



International  
Conference of  
Labour Statisticians  
11-20 October 2023



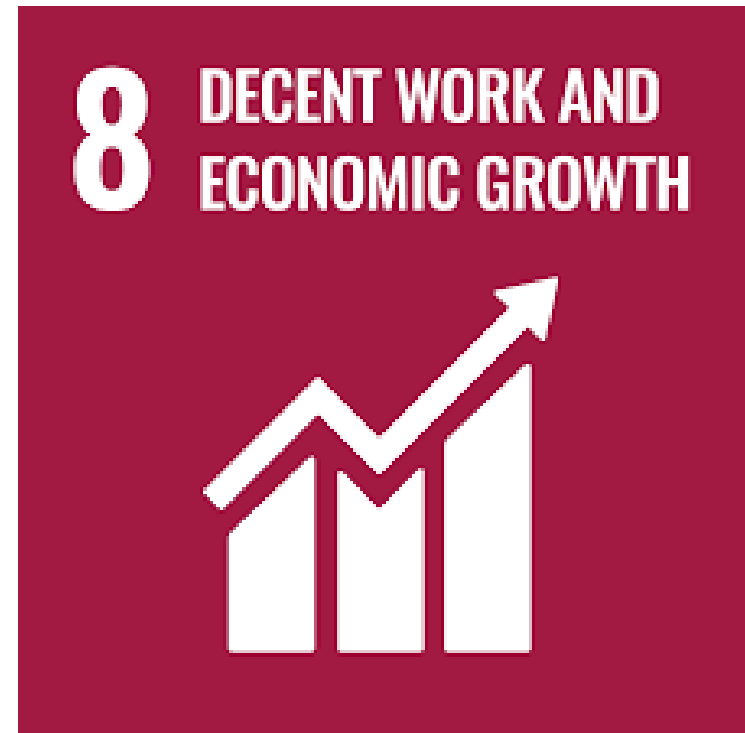
## SDG indicator 8.8.2: Labour rights

► **SDG indicator 8.8.2: Level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation, by sex and migrant status**

**SDG indicator 8.8.2 and its reporting – update since 2018 ICLS**

**ILOSTAT webpage for SDG indicator 8.8.2**

**Use and interpretation of SDG indicator 8.8.2**

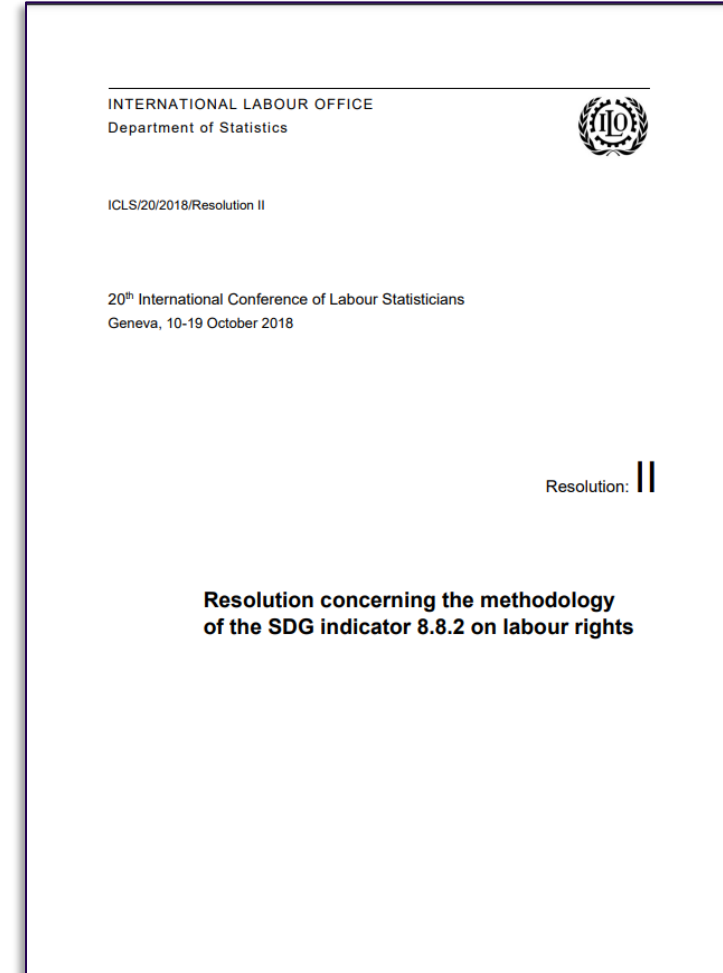


## ► Update on SDG indicator 8.8.2

2017: IAEG-SDG requested the methodology to be discussed at ICLS 2018

### 2018: ICLS *approved* the methodology proposed for SDG indicator 8.8.2

- 2017: 3 rounds of bipartite consultations
- 2018: 1 round of tripartite consultations
- Confirmation of ILO as custodian agency for SDG indicator 8.8.2.
- Provision of internal arrangements and allocation of resources to undertake the annual production and reporting of the indicator to the U.N.
- Creation of a tripartite committee to further address improvements to the methodology.



