the effects of NSFE

on workers, firms, public services, the labour market and economic performance. An improvement of the understanding of national regulatory practices and developments with respect to NSFE was also needed. There was a need to better understand the interplay between the development of new technologies and models of production, transport and public services, and the evolution of different forms of NSFE in order to discern the larger implications for equality, social inclusion and the future of work. The legitimacy of new forms of work arrangements needed to be recognized, so that policy considerations that followed were based on a sound and unbiased assessment. She referred to work under way to revise the International Classification of Status of Employment (ICSE-93) which acknowledged and sought to understand the significance of new forms of employment.

- 128.** The Employer Vice-Chairperson emphasized the need for the ILO to be clear about the specific objective of labour protection and the best means to achieve this. For example, if the objective was to address inequality, then appropriate means should be used to address this. Minimum wages were not designed specifically to address income inequality, but rather to prevent treatment and conditions that were below a socially acceptable level. She quoted an OECD report, which stated that the impact of the minimum wage on family (household) poverty and income distribution was limited, and that minimum wages were not as well targeted at reducing in-work poverty as in-work benefits, which were means tested. The Tripartite Meeting of Experts on Non-Standard Forms of Employment had noted that many of the ILO standards implicitly addressed workers in standard contracts, although they did not explicitly exclude their application to workers in NSFE. The ILO should ensure that standards were updated and responded to the changing needs of the labour market. With increasing numbers of workers in NSFE across the globe, it is important to come up with innovative means of extending protection measures to these workers. This might necessitate a review of national legislation, which is the best tool that can directly affect all workers and employers. The effective application of existing standards can also better serve the constituents than the introduction of new standards.
- 129.** The Employer Vice-Chairperson recommended that the ILO study the impact of labour protection policies in different country contexts to better inform constituents on how best to meet particular objectives. She stated that it was important that ILO considered the impact of labour protection measures on worker well-being, as well as on the sustainability of enterprises. In many instances, insufficient attention had been given to enterprise performance. This type of regulatory impact assessment could be a useful tool for ensuring that ILO standards were applied in a manner that was context-sensitive, worked efficiently and benefited everybody. The ILO should also collect data to inform its own advisory services to enable national constituents to conduct their own analysis on the causes and on the effects of certain measures and objectives.
- 130.** In respect of finding innovative ways to overcome the challenges, she underscored the important differences between types of enterprises and to better analyse and address the concerns of SMEs with respect to labour protection measures and not generalize action. In that regard, the conclusions of the Committee on SMEs and Employment Creation would be a useful point of reference for the ILO's work. In addition, she noted that it was important for the ILO to continue promoting its Enabling Environment for Sustainable Enterprises (ESEE) toolkit since the best means to address inadequate protection was to offer income opportunities, which could only be done through fostering economic growth and enterprise sustainability. The ILO had already laid the groundwork in the recommendations of the Tripartite Meeting of Experts on Non-Standard Forms of Employment, at point 8(g), on the need to analyse and disseminate information on approaches to extend employment-based social security to workers in NSFE, which could ensure appropriate levels of protection while preserving the sustainability and effectiveness of social security systems. She reiterated that labour protection measures were not tied to

employment relationships. They could come from external sources, and there was a need to create income opportunities in order to obtain adequate labour protection.

131. The Employer Vice-Chairperson stated that every labour protection measure adopted involved a trade-off. Employment and income opportunities were subject to various factors such as taxations, labour protection measures and social security contributions. Limiting the focus on a particular measure risked ignoring those other factors at play and hence resulting in a worse situation overall. Finally, she stressed that it was important for the ILO's work to be forward looking, as the challenges in the world of work for the ILO at present were different to those of the past. In order to address them, the ILO had, first and foremost, to understand the evolution of the labour market and redirect its efforts to addressing the concerns on enterprise performance and worker well-being. In conclusion, she stated that she looked forward to working towards addressing the challenges in attributing adequate labour protection to those who needed it and in appropriate ways.
132. The Government member of Latvia, speaking on behalf of the EU and its Member States, welcomed the opportunity to formulate guidance on actions to be taken by the ILO with respect to labour protection. A shift away from the standard employment model was evident. In order to ensure adequate labour and social protection for all workers, irrespective of the employment relationship, it was important to provide a framework that met the needs of workers and employers. In this regard, he welcomed the conclusions from the Tripartite Meeting of Experts on Non-Standard Forms of Employment which requested the Office to identify gaps in existing international labour standards. At the same time, great importance was attached to the effective application of the existing framework provided by international labour standards and the establishment of the SRM. Turning to the gender pay gap and gaps in legal coverage for maternity protection, he urged the Office to further support policies and initiatives on equal pay for work of equal value for women and men workers. The promotion of measures that improved work-life balance was also encouraged. He also welcomed the renewed ILO focus on OSH and called for its further integration with other policy areas. The Office had a major role to play to promote wider policy coherence in this respect; it should provide direct support to governments, worker and employer organizations in order to build capacity for the implementation of OSH policies and legislation. Finally, he welcomed efforts to create and ensure a robust evidence base, and asked that special attention be given to study the link between labour protection and enterprise productivity. Given the cross-cutting nature of labour protection, a close and sound cooperation with other international and intergovernmental organizations was also essential.
133. The Government member of the Philippines said that as a follow-up to the Tripartite Meeting of Experts on Non-Standard Forms of Employment, there was a need to reassess existing instruments and determine their relevance and ability to respond to labour protection gaps which arose from NSFE; relevant international standards could be compiled in one guiding document that could support the development of policies. In addition, the ILO should provide technical assistance to strengthen labour enforcement systems, complemented by information on best practices. She also pointed to the need for the ILO to assist countries to adopt monitoring and evaluation frameworks enabling them to assess the impact and effectiveness of their policies. Finally, the ILO should develop common indicators and approaches to assess the progress and impact of policy reforms; technical assistance should also be extended to improve statistical systems and address data gaps.
134. The Government member of Japan stated that a number of ILO Conventions were relevant to NSFE. Despite efforts to improve the environment for the employment of non-regular workers, the number of countries which had ratified ILO Conventions remained inadequate. In part, this was explained by differences between the standards set forth by

the Conventions and the employment mechanisms and practices in each country. He stated that the key to increasing the number of ratifications and ensuring the implementation of ILO Conventions was to carefully consider country practices and set labour standards accordingly. Regarding NSFE, the ILO should also analyse each member State's efforts to convert non-regular employees to regular contracts and make their compensation equal to full-time employees. It should also share good practices and offer technical assistance where required.

135. The Government member of the United States supported the “revamped approach” proposed by the Office toward a more comprehensive and inclusive approach to labour protection and the four areas of work delineated on page 70 of Report VI. The points she referred to, but did not quote from provide:

- (a) the establishment of the necessary levels of labour protection and coverage for all workers, irrespective of their employment relationship status and for whom they work;
- (b) greater complementarity between labour protection and social protection;
- (c) consideration of whether additional measures, including new standards, might be needed to afford workers in non-standard forms of employment adequate protection; and
- (d) greater vigilance by and responsiveness of labour market actors and institutions to changes in the world of work through enhanced knowledge and capacity building.

At the same time, she requested greater clarity regarding how this approach linked to the new outcomes outlined in the ILO Programme and Budget for 2016–17. The Office's suggestion to undertake more work to assist member States with the ratification of existing standards was also supported, as was consideration for whether additional standards were needed to provide sufficient legal protection to all workers, particularly those in NSFE. She further agreed that the Office should continue to strengthen its knowledge base on labour protection and concurred with the initiative to scale up country-level efforts on labour protection. In doing so, the ILO could strengthen its efforts to ensure country ownership and sustainability of projects. Finally, she noted that the Office should assist member States to take measures to improve enforcement and awareness raising; it should also devote particular attention to improving labour protection for women workers as a matter of priority.

136. The Government member of Canada stated that to improve and refine labour protection in all four policy areas the ILO could contribute to an expanded knowledge repository based on information gathering, research, analysis, and the dissemination of good practices. In particular, there was interest to know more about: good practices to better identify high-risk industries; ideas to promote initiatives and tools which address high levels of workplace accidents; member State experiences with self-assessment tools; international examples of successful harmonization; and information on compliance, enforcement tools and educational strategies with a focus on psychological health and safety strategies. She also echoed the remarks of the Government member of the United States who suggested the Office devote particular attention to improve labour protection for women workers as a matter of priority.

137. The Government member of Norway supported the statement made by the EU and its Member States. She added that social dialogue, including collective bargaining and tripartism, played a key role in securing universal labour protection. However, NSFE posed challenges when it came to the realization of freedom of association and collective bargaining rights; this was equally the case for vulnerable groups which fell outside of labour protection regulation. Governments, workers and employers should use social dialogue to develop regulatory initiatives – which included the promotion of effective bargaining systems – to enable all workers to exercise their rights and benefit from necessary protections. In this regard, the ILO should continue to promote ratification of the

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). It was also important to continue providing technical assistance to member States to build representative organizations with strong mechanisms for social dialogue and collective bargaining. Finally, the right to a safe and healthy workplace was a basic human right; it should be considered alongside the other rights recognized in the ILO Declaration of Fundamental Principles and Rights at Work.

- 138.** The Government member of the United Kingdom supported the statement made by the EU and its Member States on this and other points. He noted that regarding process and governance, a key area of focus should be the effective application of the existing international labour standards and the SRM; the ILO should focus its efforts on better knowledge, best practice sharing, and capacity building. With respect to substance, it was essential to better understand how to strike a balance between adequate labour protection and flexible labour market policies. He stated that the ILO was the perfect venue to discuss these issues as tripartite constituents could work together to find solutions which promoted more prosperous communities and equitable, inclusive, and sustainable growth. The future of work centenary initiative provided an added incentive to examine these issues.
- 139.** The Government member of Tunisia said that existing international labour standards related to minimum wages, OSH, maternity protection and working time, provided an adequate framework to ensure labour protection. Challenges remained, however, to ensure the practical implementation of these standards. In this regard, he suggested that more could be done to encourage member States to ratify these Conventions and apply them in practice. In addition, efforts to strengthen the capacity of labour inspectorates represented the primary means to guarantee their application.
- 140.** The Government member of Senegal, speaking on behalf of the Africa group, reaffirmed the important role that the ILO played in Africa; the ILO Declaration on Social Justice for a Fair Globalization provided a strong foundation for the principles which guided this work. She suggested that all constituents work together to enact the principles of this Declaration and proposed various means of action which included: technical assistance; capacity building, in particular training for trainers, labour inspectors and other stakeholders; an increase in the number of ILO OSH experts; updated training material for labour inspectors in response to the changing world of work; and a study to quantify risks to the protection of women workers in different sectors alongside a forum to discuss the topic. In addition, she pointed out that the Africa group was concerned about the lack of adequate labour protection for the growing number of volunteer workers. ILO assistance was requested to assess and regulate volunteer work.
- 141.** The Government member of Switzerland stated that both the Director-General's Report for the Conference, and the recently published *World Employment and Social Outlook* provided an excellent account of changes under way in the world of work. Work had become increasingly insecure and the nature of jobs had changed. She noted that these changes presented an enormous challenge to labour market institutions which remained founded on traditional models. In response, the ILO should adjust its means of action and enable legislation to adapt to changing forms of employment. She also urged the ILO to review whether its normative and tripartite social dialogue framework remained adequate, in the context of these changes.
- 142.** The Government member of Uruguay, speaking on behalf of Argentina, Brazil, Chile, Dominican Republic, Ecuador, Panama and Bolivarian Republic of Venezuela, stated that it was important for the ILO to continue awareness raising on labour protection to ensure workers' protection and promote decent work. It was also essential that the ILO continue its efforts to build capacity. In particular, training for civil servants was essential as they

were largely responsible for the design and implementation of labour protection policies. At the same time she noted that the greatest challenge related to the application and coverage of existing norms. Turning to the possible revision of international labour standards, she asserted that modification to existing norms should not reduce the protections or coverage already within them. The creation of new standards should also be limited to instances when new needs arise, such as was the case of domestic work. Finally, the existence of minimum wage policies had helped to reduce poverty and had provided a stable income to many affected workers. To this end, the ILO should continue to provide technical assistance to improve minimum wage policies.