## ► Update on SDG indicator 8.8.2

**2019 March: The ILO's Governing Body (March 2019) *endorses* the recommendations of the ICLS (GB.335/INS/14/1)**

- 2019 October: Briefing held with constituents
  - Questions noted in relation to the methodology, in particular its aspects related to non-ratifying countries

**2022 October: Refinements *accepted unanimously* by Tripartite Committee set up by the ILO's Governing Body based on ICLS 2018 Resolution**

- 2022 September-October: two virtual and one in person meeting of the Committee
  - Elimination of triggered coding in case of general prohibition of CB;
  - Elimination of default score and use of “load” in cases of all-encompassing violations of FACB rights;
  - Note added for countries where score should be treated with care due to possibility of insufficient information;
  - Reporting of indicator for both ratifying and non-ratifying countries.

**2023 March: The ILO's Governing Body (March 2023) adopts refinements (GB.347/INS/INF/5)**

## ▶ **SDG indicator 8.8.2 and its reporting**

- ▶ Measures country level compliance with freedom of association and collective bargaining rights as defined in the various ILO sources and principles of application.
- ▶ Has a range from 0 to 10 (0 = best possible score and 10 = worst possible score)
- ▶ Years available (with annual updating): 2015-2021
  - ▶ 2023 – revised series were submitted aligned with refinements
- ▶ Country coverage: All (187) ILO member States
- ▶ IAEG-SDGs to recommend the reclassification of the indicator as Tier 1 indicator
  - ▶ Conceptually clear and has internationally established methodology
  - ▶ Data are regularly produced for 50% of countries and of the population in every region where the indicator is relevant

## SDG indicator 8.8.2 and its reporting

Data collection and reporting is carried out by the Office

- ▶ Statistical foundation are ILO textual sources that are themselves based on information provided by Governments, workers' and employers' organizations
- ▶ Data is provided by the Office for the UN SDG reports (short summary description of the indicator, national data and regional aggregates for the Statistical Annex)

### Data:

- ▶ <https://unstats.un.org/sdgs/dataportal>
- ▶ <https://ilostat.ilo.org/data/> (ILOSDG)
- ▶ <https://ilostat.ilo.org/resources/concepts-and-definitions/description-sustainable-development-labour-market-indicators/about-sdg-indicator-8-8-2/>



## SDG indicator 8.8.2 and its reporting

Chapeau text is prominently presented in the reporting

- ▶ *“SDG indicator 8.8.2 seeks to measure the level of national compliance with fundamental labour rights (freedom of association and collective bargaining). It is based on six International Labour Organization (ILO) supervisory body textual sources and also on national legislation. National law is not enacted for the purpose of generating a statistical indicator of compliance with fundamental rights, nor were any of the ILO textual sources created for this purpose. Indicator 8.8.2 is compiled from these sources and its use does not constitute a waiver of the respective ILO Constituents’ divergent points of view on the sources’ conclusions.”*

Adding explanatory text for different reporting obligations

- ▶ *“SDG indicator 8.8.2 is not intended as a tool to compare compliance among ILO member States. It should specifically be noted that reporting obligations of an ILO member State to the ILO’s supervisory system and thus ILO textual sources are different for ratifying and non-ratifying ILO member States.”*

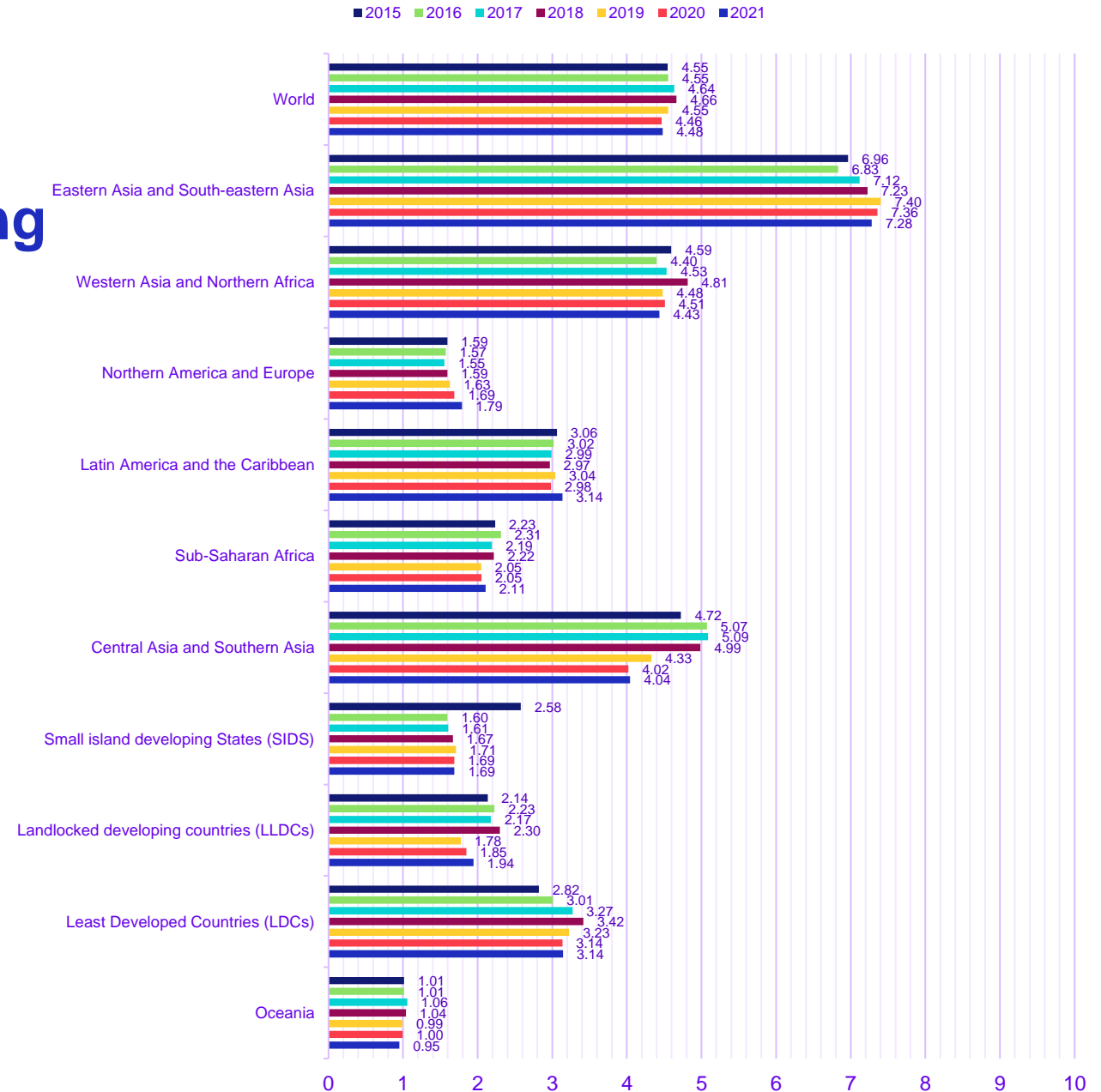
Adding note for countries where score should be treated with care

- ▶ *The score should be treated with care due to the possibility of insufficient information in the textual sources, based on comparison with an externally produced indicator (see Metadata, point 4.f.).*

## SDG indicator 8.8.2 and its reporting

### Reporting

- ▶ Based on agreed refinements – from 2023 scores are being reported for ALL ILO member States
- ▶ Data on regional averages is published in the Statistical Annex to the UN SG's report
- ▶ Two-year data lag – follows from workings of the ILO supervisory bodies and the submission/publication date set under the UN





# ILOSTAT webpage for SDG indicator 8.8.2

Go to ILO main site Français | Español

 International Labour Organization **ILOSTAT** DATA COUNTRY PROFILES RESOURCES + 

Home > List of statistical resources > Concepts and definitions > Labour Market-Related SDG Indicators (ILOSDG database) > About SDG indicator 8.8.2

## SDG indicator 8.8.2 – Level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation

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1. Introduction
2. Freedom of association and ...
3. Coding of textual sources
4. Methodology
5. Textual sources
6. List of evaluation criteria an...
7. Computation
8. Chapeau and explanatory text

**Related pages**

- Industrial Relations Data (IRdata)
- Labour Market-Related SDG Indicators (ILOSDG database)

### Introduction

In 2018, the 20th International Conference of Labour Statisticians adopted a resolution concerning SDG indicator 8.8.2. The Conference recommended that the ILO adopt the proposed methodology and confirmed that the ILO should be the custodian agency for the indicator.