143. The Employer Vice-Chairperson argued that several means were available to promote labour protection and there was no “one-size-fits-all” solution. The ILO needed several tools at its disposal. Moreover, Conventions were not always the solution, especially in light of the low ratification rates of certain ILO Conventions. She also lent support to several governments’ comments: the Government member of Latvia’s proposal for a study on the link between labour protection and enterprise productivity; the Government member of the Philippines’ suggestion that knowledge of best practice examples be expanded; the Government members of the United States’ and Canada’s suggestion that labour protection for women be prioritized; and the Government member of Senegal’s remark that training of labour inspectors be upscaled. She suggested that labour inspectors could be trained to assist enterprises to comply with labour protection regulations as opposed to merely sanctioning them for non-compliance. Finally, she noted that the promotion of well-regulated flexible forms of employment was essential.
144. The Worker Vice-Chairperson welcomed the Employer Vice-Chairperson’s commitment to appropriate protection for all workers, even if the debate regarding the particular definition of what was meant by appropriate remained. The references to the Tripartite Meeting of Experts on Non-Standard Forms of Employment across the Committee and the consensus to use its Conclusions as a basis to move forward were encouraging. She also welcomed the Employer Vice-Chairperson’s proposal to review existing international labour standards, since they often excluded NSFE. The ILO was a living organism which had evolved and adapted over time to respond to a particular period’s challenges, and while reviewing existing standards and/or creating new ones its daily work was to implement existing standards until new ones had come into being. In this regard, technical assistance to implement existing standards was still required.
145. The Worker Vice-Chairperson expressed concern about the perception that labour protection was a cost. Several studies had shown that much of the cost of accidents in the workplace was borne by workers, governments and societies at large, while the cost to employers was often low. Labour protection needed to be considered as an investment in societies and in economies; it also levelled the playing field for competition. Regarding gender equality and equal pay, she observed that if all four policy areas of labour protection had been effectively addressed at the country level, there would likely be a reduction in the overall level of inequality in the world of work alongside a reduction in gender inequality. She also noted the broad consensus to strengthen labour inspectorates, even though they were often subject to budget cuts. In response, she suggested it was important to emphasize the value of labour inspection to society. Finally, she agreed with the Government member of Norway: OSH should be considered a fundamental principle and right at work.

Discussion of the draft conclusions

146. The Chairperson introduced the proposed conclusions that had emerged from the work of the Drafting Group, noting that the Drafting Group had discussed and brought changes to Part I *Labour protection in a transforming world of work*, paragraphs 1–6 and Part III *Identifying priorities for ILO action towards more inclusive and effective labour protection*, paragraphs 20–21 of the tentative conclusions. The Drafting Group could not discuss Part II *Towards inclusive and effective labour protection*. Paragraphs 7–19 therefore remained unamended. The Committee was invited to consider and propose amendments to the entire set of draft conclusions, paragraphs 1–21; it had received a total of 93 proposals for amendments.

Paragraph 1

147. The Government member of Brazil introduced an amendment, submitted also by the Government members of Argentina, Chile, the Dominican Republic and Uruguay, to delete the word “[can]” from the last line of the paragraph. He argued that this made the statement more direct and affirmative, and suggested that if regulation was effective, it made a contribution.
148. The Employer Vice-Chairperson introduced an amendment to remove the square brackets around the word “can” in the last sentence. She argued that social dialogue and collective bargaining represented one way, among many, to make labour protection more effective. Retaining the word “can” made it clear that there were other ways of affording labour protection.
149. The Worker Vice-Chairperson supported the amendment introduced by the Government member of Brazil and also on behalf of the Government members of Argentina, Chile, the Dominican Republic and Uruguay. While she noted the Employer Vice-Chairperson’s view that there were other ways to promote labour protection, she noted the word “effective” in the sentence and argued that when systems of social dialogue were effective, they did contribute to labour protection.
150. The Government member of the United States, and the Government member of Latvia, speaking on behalf of the EU and its Member States, supported the amendment proposed by the Government member of Brazil and also on behalf of the Government members of Argentina, Chile, the Dominican Republic and Uruguay.
151. The Government member of Senegal, speaking on behalf of the Africa group, also supported the amendment made by the Government member of Brazil and also on behalf of the Government members of Argentina, Chile, the Dominican Republic and Uruguay. When systems were effective they achieved their goals; the word “can” was unnecessary.
152. The Employer Vice-Chairperson withdrew the amendment.
153. Amendment proposed by the Government member of Brazil and also on behalf of the Government members of Argentina, Chile, the Dominican Republic and Uruguay was adopted.
154. Paragraph 1 was adopted as amended.

Paragraph 2

155. The Employer Vice-Chairperson introduced an amendment to delete the words “and inequality” from the second sentence. Minimum wages were not designed to eliminate inequality; they were instruments which aimed to provide a wage to workers which helped them to remain out of poverty.
156. The Worker Vice-Chairperson did not support the amendment. The statement referred to practices that had occurred in the world of work. In many countries, minimum wage systems had been established to address poverty and inequality; much research, including the ILO General Survey on minimum wage systems (2014) and the ILO *Global Wage Report 2014/15* pointed to examples in this respect.
157. The Government members of Chile, Dominican Republic, Philippines, Senegal, United States, Uruguay; and the Government member of Latvia, speaking on behalf of the EU and its Member States, did not support the amendment.
158. The Government member of Brazil, speaking on behalf of GRULAC, said that his group could not support the amendment. While the wages of top earners in industrialized countries were seven to eight times higher than those of the lowest earners, in other countries this difference could be even larger. Minimum wages were therefore essential to address poverty and to achieve social justice.
159. The Employer Vice-Chairperson withdrew the amendment.
160. Paragraph 2 was adopted.

Paragraph 3

161. The Government member of Brazil introduced an amendment, submitted also by the Government members of Argentina, Chile, the Dominican Republic and Uruguay, to insert “outsourcing” after “business models and practices”, in line 2. Several problems had been caused by companies’ use of outsourcing which had eroded much of the progress made over the years in improving working conditions.
162. The Worker Vice-Chairperson supported the amendment. Moreover, if this amendment was adopted the Workers’ group subsequent amendment could be withdrawn.
163. The Employer Vice-Chairperson; and the Government member of Latvia, speaking on behalf of the EU and its Member States, supported the amendment.
164. The Government member of Senegal, speaking on behalf of the Africa group, proposed a subamendment to replace “outsourcing” with “such as outsourcing” since outsourcing was a business practice.
165. The Worker and Employer Vice-Chairpersons supported the subamendment.
166. The Government members of Australia and Uruguay; and the Government member of Latvia, speaking on behalf of the EU and its Member States, supported the subamendment.
167. The amendment was adopted as subamended.
168. The amendment was withdrawn.

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169. The Government member of Jamaica, seconded by the Government member of Trinidad and Tobago, introduced an amendment to replace the words “in terms of labour protection for many workers” with “with respect to affording effective labour protection for the most vulnerable workers”. The reference to all workers was a blanket statement; certain workers were disproportionately affected by non-standard forms of employment.
170. The Government member of Trinidad and Tobago proposed a subamendment. He wished to replace “with respect to affording effective labour protection for the most vulnerable workers” with “with respect to affording effective labour protection for workers, particularly the most vulnerable groups”. The subamendment sought to specify that all workers needed protection, while highlighting the particular circumstances of vulnerable workers.
171. The Worker and Employer Vice-Chairpersons supported the subamendment.
172. The Government member of Chile, speaking also on behalf of Argentina, Brazil, the Dominican Republic and Uruguay, supported the subamendment which was less restrictive than the original amendment.
173. The amendment was adopted as subamended.
174. Paragraph 3 was adopted as amended.

Paragraph 4

175. The Government member of Senegal, speaking on behalf of the Africa group, introduced an amendment to delete the word “Micro” from the second line and replace “MSMEs” with “SMEs”.
176. The Worker Vice-Chairperson requested clarification from the Africa group regarding the rationale for the amendment since the Africa group had explicitly requested the inclusion of “micro” in the Drafting Group.
177. The deputy representative of the Secretary-General noted that the Drafting Group had highlighted the importance of micro-enterprises. However, during the 2015 International Labour Conference, the Committee on SMEs and Employment Creation had defined SMEs as a term encompassing micro-enterprises. To ensure consistency with terminology adopted by another Committee, it made sense to adopt the amendment.
178. The Employer Vice-Chairperson supported the amendment.
179. The Government member of Uruguay, speaking also on behalf of the Government members of Argentina, Brazil, Chile and the Dominican Republic; and the Government member of Latvia, speaking on behalf of the EU and its Member States, supported the amendment.
180. The Government member of the Philippines expressed reservations about dropping the word “micro” since not only was their number growing, but this was also where most of the issues were observed. She agreed to support the amendment if a footnote could be included which provided the definition of SMEs, which explicitly included micro-enterprises.

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- 181.** The deputy representative of the Secretary-General noted that the concerns raised during the discussions regarding micro-enterprises and reference to the definition would be reflected in the summary of the proceedings.
- 182.** The amendment was adopted.
- 183.** The Government member of Jamaica introduced an amendment, seconded by the Government of Trinidad and Tobago, to replace “face particular challenges for the effective implementation of labour protection” in the second and third lines with “are especially susceptible to poorly designed labour policies which do not cater to their specific needs”. The current text implied that the challenge of implementing policies was due to a lack of SMEs capacity. The proposed amendment was intended to capture that policies were required to cater to the needs of these particular enterprises.
- 184.** The Government member of Trinidad and Tobago subamended the text deleting the words “poorly designed”, which involved a value judgment. The subamended text underscored that these particular enterprises had particular policy needs.
- 185.** The Worker Vice-Chairperson did not support the amendment and expressed preference for the original text which was neutral. While MSMEs faced particular challenges, the subamendment placed the full blame on poorly designed policies. Many countries had appropriate policies, yet challenges remained. The original text more effectively captured these realities.
- 186.** The Employer Vice-Chairperson supported the proposed subamendment since SMEs were particularly vulnerable to poorly designed labour policies.
- 187.** The Government member of Chile, speaking also on behalf of the Government members of Argentina, Brazil, the Dominican Republic and Uruguay; the Government member of Latvia, speaking on behalf of the EU and its Member States; the Government member of Senegal, speaking on behalf of the Africa group; and the Government members of Norway, and the United States rejected the amendment.
- 188.** The Government member of Jamaica withdrew the amendment.
- 189.** Paragraph 4 was adopted as amended.

Paragraph 5

Clause (a)

- 190.** The Government member of Jamaica introduced an amendment to replace the first sentence with “Governments and social partners should undertake a gap analysis with a view to identifying the occupations and sectors of employment which fall within regulatory loopholes”.
- 191.** The amendment was not seconded and therefore fell.

Clause (b)

- 192.** A Workers’ group member speaking on behalf of the Worker Vice-Chairperson introduced an amendment to replace “Unsuitable levels of protection can shift costs from enterprises to society and government,” in the first sentence with “Inadequate and inappropriate levels

of protection put workers' well-being at risk, can shift costs from enterprises to workers, society and government, and". He said that this had been the subject of some discussion in the Drafting Group, but that his group felt that "unsuitable" was not the appropriate word. This amendment aimed at capturing the concepts of both inadequate and inappropriate levels of protection. Furthermore, the proposed wording clarified that labour protection, especially in terms of OSH, was not just a matter of cost but could be a matter of life and death for workers, and that therefore it was important to mention the well-being of workers.

- 193.** The Employer Vice-Chairperson proposed a subamendment to delete the words "put workers' well-being at risk". She said that the notion of putting workers at risk was not raised after the Drafting Group had agreed with the formulation of the paragraph.
- 194.** The Government member of Brazil, speaking also on behalf of the Government members of Argentina, Chile, the Dominican Republic and Uruguay supported the amendment proposed by the Worker Vice-Chairperson and indicated their group would withdraw amendment D.13 to facilitate proceedings.
- 195.** The Government members of the Philippines, Argentina, Chile and the Dominican Republic did not support the subamendment and supported the original amendment proposed by the Workers' group. The Government member of Latvia, speaking on behalf of the EU and its Member States, and the Government member of Senegal supported the subamendment proposed by the Employer Vice-Chairperson.
- 196.** A Workers' group member speaking on behalf of the Worker Vice-Chairperson proposed a sub-subamendment to reorder the sentence as "inadequate and inappropriate levels of protection can shift costs from enterprise to society and government, put worker well-being at risk, and can undermine effective implementation and risk encouraging informality". The Employer Vice-Chairperson did not support the sub-subamendment and stated that the proposed wording changed the original meaning of the sentence discussed in the Drafting Group.
- 197.** The Government member of Latvia, speaking on behalf of the EU and its Member States, proposed a sub-sub-subamendment to insert the word "can" before the word "put" to balance the statement. The Employers' and Workers' groups supported the sub-sub-subamendment. The Government member of Brazil, speaking also on behalf of the Government members of Argentina, Chile, the Dominican Republic and Uruguay, also supported the sub-sub-subamendment.
- 198.** The amendment was adopted as subamended.
- 199.** The amendment to replace "Unsuitable" with "Inadequate" was withdrawn by the Government members of Argentina, Brazil, Chile, the Dominican Republic and Uruguay.
- 200.** The Government member of Jamaica introduced an amendment to replace "can shift costs from enterprises to society and government," in the first and second lines, with "can shift the financial consequences of substandard approaches to engaging labour from enterprises to society and government. This".
- 201.** The amendment was not seconded and therefore fell.
- 202.** Paragraph 5 was adopted as amended.

Paragraph 6

203. The Government member of Jamaica introduced an amendment to replace the second sentence with “Discrimination, as contemplated by Article 1 of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), risks creating downward pressures on labour conditions for all workers, with particular groups such as migrant workers, youth and women being most vulnerable”.
204. The amendment was not seconded and therefore fell.
205. The Employer Vice-Chairperson introduced an amendment to replace the last sentence with “To ensure fair competition among enterprises, national law and regulation of wages and working-time arrangements should apply appropriately to all enterprises to promote economic progress and social justice”. The reason for the proposal was because the initial text seemed to delegitimize enterprise-level collective agreements, thereby putting into question the freedom of negotiation at the enterprise level.
206. A Workers’ group member speaking on behalf of the Worker Vice-Chairperson proposed a subamendment to add the words “without prejudice to collective bargaining mechanisms and practices in accordance with national law and practice” in the beginning of the last sentence of point 6 to be followed by the original text “where wages and working-time arrangements do not apply equally among workers, unfair competition may arise between enterprises, undermining economic progress and social justice”, stating that since this language started with a broad statement consistent with international labour standards, it should address the Employers’ group’s concerns.
207. The Employer Vice-Chairperson could not support the subamendment.
208. After some consultation between the groups, the Worker Vice-Chairperson introduced a sub-subamendment to delete the sentence “Where wages and working time arrangements do not apply equally among workers,” and to add at the end of the previous sentence: “and may lead to unfair competition between enterprises, undermining economic progress and social justice”.
209. The Employer Vice-Chairperson and the Government member of Latvia, speaking on behalf of the EU and its Member States, supported the sub-subamendment.
210. The amendment was adopted as subamended.
211. Paragraph 6 was adopted as amended.

Paragraph 7

212. The Employer Vice-Chairperson introduced an amendment to delete the words “and inseparable” in the second sentence. She explained that the four areas of labour protection were complementary but not necessarily inseparable elements of a strategy for decent work and sustainable development.
213. The Worker Vice-Chairperson concurred that the four areas were very often but not always inseparable, and introduced a subamendment proposing to replace “inseparable” with “interlinked”.
214. The Employer Vice-Chairperson agreed with the Workers’ group subamendment, which reflected an effort to find common ground.

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215. The Government member of Latvia, speaking on behalf of the EU and its Member States, and the Government member of Senegal, speaking on behalf of the Africa group, supported the subamendment.
216. The amendment was adopted as subamended.
217. The Government member of Uruguay introduced an amendment submitted also by the Government members of Argentina, Brazil, Chile and the Dominican Republic to insert “the ILO Declaration on Fundamental Principles and Rights at Work for” after “inseparable elements of”. The purpose was to strengthen the text making a reference to the ILO Declaration on Fundamental Principles and Rights at Work.
218. The Employer Vice-Chairperson stated that the ILO Declaration on Fundamental Principles and Rights at Work did not relate directly to the four areas of labour protection and could not support the amendment.
219. The Worker Vice-Chairperson expressed appreciation for the proposal to make reference to the ILO Declaration on Fundamental Principles and Rights at Work, but acknowledged that the ILO Declaration on Social Justice for a Fair Globalization was more specifically addressing the four areas of labour protection. She therefore proposed a subamendment to move “as based on the ILO Declaration on Fundamental Principles and Rights at Work” at the end of the sentence. She proposed a sub-subamendment to modify the text to add “as based on the ILO Declaration on Social Justice for a Fair Globalization and on the ILO Declaration on Fundamental Principles and Rights at Work” at the end of the sentence after “sustainable development”.
220. The Government member of the United States appreciated the spirit of the original amendment but recognized that the reference to the ILO Declaration on Fundamental Principles and Rights at Work was not appropriate in this context. She introduced a sub-sub-subamendment, reading “as based on the ILO Declaration on Social Justice for a Fair Globalization”.
221. The Employer Vice-Chairperson clarified that the Employers’ group supported both the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization but remarked that, in the context of this sentence, labour protection was directly covered by the ILO Declaration on Social Justice for a Fair Globalization and not by the ILO Declaration on Fundamental Principles and Rights at Work. She expressed support to the sub-sub-subamendment proposed by the Government member of the United States. The Government member of Latvia, speaking on behalf of the EU and its Member States; the Government member of Senegal, speaking on behalf of the Africa group; the Government member of Canada; and the Government member of Switzerland also supported the sub-sub-subamendment.
222. The Government member of Brazil, also speaking on behalf of the Government members of Argentina, Chile, the Dominican Republic and Uruguay, supported the sub-subamendment proposed by the Workers’ group, as these two Declarations were interlinked.
223. The Worker Vice-Chairperson asked the Office to clarify whether the ILO Declaration on Social Justice for a Fair Globalization explicitly referred to the fundamental principles and rights at work. The deputy representative of the Secretary-General confirmed that the ILO Declaration on Social Justice for a Fair Globalization made explicit reference to the fundamental principles and rights at work and their links to the other constitutional objectives of the ILO.

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224. The Government member of Brazil, also speaking on behalf of the Government members of Argentina, Chile, the Dominican Republic and Uruguay, proposed to resolve this issue by adding a footnote to recall that the ILO Declaration on Social Justice for a Fair Globalization reaffirmed the ILO Declaration on Fundamental Principles and Rights at Work.
225. The deputy representative of the Secretary-General indicated that the final Report of the Committee would recall that the ILO Declaration on Social Justice for a Fair Globalization made express reference to the ILO Declaration on Fundamental Principles and Rights at Work.
226. The sub-sub-subamendment proposed by the Government member of the United States was adopted.
227. The amendment was adopted as subamended.
228. The Worker Vice-Chairperson introduced an amendment to add “In all four areas of labour protection the gender dimension should be reinforced” to the end of the paragraph, as the future of work and the four areas of labour protection could not be considered without taking into account the gender dimension.
229. The Employer Vice-Chairperson, along with the Government member of Latvia, speaking on behalf of the EU and its Member States; the Government member of Senegal, speaking on behalf of the Africa group; the Government member of Chile, also speaking on behalf of the Government members of Argentina, Brazil, the Dominican Republic and Uruguay; the Government member of Canada; and the Government member of the United States supported the proposed amendment.
230. The amendment was adopted.
231. Paragraph 7 was adopted as amended.

Paragraph 8

232. The Government member of Brazil introduced an amendment also submitted by the Government members of Argentina, Chile, the Dominican Republic and Uruguay to replace the word “can” with “must” in the first line.
233. The Employer Vice-Chairperson said she did not support that proposal.
234. The Worker Vice-Chairperson stated that there was both an issue of content and one of language, and said that the word “should” might be preferable in English, since “must” in English was stronger than “deben” in Spanish. She proposed a subamendment to delete the word “can”. The sentence would thus read, “Effective wage-setting institutions help to ensure”. If wage institutions were effective, then they would help to ensure.
235. The proposed subamendment received the support of the Employer Vice-Chairperson; the Government member of Brazil, also speaking on behalf of the Government members of Argentina, Chile, Dominican Republic and Uruguay; and the Government member of Latvia, speaking on behalf of the EU and its Member States.
236. The amendment was adopted as subamended.

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237. The Government member of Senegal, speaking on behalf of the Africa group, introduced an amendment to replace the word “progress” with “growth”, and in the French version to also replace “d’une participation équitable aux fruits du progrès” with “d’un partage équitable des fruits de la croissance”. Colloquially, when fruits were discussed, they were generally “shared”; for this reason the word, “participation” in the French version was better replaced by the word “partage”. In addition, the word “growth” more accurately reflected the idea the group had aimed to convey.
238. The Worker Vice-Chairperson recognized that the Africa group considered “growth”, but insisted that “progress” was more appropriate since it was a broader concept. Growth was limited to the economic sphere, whereas progress could also represent social development or other forms of progress. There could also be a desire for progress even in periods of limited growth. For example, a fair distribution of wages and gender equality were desirable even in the absence of growth.
239. The Employer Vice-Chairperson requested to hear the opinion of the floor before providing that of her group.
240. The Government member of Latvia, speaking on behalf of the EU and its Member States, did not support the amendment. It was preferable to use “progress” since it was more appropriate and was also used in the Declaration of Philadelphia.
241. The Government members of Switzerland, Canada, and the United States did not support the amendment.
242. The Government member of Jamaica questioned the use of the reference to the fruits of progress and suggested that something more definitive be used; the phrase “fruits of progress” was open to interpretation.
243. The Government member of Algeria stated that the context of the sentence made it more appropriate to use the word “progress”. However since the sentence referred to wage setting, and wage setting represented a means for everyone to benefit from economic growth, it seemed more appropriate to use the term “growth”.
244. The Government member of Chile, proposed a subamendment to insert “and a fair distribution of growth” after “just share of the fruits of progress”.
245. The Government member of the United States did not support the proposed subamendment.
246. The Worker Vice-Chairperson noted that there were several reasons to retain the original text among which were that it used language in the ILO Declaration on Social Justice for a Fair Globalization and the Declaration of Philadelphia.
247. The Employer Vice-Chairperson shared the Africa group’s preference for the word “growth”. However, in light of comments from the floor, she did not support the proposed amendment and preferred the original text.
248. The Government member of Senegal, speaking on behalf of the Africa group, noted that what the group had envisioned was not only the difference between “progress” and “growth”. Of greater importance was the notion of sharing and the difference between the words “partage” and “participation” in the French version of the text.
249. The Chairperson proposed that the French and Spanish versions be aligned with the words used in the ILO Declaration on Social Justice for a Fair Globalization.

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250. The Government member of Brazil, proposed a sub-subamendment to encompass both notions of justice and equity. He proposed to insert “and equitable” after “help to ensure a just”.
251. The Worker Vice-Chairperson questioned whether the appropriate words were used in each of the three languages. She suggested using language from the Declaration of Philadelphia as a starting point and proceeding from there.
252. The deputy representative of the Secretary-General noted that the Declaration of Philadelphia used the words “share”, “participation” and “distribución”, in English, French, and Spanish, respectively. She also explained that when the ILO Declaration on Social Justice for a Fair Globalization was negotiated, a debate had occurred regarding whether the word “participation”, or “partage” was more appropriate. The decision was ultimately made to retain the words used in the Declaration of Philadelphia. She also noted that the words “just”, “participation equitable”, and “justa” were used in the English, French and Spanish versions, respectively, in the Declaration of Philadelphia.
253. The Worker Vice-Chairperson wondered whether it was not time to adopt more harmonized language and proposed a sub-subamendment to use the same words in all three languages. She proposed to replace a “just share of the fruits of progress” was “a just and equitable share of the fruits of progress” in the English version, and use direct translations of these words in other languages.
254. The Employer Vice-Chairperson supported the sub-subamendment.
255. The Government member of Brazil, also speaking on behalf of Argentina, Chile, the Dominican Republic and Uruguay, noted they were satisfied with the sub-subamendment.
256. The Government member of Senegal, speaking on behalf of the Africa group, insisted on the inclusion of the word “partage” in the French version and could accept the sub-subamendment with its use.
257. The deputy representative of the Secretary-General requested to confirm that the French and Spanish speaking delegates wanted the revised English version of the text directly translated to French and Spanish. The French and Spanish versions of the revised text were presented on the screen.
258. The Government member of Chile confirmed that the Spanish version was aligned to the English text. The Government member of Senegal on behalf of Africa group confirmed that the French version was aligned with the English text.
259. The amendment was adopted as sub-subamended.
260. The Worker Vice-Chairperson introduced an amendment to replace the words “have been” with “are” in the second sentence. She argued that minimum wages continued to be used by governments to provide protection for wage earners; hence the more relevant tense to be used was the present.
261. The Employer Vice-Chairperson; the Government member of Uruguay, also speaking on behalf of Argentina, Brazil, Chile, and the Dominican Republic; and the Government member of Latvia, speaking on behalf of the EU and its Member States, supported the amendment.
262. The amendment was adopted.

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263. The Worker Vice-Chairperson introduced an amendment to insert “and social partners” after the word “governments” in the second sentence. She suggested that this better reflected the different means of minimum wage setting across countries.
264. The Employer Vice-Chairperson; the Government member of Uruguay, also speaking on behalf of Argentina, Brazil, Chile, and the Dominican Republic; the Government member for Latvia, speaking on behalf of the EU and its Member States; the Government member of Senegal, speaking on behalf of the Africa group; and the Government member of Switzerland, supported the amendment.
265. The amendment was adopted.
266. The Government member of Senegal, speaking on behalf of the Africa group, withdrew their amendment D.9.
267. The Employer Vice-Chairperson introduced an amendment to add “and takes account of economic factors, including the requirements of economic development, levels of productivity and desirability of attaining and maintaining a high level of employment” to the end of the third sentence. She stated that this was taken directly from Article 3(b) of the Minimum Wage Fixing Convention, 1970 (No. 131). She stressed that there was a need to provide a balanced viewpoint on the establishment of a minimum wage. Ignoring the economic factors such as productivity, levels of employment, or the development level of the country tended to impose unnecessary burdens on the enterprises, running them out of business and thereby leading to increased unemployment.
268. The Worker Vice-Chairperson questioned why it was necessary to introduce Article 3(b) without including Article 3(a) of the Minimum Wage Fixing Convention, 1970 (No. 131), namely: “and takes into account the needs of workers and their families, taking into account the general level of wages in the country, the cost of living, social security benefits, and the relative living standards of other social groups”. She proposed a subamendment to insert the words “while taking into account economic factors, in accordance with the Minimum Wage Fixing Convention, 1970 (No. 131), in Article 3(a) and (b)” at the end of the third sentence.
269. The Employer Vice-Chairperson; the Government member of Senegal, speaking on behalf of the Africa Group; and the Government member of Argentina, also speaking on behalf of Brazil, Chile, the Dominican Republic and Uruguay, supported the subamendment.
270. The Government member of Latvia, speaking on behalf of the EU and its Member States, proposed a sub-subamendment to delete “(a) and (b)” after “Article 3” since there were only two clauses in Article 3.
271. The Worker Vice-Chairperson did not support the sub-subamendment since it was preferable to include (a) and (b) to ensure that those who read the conclusions did not assume the reference exclusively referred to Article 3(b).
272. The Government member of Latvia, speaking on behalf of the EU and its Member States, withdrew his sub-subamendment.
273. The amendment was adopted as subamended.
274. The Government member of Brazil introduced an amendment, also submitted by the Government members of Argentina, Chile, the Dominican Republic and Uruguay, to replace the word “should” with “must” in the fourth sentence, in order to make the text more action oriented.

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275. The Government member of Latvia, speaking on behalf of the EU and its Member States, said that, in view of the linguistic explanations given in the previous discussion, the word “should” would be more appropriate; he did not support the amendment.
276. The Government member of the United States; the Government member of Senegal, speaking on behalf of the Africa group; and the Employer and Worker Vice-Chairpersons did not support the amendment.
277. The amendment was rejected.
278. The Government member of Latvia, speaking on behalf of the EU and its Member States, introduced an amendment to insert the word “adequate” before the word “protection”, to improve the meaning of the sentence.
279. The Employer and Worker Vice-Chairpersons; the Government member of Turkey; and the Government member of Chile, speaking on behalf of Argentina, Brazil, the Dominican Republic and Uruguay, supported the amendment.
280. The amendment was adopted.
281. The Government member of Latvia, speaking on behalf of the EU and its Member States, introduced an amendment to delete the words “their sex, or migration status” in the fourth sentence because the use of the words “migration status” had not been clarified in the Drafting Group. Deleting the reference would avoid any misunderstanding.
282. The Employer Vice-Chairperson supported the amendment.
283. The Worker Vice-Chairperson introduced a subamendment to clarify the meaning. In order to ensure that the text referred to practical, real-life situations it would be useful to insert the words “including women, youth and migrant workers,” after “employment relationship”.
284. The Government member of Latvia, speaking on behalf of the EU and its Member States; the Government member of Uruguay, also speaking on behalf of Argentina, Brazil, Chile, and the Dominican Republic; and the Employer Vice-Chairperson supported the subamendment.
285. The amendment was adopted as subamended.
286. The Government of Chile, also speaking on behalf of Argentina, Brazil, the Dominican Republic and Uruguay, introduced an amendment to replace the word “can” in the seventh line with “should”.
287. The Worker Vice-Chairperson, along with the Government members of Australia and Tunisia; and the Government member of Latvia, speaking on behalf of the EU and its Member States, supported the amendment.
288. The Employer Vice-Chairperson supported the amendment in the English version but indicated that the Spanish translation should be “debería servir”.
289. The Government member of Switzerland indicated that the French version should read “devraient”.
290. The Government member of Chile, also speaking on behalf of Argentina, Brazil, the Dominican Republic and Uruguay, agreed to the modification in Spanish.

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291. The amendment was adopted as proposed in the English version, with linguistic modifications in the Spanish and French versions.
292. The Government member of the United States, also speaking on behalf of the Government members of Canada, Japan, Switzerland and Turkey, proposed an amendment to delete the words “for work of equal value” in the last line. Equal remuneration was a broader concept and the deletion would shorten the sentence.
293. The Worker Vice-Chairperson did not support the amendment and requested a better explanation for the deletion. When one was eligible for equal remuneration, was it for the same work or for work of equal value? The deletion had removed the basis of comparison. The concept of equal remuneration for men and women workers for work of equal value was also enshrined in ILO standards, namely the Equal Remuneration Convention, 1951 (No. 100).
294. The Government member of the United States explained that the basis of comparison had been presented earlier in the paragraph which mentioned inequalities, including those between men and women. In this regard, the gender dimensions had been addressed.
295. The Government member of Tunisia did not support the amendment. The Equal Remuneration Convention, 1951 (No. 100), explicitly spoke of equal remuneration for work of equal value.
296. The Government member of Latvia, speaking on behalf of the EU and its Member States, accepted the amendment. Since there was a reference to equal remuneration between men and women, the concept of equal remuneration implicitly captured the idea of work of equal value.
297. The Government member of Chile, also speaking on behalf of Argentina, Brazil, the Dominican Republic and Uruguay, did not support the amendment. Equal pay for work of equal value was fundamental to redress the pay gap.
298. The Government members of Norway and Australia did not support the amendment.
299. The Government member of Senegal also rejected the amendment. He supported the promotion of gender equality and the need for a benchmark. It was necessary to explicitly state that men and women should have equal pay for work of equal value.
300. The Worker Vice-Chairperson noted that there was some general support for the idea of retaining the words “for work of equal value”. She asked the Government member of Latvia, who spoke on behalf of the EU and its Member States, whether he could support the original text since it implicitly considered work of equal value as part of the definition of equal remuneration.
301. The Government member of Latvia, speaking on behalf of the EU and its Member States, proposed a subamendment to replace “equal remuneration for work of equal value” with “remuneration for equal work or for work of equal value”.
302. The deputy representative of the Secretary-General clarified that the Equal Remuneration Convention, 1951 (No. 100), explicitly dealt with equal remuneration for work of equal value. Work of equal value comprised both equal pay for equal work and equal pay for work of equal value.

303. The Employer Vice-Chairperson rejected the amendment since the proposed amendments caused confusion and the original proposal was in line with the Equal Remuneration Convention, 1951 (No. 100).

304. The Government member of the United States withdrew the amendment.

Paragraph 9

305. The Government member of Jamaica introduced an amendment to replace the first sentence with “Tripartite participation in the operations of wage-fixing bodies is essential to achieving appropriate wages in keeping with country-specific socio-economic conditions”.

306. The amendment was not seconded and therefore fell.

307. The Employer Vice-Chairperson introduced an amendment to replace in line 1 the word “direct” with “effective”, stating that participation of the social partners need not only be direct, but it may also be indirect. In order for participation to be useful and meaningful, it would be more appropriate to use the term “effective” rather than point to the type of participation, be it direct or indirect.

308. The Worker Vice-Chairperson noted that the original text was directly referring to the ILO Convention No. 131, and therefore it would not be possible to agree with the amendment. The Government member of Tunisia concurred for the same reason.

309. The Employer Vice-Chairperson withdrew the amendment.

310. The Government member of Brazil, also speaking on behalf of the Government members of Argentina, Chile, Dominican Republic and Uruguay, submitted an amendment to replace in line 4 the word “should” with “must”. He pointed to the reality of developing countries where wage erosion due to inflation was a common occurrence, suggesting that the use of the word “must” was needed to take into account adjustments to accommodate variations in purchasing power.

311. The Government member of Latvia, speaking on behalf of the EU and its Member States, referred to previous discussions about the verbs “should” and “must”, and expressed his preference for the original version. The Employer Vice-Chairperson and the Government member of Tunisia also supported the original text.

312. The Worker Vice-Chairperson stated that in terms of content she supported the call coming from the Latin American countries because the issue was of major importance, but that she agreed with the original text in terms of language.

313. The amendment was rejected.

314. The Government member of Switzerland, also speaking on behalf of the Government members of Canada, United States, Japan, and Turkey, proposed an amendment to replace in the last sentence of the paragraph the verb “increase” with “adjust”. She stated that an adjustment did not necessarily lead to an increase in real wages.

315. The Worker Vice-Chairperson expressed preference for the original text, because it was important to capture that wage levels, especially at the lower end of the scale, should be increased.

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316. The Government member of Latvia, speaking on behalf of the EU and its Member States, supported the amendment.
317. The Employer Vice-Chairperson also agreed with the amendment proposed, bearing in mind that that language was in line with the words in Article 4 of the ILO Convention No. 131.
318. The Government member of Brazil preferred the original language, which had already a degree of flexibility, because the proposed amended text would change the meaning of the sentence, and noted that the verb “adjust” could also mean “reduce”.
319. The Government member of Tunisia, the Government member of the United States, the Government member of Australia, and the Government member of Senegal, supported the amendment on the grounds of its reference to the wording of Convention No. 131.
320. The Worker Vice-Chairperson supported the statement by the Government member of Brazil, underlining that the purpose of the Committee was to improve the situation for workers, and the verb “increase” suggested the intention of improving wages. The Government member of Chile also supported this position and that of the Government member of Brazil, stating that the logic of the text was to refer to practices to increase wage levels.
321. The Worker Vice-Chairperson recognized that the majority supported the amendment, but stressed that the sentence referred to actual country practices in which this mechanism was used to increase wages.
322. The amendment was adopted.
323. Paragraph 9 was adopted as amended.

Paragraph 10

324. The Government member of Latvia, speaking on behalf of the EU and its Member States, proposed an amendment to delete in line 1 the word “complementary”. He stated that there were countries where collective bargaining was not a complementary mechanism for wage setting.
325. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment. The Government member of Norway; the Government member of Chile, also speaking on behalf of the Government members of Argentina, Brazil, Dominican Republic and Uruguay; the Government member of Switzerland; and the Government member of Tunisia, also supported the amendment.
326. The amendment was adopted.
327. The Employer Vice-Chairperson introduced an amendment to insert in line 3 “Consistent with national law and practice,” before “Extension of collective agreements”. The reason was that the second sentence in the original text weakened the freedom to negotiate collective agreements at the enterprise level. Second, it seemed to assume that the only way one could achieve fair competition was through centralized bargaining. Third, it could create a conflict where several collective agreements with different groups of workers occurred in one enterprise.

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328. The Worker Vice-Chairperson proposed a subamendment to add after the word “enterprises” the words “, in accordance with national law and practice,” to follow standard ILO terminology.
329. The Employer Vice-Chairperson agreed to the subamendment. The Government member of Australia; the Government member of Latvia, speaking on behalf of the EU and its Member States; and the Government member of Canada, also supported the subamendment.
330. The Government member of Tunisia stated that the proposed subamendment was not a useful addition, because it was obvious that the extension of collective agreements should be consistent with national law and practice.
331. The amendment was adopted as subamended.
332. The Government member of Latvia, speaking on behalf of the EU and its Member States, introduced an amendment to insert in line 3 the words “be used to” after the word “can”, noting that this would improve the text.
333. The Worker Vice-Chairperson pointed out that all the extension mechanisms were meant to ensure fair competition and that the proposed language weakened the fact that this was the reason they were used.
334. The Employer Vice-Chairperson had no objections to the amendment. The Government member of the United States supported the amendment.
335. The amendment was adopted as proposed.
336. Paragraph 10 was adopted as amended.

Paragraph 11

337. The Government member of Brazil, speaking also on behalf of the Government members of Argentina and Chile, submitted an amendment to delete in line 4 the words “To prevent underpayment of wages,”, stating that the first part of the sentence was not needed.
338. The Government member of the United States; the Government member of Senegal; the Government member of Latvia, speaking on behalf of the EU and its Member States; as well as the Employer Vice-Chairperson; and the Worker Vice-Chairperson, supported the amendment.
339. The amendment was adopted as proposed.
340. Paragraph 11 was adopted as amended.

Paragraph 12

341. The Worker Vice-Chairperson introduced an amendment to insert in the first sentence the words “for all workers regardless of their employment status” after the word “objective”. This was to ensure that the principle enshrined in the ILO Constitution, was applied to all workers. She stated that the purpose was to have an inclusive notion that did not exclude workers in different contractual arrangements from necessary protection.

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342. The Employer Vice-Chairperson asked whether the terminology “employment status” covered self-employed.
343. The deputy representative of the Secretary-General clarified that the term “workers” covered both employed and own-account workers, such as self-employed.
344. The Government member of Latvia, speaking on behalf of the EU and its Member States, introduced a subamendment to add “for all workers regardless of the type of employment relationship” after the word “objective”.
345. The Employer Vice-Chairperson presented a sub-subamendment to add “for all persons employed” after the word “objective”, as was established in the ILO Constitution. This term could be interpreted to exclude the self-employed.
346. The Worker Vice-Chairperson supported the subamendment by the Government member of Latvia.
347. The Government member of Australia proposed a sub-sub-subamendment adding “for all workers” after the word “objective”, which was supported by the Worker Vice-Chairperson .
348. The Government member of Senegal preferred the original text.
349. The Government member of Tunisia supported the initial amendment proposed by the Workers’ group.
350. The Employer Vice-Chairperson proposed a sub-sub-sub-subamendment inserting “for all workers regardless of the type of employment relationship” after “week,”. Again, the term “employment relationship” was agreed upon because it would exclude the self-employed as it would be unfeasible to extend this coverage to the self-employed. The sub-sub-sub-subamendment was supported by the Government member of Latvia, speaking on behalf of the EU and its Member States; the Government member of Chile; and by the Worker Vice-Chairperson.
351. The amendment was adopted as subamended.
352. The Worker Vice-Chairperson introduced an amendment to insert a new sentence after the first sentence in paragraph 12, to read “Excessive and often irregular hours of work are a serious problem with a negative impact on work–life balance”. Workers often faced excessive hours of work which needed to be addressed. Moreover, irregular work with unpredictable hours left workers very little time for leisure and rest.
353. The Government member of Latvia, speaking on behalf of the EU and its Member States, said that while he agreed excessive hours of work had a negative impact on work–life balance, it was uncertain whether the impact of irregular working hours was always negative. He therefore proposed a subamendment to replace “are a serious problem” by “can be a serious problem”.
354. The Government member of Canada and the Employer Vice-Chairperson supported the subamendment.
355. The Worker Vice-Chairperson did not support the subamendment. Excessive hours of work were a serious problem and irregular hours were becoming a growing source of concern. The proposed subamendment did not reflect that.

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356. The Employer Vice-Chairperson suggested deleting the words “and often irregular”.
357. The Government member of Senegal, speaking on behalf of the Africa group, and supported by the Government members of Australia and Chile, rejected the proposed amendment and subamendment. He expressed concern regarding the overlap between the suggested new sentence and the second sentence in paragraph 12, which was more comprehensive, covering workers’ health and workplace safety, as well as work–life balance.
358. The Government member of the United States joined previous speakers and did not support the subamendment to remove “and often irregular”.
359. The Government member of Brazil suggested a further subamendment, to replace the second sentence in paragraph 12 by “Excessive hours of work can be a serious problem with a negative impact on workers’ health, workplace safety, work–life balance, and ultimately, enterprise productivity”.
360. The Worker Vice-Chairperson preferred to withdraw the proposed amendment.
361. The Government member of Brazil, also speaking on behalf of the Government members of Argentina, Chile, the Dominican Republic, and Uruguay, introduced an amendment to replace the second sentence with the words “The reduction of long working hours must protect workers’ health, workplace safety, the balance between professional, family and private life, and guarantee enterprise productivity”.
362. The Worker Vice-Chairperson appreciated the more detailed wording provided by the Government member of Brazil regarding work–life balance. To pre-empt potential objections to the word “must” she proposed a subamendment to replace the words “must protect” with “protects”.
363. The Government member of Chile supported the subamendment.
364. The Government member of Tunisia supported the amendment as originally proposed.
365. The Government member of Latvia, speaking on behalf of the EU and its Member States; the Government member of Australia; and the Employer Vice-Chairperson, did not support the amendment.
366. Given the lack of support for the amendment, the Worker Vice-Chairperson also rejected the amendment, but simultaneously proposed a subamendment by replacing “work–life balance” with “the balance between professional, family and private life”, as proposed by the Government member of Brazil . She argued that this clarification was needed as the phrase work–life balance was only well-understood in the European and North American context.
367. The Government member of Brazil stated that the debate should not always be anchored in the English language. The translation for the word “must” was weaker in Spanish and French and subsequently all actions remained in the conditional tense in these languages. Since the discussions related to labour protection, action was required. It was important to be mindful of this during the debate.
368. The Government member of the United States requested a definition of the term work–life balance from the Office.

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369. The deputy representative of the Secretary-General replied that the ILO used the term work–life balance to refer to the balance between work, private and family life. In this regard, the definition provided by the Government member of Brazil might help to improve understanding of the specific components of the term work–life balance.
370. The Government member of Latvia, speaking on behalf of the EU and its Member States, supported the subamendment regarding work–life balance.
371. The Employer Vice-Chairperson rejected the subamendment. The definition of the term work–life balance provided by the deputy representative of the Secretary-General would be included in the report of the proceedings. It was best to retain the original text in particular since other paragraphs, like 21(a), referred to the term work–life balance.
372. The Worker Vice-Chairperson acknowledged the general consensus to reject the amendment. However, she noted that her group had been prepared to adjust the wording of work–life balance throughout the text to reflect the proposed subamendment, if it had been accepted.
373. The amendment was rejected.
374. The Government member of Brazil, speaking also on behalf of Argentina, Chile, the Dominican Republic and Uruguay, withdrew two amendments.
375. The Employer Vice-Chairperson introduced an amendment to insert the word “excessively” to qualify “long working hours”. The sentence otherwise provided no context and, given that there was no definition of “long”, could lead to confusion.
376. The Worker Vice-Chairperson did not support the amendment as it would restrict the meaning of the sentence.
377. The Government member of Brazil, speaking also on behalf of Argentina, Chile, the Dominican Republic and Uruguay, did not support the amendment. He questioned at what point hours would be considered “excessive” since there was no definition.
378. The Government member of Latvia, speaking on behalf of the EU and its Member States, did not support the amendment.
379. The Employer Vice-Chairperson, in response to the comment made by the Government member of Brazil, stated that no tripartite agreement existed on the exact meaning of “long working hours”; it was problematic to use a term which was open to subjective interpretation.
380. The Government member of Australia suggested that a compromise might be found in reference to a previous amendment by the Workers’ group which used the words “excessive hours”.
381. The Worker Vice-Chairperson indicated that the sentence provided a general statement which referred back to the constitutional mandate of the ILO. She suggested retaining the original text without introducing any qualification to “long working hours”.
382. The amendment was withdrawn.
383. The Government member of Latvia, speaking on behalf of the EU and its Member States, introduced an amendment to insert the word “sustainable” before “enterprise” considering

that the reduction of long working hours would ultimately lead to sustainable enterprise productivity.

384. The Worker and Employer Vice-Chairpersons supported the amendment.

385. The amendment was adopted.

386. The Government member of Uruguay, speaking also on behalf of the Government members of Argentina, Brazil, Chile and the Dominican Republic, withdrew their amendment.

387. The Employer Vice-Chairperson withdrew the amendment.

388. The Worker Vice-Chairperson introduced an amendment to insert “and other working-time arrangements” after “Reductions in long hours” in the last sentence. The insertion should be preceded by, and followed by a comma to clearly indicate that the word “Reductions” did not apply to “other working-time arrangements”.

389. The Employer Vice-Chairperson; along with the Government members of Australia; and Latvia, speaking on behalf of the EU and its Member States, supported the amendment.

390. The deputy representative of the Secretary-General indicated that the sentence, as amended, was not clear and might be misinterpreted.

391. The Employer Vice-Chairperson, with a view to remaining as close as possible to the previously agreed text, proposed the wording: “Working-time arrangements and reductions in long working hours can also be advanced through collective bargaining at all levels and workplace initiatives”.

392. The amendment D.55 was adopted as reformulated by Employer Vice-Chairperson.

393. Paragraph 12 was adopted as amended.

Paragraph 13

394. The Government member of Chile, speaking also on behalf of the Government members of Argentina, Brazil, the Dominican Republic and Uruguay, withdrew their amendment as well as amendment.

395. The Worker Vice-Chairperson introduced an amendment which inserted “be mutually beneficial when they” after the word “can” in the first sentence. This aimed to promote a win-win situation among all parties.

396. The Employer Vice-Chairperson supported the amendment.

397. The Government member of Latvia, speaking on behalf of the EU and its Member States, supported the amendment.

398. The amendment was adopted as proposed.

399. The Worker Vice-Chairperson introduced an amendment which deleted the words “the preferences of” in the first sentence. She explained that the aim was to seek equal treatment for workers and enterprises.

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400. The Employer Vice-Chairperson; the Government members of Australia and Switzerland; the Government member of Latvia, speaking on behalf of the EU and its Member States; and the Government member of Senegal, speaking on behalf of the Africa group, supported the amendment.
401. The amendment was adopted as proposed.
402. The Employer Vice-Chairperson proposed an amendment to replace the second and third sentences with the following text: “For example, part-time workers should benefit from the protections afforded by the Part-Time Work Convention, 1994 (No. 175), providing comparable treatment with full-time workers”. The rationale for this amendment was that part-time workers should be treated consistently with the Part-Time Work Convention, 1994 (No. 175).
403. The Worker Vice-Chairperson did not support the amendment and drew attention to the fact that the Part-Time Work Convention, 1994 (No. 175), did not refer to “comparable treatment” for part-time and full-time workers, but rather to part-time workers and “comparable full-time workers”. If the concern of employers related to equal treatment for part-time workers in respect of wages, the Convention did not directly address this issue.
404. The Government members of Norway; Tunisia; the Government of Latvia, speaking on behalf of the EU and its Member States; and the Government member of Chile, speaking also on behalf of Argentina, Brazil, the Dominican Republic and Uruguay, did not support the amendment.
405. After consultation with the Employers’ group, the Worker Vice-Chairperson agreed that it was necessary to have a relationship between the second and third sentences. The policies in the third sentence needed to relate to the text of the Part-Time Work Convention, 1994 (No. 175). She suggested the Office propose a text which linked the two sentences. The Employer Vice-Chairperson supported the remarks made by the Worker Vice-Chairperson.
406. Guidance was sought from the Office to provide a suitable text. The deputy representative of the Secretary-General read out a proposed text prepared by the Office: “One example is part-time work that is productive and freely chosen, consistent with the Part-Time Work Convention, 1994 (No. 175). Policies should be designed to ensure that the principle of equal treatment for part-time workers with comparable full-time workers is given full effect with respect to labour protection, in line with this Convention”.
407. The Employer Vice-Chairperson and the Worker Vice-Chairpersons agreed with the proposed text. The Government member of Latvia, speaking on behalf of the EU and its Member States, the Government member of Uruguay, speaking on behalf of the Government members of Argentina, Brazil, Chile, Dominican Republic and Uruguay, also supported the proposal.
408. The amendment was adopted as subamended.
409. Amendments D.51 and D.52 were withdrawn.
410. The Worker Vice-Chairperson proposed an amendment to add a new sentence at the end of the paragraph: “Policies should be designed to ensure that part-time workers have sufficient hours of work to meet their needs”. She argued that an increasing number of workers worked for few hours and not by choice; this led to income insecurity and/or an insufficient amount of income. This amendment intended to highlight the role that policies can play to ensure sufficient hours of work for these particular workers.

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411. The Employer Vice-Chairperson did not support the amendment since it was difficult to guarantee sufficient hours of work for part-time workers. In addition, part-time workers often preferred to work fewer hours than full-time workers due to reasons such as balancing studies with work or generating additional income for women with family responsibilities. In some cases, part-time jobs were the only available jobs that companies could provide. Restricting them risked creating unemployment.
412. The Government member of Latvia, speaking on behalf of the EU and its Member States, and supported by the Government members of Switzerland and Senegal, did not support the amendment.
413. The Worker Vice-Chairperson introduced a subamendment which replaced the word “ensure” with “promote”.
414. The Government member of Senegal, supported by the Employer Vice-Chairperson, stated that the text included the notion of equal treatment for full and part-time workers, but attempted to go further, and this could be difficult to support.
415. The Worker Vice-Chairperson stated that there had been several discussions around poverty reduction and the reduction of inequality. The notion of equal treatment, while important, was insufficient for workers who worked only a few hours each day. Workers needed policies which promoted possibilities for more hours of work. Moreover, since female workers were often over-represented among part-time workers, it was even more essential to promote these types of policies.
416. The Government member of Uruguay supported the subamendment.
417. The Government member of Brazil also supported the subamendment. In particular, promoting policies to ensure part-time workers worked sufficient hours helped to ensure the basic needs of these workers; it was also a way to help sustain growth in the economy.
418. The Government member of the United States requested clarification regarding how these issues could be addressed with policy.
419. The Worker Vice-Chairperson explained that the Netherlands had established a tripartite task force to work towards promoting sufficient hours of work. The approach had included a range of actions which included: active labour market policies, child care policies, re-organizing school times, initiatives to challenge how work was divided in the home, and examining the organization of working time. Some of these issues were also addressed in collective agreements. These initiatives were particularly important since women were over-represented among part-time workers and many did not have sufficient hours of work.
420. The Government member of the United States proposed a sub-subamendment which replaced the amendment with: “Collective bargaining, social dialogue and workplace initiatives can be used to ensure that there are sufficient hours of work to meet the needs of part-time workers”.
421. The Worker Vice-Chairperson did not support the sub-subamendment as it did not reflect the key role played by government and labour market policies.
422. The Government member of Senegal noted that this issue could not only be addressed by collective bargaining and the work of social partners alone. There was a need for policies which promoted the transition from part-time to full-time work.

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423. The Government member of Australia proposed a subamendment to the original amendment. She suggested the original amendment be replaced with: “Policies should be designed to ensure that part-time workers have sufficient hours”. A reference to promoting workforce participation could then be included to incorporate the comments related to labour market strategies.
424. The Government member of Latvia, speaking on behalf of the EU and its Member States, proposed a sub-subamendment which replaced the subamendment with: “Policies, collective bargaining, social dialogue and workplace initiatives can be used to enable part-time workers to have sufficient hours of work to meet their needs”.
425. The Worker Vice-Chairperson and the Government member of Senegal supported the sub-subamendment.
426. The Employers’ group did not object to the proposed sub-subamendment
427. The amendment was adopted as subamended.
428. Paragraph 13 was adopted as amended.

Paragraph 14

429. The Government member of Brazil, speaking also on behalf of the Government members of Argentina, Chile, the Dominican Republic and Uruguay, submitted an amendment to replace the words “and income security” with “, income security and health, in particular mental health” in line 3, after the words “work-life balance”. He highlighted the effects of long and uncertain working hours on physical and mental health.
430. The Worker Vice-Chairperson supported the amendment and considered that the proposed language was a useful addition to the text.
431. The Government member of Latvia, speaking on behalf of the EU and its Member States, supported in principle the mention of mental health, but wondered whether paragraph 14 was the right place to include it in the report, given the subsequent paragraphs on OSH. The Employer Vice-Chairperson concurred.
432. The Worker Vice-Chairperson stated that as all four issues were interlinked, not discussing the impact of working time on mental health at this point of the text would compartmentalize the debate in a way that was not appropriate.
433. The Government members of Chile and Brazil stressed the importance of including the issue in this paragraph, as it highlighted the consequences of long working hours on the lives of workers, and also the implications for earnings and productivity.
434. The Government member of Latvia, speaking on behalf of the EU and its Member States, proposed a subamendment replacing the words “create obstacles to” with “impact on”.
435. The Government member of the United States supported the subamendment while introducing an editorial amendment to replace “impact on” with “impact”.
436. The Government members of Australia; Canada; and Latvia, speaking on behalf of the EU and its Member States; as well as the Employer Vice-Chairperson, supported the subamendment.

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437. The amendment was adopted as subamended.
438. The Employer Vice-Chairperson submitted an amendment to insert in the last sentence the words “, where practicable,” before “guaranteed minimum paid hours”, as the employer did not control the clients’ demands, particularly in certain sectors of activity.
439. The Worker Vice-Chairperson could not support the amendment, as the sentence related to possible measures whose credibility would be compromised by the suggested change. Nevertheless, she stated that she could support the Employers’ group’s next amendment.
440. The Employer Vice-Chairperson withdrew the amendment.
441. The Employer Vice-Chairperson submitted an amendment to insert in the last sentence the word “can” before “help accommodate”. She pointed out that the Worker Vice-Chairperson had just agreed with the proposed phrasing. The Worker Vice-Chairperson confirmed her support and was interested in hearing the views of the governments.
442. The Government member of Latvia, speaking on behalf of the EU and its Member States, supported the proposal.
443. The amendment was adopted.
444. The Government member of Chile, speaking also on behalf of the Government members of Argentina, Brazil, the Dominican Republic and Uruguay, submitted an amendment to delete the words “for flexibility” at the end of the last line, as flexibility was not necessarily only connected to working time.
445. The Government member of Latvia, speaking on behalf of the EU and its Member States, was of the view that it was appropriate for the text to mention flexibility and preferred the original text.
446. The Worker Vice-Chairperson clarified that enterprise requirements were not only about flexibility; enterprises had many other additional requirements.
447. The Government member of Senegal supported the amendment.
448. The Government member of Australia supported the Government member of Latvia’s position to retain the original text.
449. The Employer Vice-Chairperson concurred, and introduced a subamendment replacing “for flexibility” with “, including flexibility”.
450. The Worker Vice-Chairperson; the Government member of Australia; and the Government member of Latvia, speaking on behalf of the EU and its Member States, supported the subamendment.
451. The Government member of Chile, speaking also on behalf of Argentina, Brazil, the Dominican Republic and Uruguay, stated that she could not support the subamendment as it weakened the text even further and would therefore prefer to retain the original text.
452. The amendment was withdrawn.
453. The Government member of Uruguay, speaking also on behalf of the Government members of Argentina, Brazil, Chile and the Dominican Republic, submitted an

amendment to add at the end of the paragraph the words “Collective bargaining can be an important tool for the adoption of these measures”.

454. The Government member of Latvia, speaking on behalf of the EU and its Member States; the Government member of the United States; the Government member of Senegal; as well as the Worker Vice-Chairperson and the Employer Vice-Chairperson, supported the proposal.

455. The amendment was adopted as proposed.

456. Paragraph 14 was adopted as amended.

Paragraph 15

457. The Worker Vice-Chairperson submitted an amendment to replace in the first sentence the words “workers and their families” with “workers, their families and society”. She pointed out that as work-related fatalities, incidents and diseases were not only having an impact on workers themselves but also on social security and public finance, it was appropriate to add the reference to societies.

458. The Employer Vice-Chairperson agreed with the amendment proposed.

459. The Government member of Latvia, speaking on behalf of the EU and its Member States; the Government member of Senegal, speaking on behalf of the Africa group; and the Government member of Uruguay, speaking also on behalf of Argentina, Brazil, Chile and the Dominican Republic, supported the proposal.

460. The amendment was adopted.

461. The Worker Vice-Chairperson submitted an amendment to replace in the third sentence the words “Awareness of the need to tackle” with the words “The need to tackle new emerging risks associated with new ways of working and the changing world of work, such as chemical and other substances, psychological risks and”. She then subamended the text she had proposed, replacing the word “psychological” with “psychosocial”, as originally intended by her group. She pointed out that the changing world of work and new ways of working, including dealing with new substances or with substances which were not previously considered dangerous, created new risks. The amendment sought to highlight those risks, along with psychosocial risks, in a non-restrictive way, calling for adaptation to new challenges in OSH.

462. The Government member of Latvia, speaking on behalf of the EU and its Member States, supported the subamendment. The Government members of Switzerland and Norway also supported it.

463. The Employer Vice-Chairperson proposed a sub-subamendment to add the words “at work” after the word “risks”.

464. The Worker Vice-Chairperson asked the Office to clarify whether this addition of the word “at work” was necessary.

465. The Chief of the Labour Administration, Labour Inspections and Occupational Safety and Health branch of the Office (Ms N. Leppink) indicated that from a drafting point of view, the words “at work” at the end of the sentence were redundant because the initial text

already referred specifically to risks associated with new ways of working and the changing world of work.

- 466.** The Employer Vice-Chairperson withdrew the sub-subamendment.
- 467.** The amendment was adopted as subamended.
- 468.** The Government member of Uruguay, speaking also on behalf of the Government members of Argentina, Brazil, Chile and the Dominican Republic, submitted an amendment to replace the second to last sentence with the following text: “Tackling violence at work has been recognized as an urgent concern which requires concrete measures and tripartite commitment”. Bearing in mind the amendment just adopted, she proposed a subamendment to add the words “which requires concrete measures and tripartite commitment” after the word “concern”.
- 469.** Noting that there were already ongoing discussions in many countries about violence at work, the Worker Vice-Chairperson supported the proposal. The Employer Vice-Chairperson; and the Government member of Latvia, speaking on behalf of the EU and its Member States, also supported the subamendment.
- 470.** The amendment was adopted as subamended.
- 471.** The Government member of Jamaica submitted an amendment to replace the last sentence with “Strategies aimed generally at ensuring decent work for all workers, including a more targeted emphasis on eliminating stigma and discrimination, directed at persons infected with and affected by HIV and AIDS, have gained momentum”.
- 472.** The Government member of Senegal, speaking on behalf of the Africa group, seconded the amendment. He stated that it was important to recall the context in which strategies related to decent work were implemented, and noted that the wording was clearer in terms of the content of such strategies.
- 473.** The Worker Vice-Chairperson thanked the Government member of Jamaica for the proposal, and introduced a subamendment that reflected the next amendment to be introduced by her group to add after “AIDS”, the words “and pandemics”, in order to broaden the discussion beyond HIV and AIDS.
- 474.** The Government member of Brazil proposed a sub-subamendment to replace “infected with and affected by” HIV and AIDS to “affected by and living with”, as this wording would convey the positive notion of a treatable disease.
- 475.** The Government member of Latvia, speaking on behalf of the EU and its Member States, introduced a sub-sub-subamendment to replace the sentence with the words “living with and affected by HIV and AIDS and other pandemics”.
- 476.** The Employer Vice-Chairperson agreed with the sub-sub-subamendment.
- 477.** The amendment was adopted as subamended.
- 478.** As a consequence of the previous discussion, amendment fell.
- 479.** Paragraph 15 was adopted as amended.

Paragraph 16

480. The Employer Vice-Chairperson submitted an amendment to insert in line 4 the word “often” before the words “remains a challenge”. She argued that the issue was happening everywhere, though the degree of occurrence may differ. She proposed introducing the word “often”.
481. The Worker Vice-Chairperson did not see the added value of including the word “often” and did not support the amendment.
482. The Government member of Senegal, speaking on behalf of the Africa group, did not support the proposed amendment because compliance was always an ongoing challenge.
483. The Government member of Latvia, speaking on behalf of the EU and its Member States, and the Government member of Switzerland, supported the proposal.
484. The Government member of Brazil, speaking also on behalf of Argentina, Chile, the Dominican Republic and Uruguay, raised an issue with the Spanish translation noting that the words “challenge” and “problem” did not mean the same thing in Spanish. With that linguistic correction, he supported the amendment.
485. The Worker Vice-Chairperson reiterated that her group did not support the amendment and noted that the Africa group, which represented a large group of countries where, despite recent changes in legislation on labour protection, the challenge of compliance remained, did not support it.
486. The Employer Vice-Chairperson clarified that the proposed amendment was intended to describe the situation in different parts of the world, and that the concerns of the Africa group and the Worker Vice-Chairperson were captured in the second sentence of the paragraph.
487. The Worker Vice-Chairperson stressed that the issue was not partial coverage, but rather the challenge of compliance where there was full coverage; even in developed countries there were challenges with compliance. She found it difficult to understand the basis for the amendment, and, even though she did not support it, she was ready to move on if it had the support of the majority.
488. The Government member of Senegal, speaking on behalf of the Africa group, reinforced what the Worker Vice-Chairperson had stated, as compliance was a challenge faced every day everywhere.
489. The amendment was adopted as proposed.
490. The Worker Vice-Chairperson presented an amendment to insert in the last sentence the words “gender-related risks and” after the words “true for”, pointing out that gender-related risks were not sufficiently tackled in the context of OSH. Additional work from the Office on this area would be welcome.
491. The Government member of Latvia, speaking on behalf of the EU and its Member States, supported the amendment and proposed a subamendment to insert the words “and for” before the word “SMEs” to specify that these were two different issues.
492. The Employer Vice-Chairperson; as well as the Government members of the United States; and Uruguay, speaking also on behalf of Argentina, Brazil, Chile, and the Dominican Republic, supported the subamendment.

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493. The Worker Vice-Chairperson noted linguistic issues with the French translation of the subamendment and requested that these be brought in line with the other languages.
494. The amendment was adopted as subamended.
495. Paragraph 16 was adopted as amended.

Paragraph 17

496. The Government member of Argentina, speaking also on behalf of Brazil, Chile, the Dominican Republic and Uruguay, introduced an amendment to insert “Strategies and tripartite commitments in relation to prevention and OSH are essential” at the beginning of the paragraph in order to start off with an affirmative statement.
497. The Government member of Latvia, speaking on behalf of the EU and its Member States; the Government member of Senegal, speaking on behalf of the Africa group; and the Worker and Employer Vice-Chairpersons, supported the amendment.
498. The amendment was adopted as proposed.
499. The Worker Vice-Chairperson introduced an amendment to replace the words “They also establish” with “They should also establish, in consultation with the social partners,” in the second sentence. The amendment reflected the notion that the social partners should be included in the process. This also reflected practice in many countries across the globe.
500. The Government member of Belgium proposed a subamendment to replace “They” with “Governments” in order to bring the English text into alignment with the French and Spanish versions.
501. The Employer Vice-Chairperson supported the subamendment.
502. The Government member of Senegal, speaking on behalf of the Africa group, supported the subamendment but asked for a linguistic correction in the French version of the text.
503. The Government members of Indonesia, Thailand and Uruguay supported the subamendment.
504. The amendment was adopted as subamended.
505. The Government member of Canada, speaking on behalf of Canada and the United States, proposed an amendment to replace “Workers’ engagement contributes” with “Workers also have a responsibility to contribute to workplace safety and health; collaboration helps to improve observance of OSH regulations, to lower accident rates and to reduce work-related health problems” at the beginning of the fifth sentence. This amendment was proposed to highlight the importance in ensuring compliance of cooperation between workers and employers. She then proposed a subamendment to replace “collaboration” with “cooperation between workers and employers”.
506. The Worker Vice-Chairperson agreed with the need for cooperation, but based on Article 19 of the Occupational Safety and Health Convention, 1981 (No. 155), proposed a sub-subamendment to replace “Workers also have” with “Workers and their representatives also have” and to add later in the sentence, between workers “and employers”.

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507. The Employer Vice-Chairperson; the Government members of the Plurinational State of Bolivia; Canada; Japan; Thailand; Turkey; and Uruguay, speaking also on behalf of Argentina, Brazil, Chile and the Dominican Republic, supported the sub-subamendment.
508. The amendment was adopted as sub-subamended.
509. The Worker Vice-Chairperson introduced an amendment to replace the words “effective prevention” with “designing and agreeing effective prevention and intervention” in the last sentence since prevention, while important, was not sufficient and intervention was also needed.
510. The Government member of Latvia, speaking on behalf of the EU and its Member States, supported the amendment.
511. The Government member of the United States supported the amendment and proposed a subamendment to replace “agreeing effective” with “agreeing on effective”.
512. The Employer Vice-Chairperson; the Government member of Switzerland; the Government member of Senegal, speaking on behalf of the Africa group; and the Government member of the Dominican Republic, speaking also on behalf of Argentina, Brazil, Chile, and Uruguay, supported the subamendment.
513. The Government member of Chile questioned the use of the word “ultimate” in the Spanish version of the text. In Spanish, the use of the word suggested that Employers were the last recourse for ensuring OSH. This was a linguistic problem which should be clarified.
514. The deputy representative of the Secretary-General stated that the issue of translation would be discussed separately at a later stage.
515. The amendment was adopted as subamended.
516. Paragraph 17 was adopted.

Paragraph 18

517. The Worker Vice-Chairperson introduced an amendment to insert “to protect the health and safety of mother and child,” after the word “essential” in the first sentence. Maternity protection should start with the protection of the mother and child.
518. The Employer Vice-Chairperson; the Government member of Switzerland; the Government member of Uruguay, speaking also on behalf of Argentina, Brazil, Chile, and the Dominican Republic; and the Government member of Latvia, speaking on behalf of the EU and its Member States, supported the amendment.
519. The amendment was adopted.
520. The Worker Vice-Chairperson introduced an amendment to insert “, including adapting workplaces and processes,” after the word “strategies” in the last sentence. This was an area where two of the four thematic areas discussed had intersected: maternity protection and OSH. Particularly, in the European region, the maternity protection Directive discussed OSH processes which encouraged business and workplace practices to adapt. These types of responses were required, as more women enter and remain in the labour market.

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521. The Employer Vice-Chairperson; the Government member of Norway; the Government member of Latvia, speaking on behalf of the EU and its Member States; and the Government member of the Dominican Republic, speaking also on behalf of Argentina, Brazil, Chile and Uruguay, supported the amendment.
522. The amendment was adopted as proposed.
523. The Government member of Uruguay, speaking also on behalf of Argentina, Brazil, Chile and the Dominican Republic, submitted an amendment to insert “, regardless of their professional situation” after the words “to all women” at the end of the paragraph. This reinforced the idea that, irrespective of a woman’s professional situation, she should be covered by maternity protection.
524. The Government member of Latvia, speaking on behalf of the EU and its Member States, did not support the amendment. He expressed hesitation regarding the phrase “professional situation” and was of the view that the phrase was stronger without qualifiers.
525. The Worker Vice-Chairperson; the Government member of the United States; and the Government member of Senegal, speaking on behalf of the Africa group, did not support the amendment.
526. The Government member of the Dominican Republic, speaking also on behalf of Argentina, Brazil, Chile, and Uruguay, withdrew the amendment.
527. Paragraph 18 was adopted.

Paragraph 19

528. Paragraph 19 was adopted unamended.

Paragraph 20

Clause (a)

529. The Government member of Chile, speaking also on behalf of the Government members of Argentina, Brazil, the Dominican Republic and Uruguay, submitted an amendment to delete the word “relevant” in line 2. She argued it was unnecessary as the areas of focus were listed in the sentence.
530. The Government member of Latvia, speaking on behalf of the EU and its Member States; the Worker Vice-Chairperson; and the Employer Vice-Chairperson, opposed the amendment, stating that they preferred the original text.
531. The Government member of Chile, speaking also on behalf of Argentina, Brazil, the Dominican Republic and Uruguay, pointed out that in the Spanish version of the text the word “pertinente” was used, and that this should be changed to “relevante”.
532. The amendment was rejected.
533. The Employer Vice-Chairperson submitted an amendment to delete in the first sentence the words after “labour standards”. She argued that the Employers’ group had voted against the Maternity Protection Convention, 2000 (No. 183), as the Convention legitimized practices that discouraged enterprises from hiring women of child-bearing age.

For consistency, her group could not support an explicit mention to the promotion of its ratification and application.

534. The Worker Vice-Chairperson opposed the amendment, as the deletion pertained directly to the four areas that the Committee had been discussing from the outset. The Maternity Protection Convention, 2000 (No. 183), was an up-to-date Convention and it was the function of the ILO to promote its Conventions, even if one did not like a Convention, or aspects of a Convention.
535. The Government member of Senegal, speaking on behalf of the Africa group, opposed the amendment and pointed out that the Drafting Group had agreed on the wording of paragraph 18, which stated that “maternity protection is essential for gender equality and women’s enhanced participation in the labour force ...” and make express reference to Convention No. 183. He considered that the proposed amendment was not consistent with this agreed text, and pointed out that many countries were successfully applying the Maternity Protection Convention, 2000 (No. 183).
536. The Government member of Latvia, speaking on behalf of the EU and its Member States, did not support the amendment.
537. The amendment was withdrawn.
538. The Government member of Brazil, speaking also on behalf of the Government members of Argentina, Chile, the Dominican Republic and Uruguay, submitted an amendment to insert in line 3 the words “freedom of association and collective bargaining” after the words “maternity protection”. He stated that the insertion would stress the importance of these standards as enabling conditions for making progress on the other aspects of labour protection.
539. The Government member of Latvia, speaking on behalf of the EU and its Member States, supported the amendment.
540. The Worker Vice-Chairperson supported the inclusion of a reference to freedom of association and collective bargaining, but asked whether this mention was appropriately placed in this sentence. The Employer Vice-Chairperson concurred.
541. The Government member of the United States proposed a subamendment to clarify the text, replacing the sentence with “Promote the ratification and application of the fundamental Conventions, as well as the relevant international labour standards regarding wages, working time, OSH, maternity protection and other areas of labour protection”.
542. The Government member of Switzerland and the Employer Vice-Chairperson supported the subamendment.
543. The amendment was adopted as subamended.
544. The amendment was withdrawn by the Government member of Chile, speaking also on behalf of the Government members of Argentina, Brazil, the Dominican Republic and Uruguay.

Clause (b)

545. The Employer Vice-Chairperson submitted an amendment to replace in the fourth sentence the words “and maintain the flagship” with “, including the”. She explained that, in its current state, the *Global Wage Report* needed to be improved before it could be considered

a flagship publication, since it only reported on wage shares and minimum wages at the macro level without sufficient consideration of the underlying reasons in each country context or the trade-offs involved.

546. The Worker Vice-Chairperson said that, since the *Global Wage Report* was an authoritative and widely quoted publication, she would prefer to maintain the reference to that report as a “flagship” publication.
547. The Government member of Latvia, speaking on behalf of the EU and its Member States, agreed with the Worker Vice-Chairperson: while he could accept the deletion of the term “flagship”, the *Global Wage Report* was the authoritative source with regard to wages and should therefore be referred to as such. He would not be able to support the next amendment by the Employers’ group, which proposed to replace the word “authoritative” with “a”.
548. The Government member of Senegal, speaking on behalf of the Africa group, proposed a subamendment to replace “and maintain the flagship *Global Wage Report* as an authoritative source of information” by “including the *Global Wage Report*, which constitutes an authoritative source of information” and proposed some French wording for the translation.
549. The Worker Vice-Chairperson pointed out that the word “flagship” was not included in the Spanish version, and suggested that the Spanish text should be brought into line with the English and French versions.
550. The Government member of the United States requested the Employer Vice-Chairperson to explain the group’s concern with the use of the term “authoritative”.
551. The Employer Vice-Chairperson, in the interest of proceeding, withdrew amendments D.81 and D.80.

Clause (c)

552. The Worker Vice-Chairperson presented an amendment to insert a new sentence after the first sentence, reading “Reinforcing the focus on the gender dimension in future interventions could have a major impact on effectiveness”. She stressed it was important to make explicit reference to the gender dimension in this context.
553. The Government member of Canada appreciated the spirit of the amendment; she however proposed a subamendment to bring the text in line with the action-oriented nature of the text as “Reinforce the focus on the gender dimension in future interventions”.
554. The Employer Vice-Chairperson; the Government member of Latvia, speaking on behalf of the EU and its Member States; and the Government members of Switzerland, Tunisia, and Senegal, supported the subamendment.
555. The amendment was adopted as subamended.
556. The Government member of Brazil, speaking also on behalf of the Government members of Argentina, Chile, the Dominican Republic and Uruguay, submitted an amendment to replace in line 9 the words “and work-related stress” with “, work-related stress and mental health problems”. To clarify the meaning, he proposed a subamendment to add after “risks” the words “, stress and mental health problems related to work”.

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557. The Government member of Latvia, speaking on behalf of the EU and its Member States, supported the subamendment.
558. The Worker Vice-Chairperson had no objections, and the Employer Vice-Chairperson supported the subamendment.
559. The Government member of Senegal, speaking on behalf of the Africa group, supported this amendment and proposed a more appropriate French translation.
560. The amendment was adopted as subamended.
561. The Government member of Chile, speaking also on behalf of the Government members of Argentina, Brazil, the Dominican Republic and Uruguay, submitted an amendment to add at the end of the last sentence the text “, especially in cases of work-related fatalities, injuries and illnesses”. It was important to refer to workers’ access to effective redress mechanisms.
562. The Government member of Latvia, speaking on behalf of the EU and its Member States, supported the amendment.
563. The Worker Vice-Chairperson supported the amendment in principle, and proposed a subamendment to replace “workers’ access” with “the access of workers and their families”, since the reference to fatalities implied that workers’ families also needed to have access to redress mechanisms.
564. A member of the Employers’ group speaking on behalf of the Employer Vice-Chairperson supported the subamendment in the interest of consensus.
565. Amendment was adopted as subamended.

Clause (e)

566. The Government member of Chile, speaking also on behalf of Argentina, Brazil, the Dominican Republic and Uruguay, introduced an amendment to insert “, and suggest measures if these assessments are inadequate” after the word “compliance” to line 2. When progress was monitored and assessed it was important to have measures to verify their effectiveness.
567. The Government member of the United States suggested a subamendment to replace the proposed text with “and suggest appropriate measures based on the findings of these assessments” to capture the idea that assessments would result in findings which could then lead to appropriate measures.
568. The Worker Vice-Chairperson; the Government members of Switzerland and Tunisia; and the Government member of Latvia, speaking on behalf of the EU and its Member States, supported the subamendment.
569. The Employer Vice-Chairperson proposed a sub-sub-subamendment, which replaced the proposed subamendment with “, and when requested, suggest appropriate measures based on the findings of these assessments”, reflecting that the Office does not have the authority to intervene in national policy-making unless it has been asked to provide assistance.
570. The Worker Vice-Chairperson, and the Government member of Latvia, speaking on behalf of the EU and its Member States, did not support the sub-subamendment.

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571. In light of the discussion, the Employer Vice-Chairperson withdrew the sub-amendment.
572. The amendment was adopted as subamended.
573. The Government member of Jamaica, seconded by the Government member of Trinidad and Tobago, submitted an amendment to replace “particularly of women” with “with emphasis on gender dimensions” in line 4. This amendment ensured the text was gender neutral.
574. The Worker Vice-Chairperson did not support the amendment. In this instance, the labour market participation of women was of particular importance. The Government members of the Chile, Norway and the United States did not support the amendment and all expressed preference for the original text.
575. The amendment was rejected.
576. Following subsequent clarification on linguistic issues, paragraph 20 was adopted as amended.

Paragraph 21(a)

577. The Worker Vice-Chairperson introduced an amendment to replace the words “work–family” with “work–life” in the title, in order to be consistent with the text and the usage of this term in the ILO and elsewhere.
578. The Employer Vice-Chairperson and the Government members of Switzerland and Brazil supported the amendment.
579. The amendment was adopted as proposed.
580. The Government member of Brazil, speaking also on behalf of the Government members of Argentina, Chile, the Dominican Republic and Uruguay, withdrew amendment D.42.
581. The Worker Vice-Chairperson introduced an amendment to replace “with” with the words “in terms of work–life balance and” in line 3. She then proposed a subamendment in light of the explanation received during the discussions of the meaning of the term work–life balance to replace “with family responsibilities” with “in terms of the balance between work, family, and private life,” She also noted that in order to prepare for the tripartite meeting of experts referred to in the paragraph, it might also be useful to carry out a General Survey on work–life balance and it was up to the Governing Body to decide on the most appropriate follow-up to support this work.
582. The Employer Vice-Chairperson; the Government member of Chile; and the Government member of Senegal, speaking on behalf of the Africa group, supported the subamendment.
583. The amendment was adopted as subamended.
584. The Government member of Argentina, speaking also on behalf of the Government members of Brazil, Chile, the Dominican Republic and Uruguay, submitted an amendment to replace the word “flexibility” with “the” in the last line. While the paragraph referred to the flexibility needs of both workers and employers, the use of the word “flexibility” was problematic in Latin America where it often signified a reduction in workers’ rights.

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585. The Employer Vice-Chairperson accepted the amendment.
586. The Worker Vice-Chairperson noted that the original text had been agreed to in the Drafting Group. It was nonetheless important to recognize the importance of the flexibility needs of both workers and enterprises. Nevertheless she accepted the amendment.
587. The Government member of Trinidad and Tobago supported the amendment.
588. The amendment was adopted as proposed.

Paragraph 21(b)

589. The Government member of Senegal, speaking on behalf of the Africa group, submitted an amendment to replace “MSMEs” with “SMEs” in both the heading and the first sentence. A similar amendment was made in paragraph 4. It was important to be consistent with the terminology used by the Committee on SMEs and Employment Creation.
590. The Employer Vice-Chairperson acknowledged the previous discussion from paragraph 4 and accepted the amendment.
591. The amendment was adopted as proposed.

Paragraph 21(c)

592. The Worker Vice-Chairperson presented an amendment to insert “in the private and the public sectors” after the word “deficits” in the second sentence. Often discussion of decent work deficits was limited to the private sector. However, decent work deficits also occurred in the public sector, notably in care-related professions. The proposed amendment made the reference to both sectors explicit.
593. The Employer Vice-Chairperson; the Government member of the Dominican Republic, speaking also on behalf of Argentina, Brazil, Chile, and Uruguay; and the Government member of Latvia, speaking on behalf of the EU and its Member States, supported the amendment.
594. The amendment was adopted as proposed.
595. The Government member of Latvia, speaking on behalf of the EU and its Member States, introduced an amendment to insert “through the Standards Review Mechanism and” after the word “standards” in line 6. Since the Drafting Group noted that the SRM was one means to evaluate the needs for new standards, it should be mentioned in this paragraph.
596. The Worker Vice-Chairperson did not support the amendment. She stated that the SRM did not yet exist and debates remained concerning its form and implementation. When the SRM was introduced in paragraph 20(a) it was presented within the context of a gap analysis for future work. However, paragraph 21(c) was a call for action to address the immediate issue of NSFE. The SRM had yet to be implemented, it was not appropriate to include it among the means currently available to evaluate the need for additional international labour standards. This was not about waiting for a process on which there was no clarity when it would start and how it would work. Immediate action could be taken, for example, the updated Maternity Protection Convention, 2000 (No. 183), had been revised without the use of the SRM.

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597. The Government members of Canada and the United States supported the amendment.
598. The Government member of Tunisia did not support the amendment since it already existed in paragraph 20(a).
599. The Employer Vice-Chairperson supported the amendment, but noted a discrepancy with the French version of the text which needed to be corrected.
600. The Worker Vice-Chairperson noted that there had been extensive debate and agreement in the Drafting Group to use language in paragraph 21(c) reflecting the conclusions from the Tripartite Meeting of Experts on Non-Standard Forms of Employment. The introduction of the amendment diluted this attempt and also changed the meaning of the text. Furthermore, the proposed amendment implied that any evaluation of the need for additional standards was required, first and foremost, to proceed through the SRM, before other means could be considered. Since the SRM had yet to be established, this amendment could not be accepted as proposed.
601. The Employer Vice-Chairperson noted that the Governing Body had already adopted the SRM on a tripartite basis, the only outstanding issue was the implementation of this decision; in her view this would not be difficult to accomplish. The proposed amendment simply reaffirmed the need to implement the decision. Moreover, the text did not preclude an evaluation of the need for new labour standards from occurring through means other than the SRM.
602. The Government member of Latvia, speaking on behalf of the EU and its Member States, noted it could support a subamendment which referred to the SRM elsewhere in the text if proposed.
603. In the interests of trying to get an agreement on the issue, the Worker Vice-Chairperson proposed a subamendment to insert “and including, but not limited to using the SRM,” after “existing resources,”. In this way, the text would be clear; the SRM was just one way to review existing standards and evaluate the need for new ones; in the meantime, other actions in the area of standard-setting could be taken.
604. The Government members of Australia, Canada, and Norway, supported the subamendment.
605. The Employer Vice-Chairperson acknowledged that she preferred the original text but accepted the subamendment.
606. The amendment was adopted as subamended.

Clause (e)

607. The Employer Vice-Chairperson introduced an amendment to replace the paragraph with the following text: “Promote the ratification and effective implementation of the Labour Clauses (Public Contracts) Convention, 1949 (No. 94)” after the title “Public procurement policies”. She stated that the original paragraph was too generic, too wide and too open and that it was necessary to limit its scope. She had three main concerns about the original text. First, it could lead to anti-competitive outcomes that could be prohibited under the legislation of some countries. Secondly, the original wording could have a negative impact on the freedom to provide services on a cross-border basis, which would disproportionately affect smaller enterprises. Finally, it was important to acknowledge that different countries had different capacities and realities, taking into account their own regulations and wage structures, which would be ignored if the original clause was retained.

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- 608.** The Worker Vice-Chairperson stated that she would not engage with the substance of the arguments put forward by the Employer Vice-Chairperson, but noted consensus on the need to promote labour protection through public procurement practices, and there was support from the Employers' group to promote the ratification and implementation of Convention No. 94. She proposed a subamendment to keep the first part of sentence "Promote labour protection through responsible public procurement practices and through the introduction of" and add "labour protection requirements into public procurement procedures, and promote the ratification and effective implementation of the Labour Clauses (Public Contracts) Convention, 1949 (No. 94)".
- 609.** The Government member of Jamaica supported the subamendment.
- 610.** The Government member of Australia proposed a sub-subamendment to "Promote labour protection through responsible public procurement practices and through the promotion of the ratification and effective implementation of the Labour Clauses (Public Contracts) Convention, 1949 (No. 94)".
- 611.** The Employer Vice-Chairperson supported the sub-subamendment.
- 612.** The Worker Vice-Chairperson expressed preference for the earlier subamendment proposed by her group, and wished to hear the Governments' perspectives.
- 613.** The Government member of Senegal observed that the text of the subamendment introduced by the Workers' group, and of the sub-subamendment proposed by the Government member of Australia, shared the same content in respect of labour protection, as reflected in the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), was concerned with labour protection. In order to reach consensus, support could be given to the sub-subamendment, but it was also important to reflect the concerns expressed by the Workers' group by specifying the link between the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), and labour protection.
- 614.** The Government member of Latvia, speaking on behalf of the EU and its Member States, and the Government members of Canada, New Zealand, and Norway supported the sub-subamendment, as it was a good compromise.
- 615.** The Worker Vice-Chairperson also agreed to support the sub-subamendment.
- 616.** The amendment was adopted as subamended.
- 617.** As a result, the subsequent amendment fell.
- 618.** Paragraph 21 was adopted as amended.

Adoption of the conclusions as a whole

- 619.** The Chairperson stated that the discussion was concluded and the set of conclusions in its entirety could be adopted as amended.
- 620.** The conclusions were therefore adopted as amended.

Adoption of the resolution

621. One of the Committee coordinators introduced the resolution, explaining that the text linked the ILO Declaration on Social Justice for a Fair Globalization to the adopted conclusions, and identified the way forward.
622. The resolution was introduced by the Chairperson and was adopted. Before its adoption, the Employer Vice-Chairperson mentioned that, as good practice, the resolution should have been presented to the Drafting Group for discussion during the Drafting Group sitting and not be presented at the end of the Committee sitting of the last day. She also emphasized that it is the Governing Body that determines the priorities of the ILO when looking at the overall budget proposal.

Closing remarks

623. The deputy representative of the Secretary-General observed that the liveliness of the debates was a testament to the importance of the four issues that had been discussed, which remained central to the mandate of the ILO almost a century after its establishment. The adopted conclusions provided solid guidance for further action by the Office. She praised the constructive spirit of the discussion, and thanked the Chairperson for the calm yet decisive manner with which she had dealt with what were sometimes difficult discussions. She thanked the Vice-Chairpersons and the Government representatives for their engagement with the issues over the last ten days and their sincere commitment to arrive at a consensual outcome. She thanked the different members of the secretariat for their contribution.
624. The Worker Vice-Chairperson expressed her gratitude on behalf of her group to the Chairperson for her poise and to her counterpart in the Employers' group. She pointed out that while there had been difficult discussions, the Committee's work had been proof of the ILO ethos in finding the best way to bring positions closer together and find common ground.
625. The Employer Vice-Chairperson thanked all those who had participated in the committee's work, and had worked together to reach agreement on a complex issue. She expressed her gratitude to the Officers of the Committee, in particular the Worker Vice-Chairperson, and to the secretariat for its technical support. The spirit of teamwork with which the deliberations had been conducted was commendable, and she welcomed the patience demonstrated by the governments, especially in their efforts to find a middle ground and seek solutions.
626. The Government member of Latvia, speaking on behalf of the EU and its Member States, expressed appreciation for the common understanding reached during the Committee's discussion and welcomed the agreement on the need to provide a framework that met the needs of workers and employers alike in ensuring adequate labour protection for workers in all types of employment relationships. While the conclusions were comprehensive in addressing the four areas, would help respond to the diverse needs of constituents, and would provide guidance to the Office, they were also ambitious; lessons for future deliberations could be drawn from the Committee's discussions. He thanked the Officers of the Committee, in particular the Chairperson for her able leadership, and commended the spirit of constructive cooperation in which the two Vice-Chairpersons had worked. Lastly, he thanked the secretariat for its support during the Committee's deliberations.
627. The Government member of Brazil thanked the Chairperson for her excellent, kind and charismatic leadership. He expressed appreciation for the dedication shown by the

constituents, which had been the key to a good and constructive debate. He also thanked the Office for its support.

- 628.** The Chairperson expressed her appreciation for the work of the Employer and Worker Vice-Chairpersons and for their cooperation to reach a set of conclusions. She also thanked the Employer and Worker groups. She noted that the Government members had played a very constructive mediating role in the discussion. She thanked her colleagues from the ASPAG group for granting her the privilege of chairing the Committee. She also extended her thanks to all those who had contributed to the functioning of the Committee, namely the coordinators, legal advisers, experts, translators and technical and support staff. In particular, she wished to thank the two coordinators for the smooth functioning of the Committee, as well as the representative and deputy representative of the Secretary-General for their key role in guiding the discussions. Labour protection was at the heart of the work of the ILO, and the Committee had provided an opportunity to focus on how to support the Organization in making its way forward in a changing world of work. She declared the final sitting of the Committee closed.

Geneva, 11 June 2015

(Signed) J. Pitt
Chairperson

M.V. Giulietti
Employer Vice-Chairperson

C. Passchier
Worker Vice-Chairperson

H. Chikova
Reporter

Appendix

Fate of amendments

1. The following amendments were adopted:

D.11	D.5	D.32
D.18	D.16	D.88
D.60	D.4	D.87
D.59	D.54	D.85
D.58	D.53	D.41
D.8	D.74	D.17
D.22	D.28	D.84
D.48	D.94	
D.73	D.6	

2. The following amendments were adopted, as subamended:

D.12	D.57	D.90
D.34	D.55	D.37
D.61	D.50	D.86
D.66	D.76	D.35
D.65	D.31	D.39
D.14	D.93	D.40
D.20	D.23	D.95
D.64	D.83	D.3
D.7	D.91	D.79
D.10	D.96	
D.69	D.89	

3. The following amendments were rejected:

D.21	D.36	D.30
D.15	D.72	

4. The following amendments fell:

D.44	D.71	D.92
D.47	D.46	D.70

5. The following amendments were withdrawn:

D.68	D.26	D.29
D.67	D.27	D.33
D.62	D.78	D.82
D.45	D.19	D.38
D.13	D.77	D.81
D.43	D.25	D.80
D.63	D.24	D.42
D.56	D.75	D.51
D.9	D.52	

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