The indicator measures the level of national compliance with freedom of association and the effective recognition of the right to collective bargaining for all ILO member states based on six ILO supervisory body textual sources and also on national legislation for member states that have not ratified either or both key ILO Conventions (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)).

The indicator is based on the coding of the textual sources against a detailed list of evaluation criteria with the coding then converted into the indicator. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACB rights) and 10 the worst (indicating lower levels of compliance with FACB rights).

[Explore data](#)

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identified by an ILO supervisory body or in the relevant articles of the national legislation for countries that have not ratified either or both ILO Conventions No. 87 and/or No. 98.

The coding can be searched by one or more categories:

- Country
- Year
- Type of organization (employers and/or workers)
- Type of evaluation criteria as per:
  - In law and/or in practice
  - Main categories
  - Individual evaluation criterion
- Type of textual source

Data can be viewed in two ways:

- "1. Primary Report" (default) – lists data as filtered by the user with the "Text" displayed in each row.
- "2. With Control break" – lists data in a truncated manner for easier overview of all coding with the "Text" being displayed upon expanding the control break.

Download – under "Actions", the data can be downloaded in CVS, HTML, Excel and PDF formats.

Notes:

Selecting evaluation criteria – the dropdown window for evaluation criteria first lists the evaluation criteria related to employers and their organizations, followed by evaluation criteria related to workers and their organizations. The organization type can, however, be filtered separately.

Select all is the default application – when nothing is filtered, the database lists all coded texts.

Under "Actions" the user can set the number of rows displayed on a page.

[Explore coding](#)

## ILOSTAT webpage for SDG indicator 8.8.2

Allows to search underlying coding

- ▶ Country
- ▶ Year
- ▶ In law / in practice
- ▶ Main categories of evaluation criteria
- ▶ Organization type (workers / employers)
- ▶ Evaluation criteria
- ▶ Source

**ILOSTAT**

SDG indicator 8.8.2 – Level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation

Select countries:

Select year(s):

Select in law or in practice:

Select main category of evaluation criteria:

Select organization type(s):

Select evaluation criteria(s):

Select textual source type(s):

Clear filter(s) **Apply filter(s)**

Country	Year	Organization type	In law/in practice	Main category of evaluation criteria	Evaluation criteria	Textual source	Text
				II. Right of workers to establish and join organizations	25. Previous authorization requirements	a. CEACR reports	<p><b>Direct Request (CEACR) - adopted 2020, published 109th ILC session (2021)</b>  <b>Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)</b></p> <p>"Legislative reforms. In its previous comments, the Committee noted the bills revising the Trade Unions Act No. 21 C/92 and the Strikes Act No. 23/91, which included a number of amendments suggested by the Committee. The Committee recalls that its previous comments referred to the need to: -amend section 3 of the Trade Unions Act, which provides that first-level organizations must include in their membership at least 30 per cent of workers in the occupational branches and sectors of economic activity at the provincial level; by lowering the percentage of workers needed to establish a first-level organization; Regretting the lack of significant progress in this area, the Committee is bound to reiterate its hope that the process of the revision of the Trade Unions Act No. 21 C/92 and the Strikes Act No. 23/91 can soon be completed and that all of the Committee's comments will be taken into account to ensure the full conformity of the legislation with the Convention. The Committee requests the Government to provide information on any progress made in this regard."</p>
				II. Right of workers to establish and join organizations	25. Previous authorization requirements	a. CEACR reports	<p><b>Observation (CEACR) - adopted 2021, published 110th ILC session (2022)</b>  <b>Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)</b></p> <p>"Right of workers and employers to establish organizations without previous authorization. In its previous comments the Committee noted that under section 8(1)(e) of the IRA, beyond consideration of the specific requirements for registration, the Registrar shall refuse to register a trade union if she/he considers, after applying the rules for the registration of trade unions, that the trade union should not be registered; and that according to section 1 of the First Schedule of the IRA, in applying the rules for the registration of trade unions, the Registrar shall exercise his/her discretion. Thus, the Committee had requested the Government to take the necessary measures to limit the Registrar's powers in relation to the registration of trade unions and employers' organizations. In this respect, the Committee recalls that conferring upon the competent authority a discretionary power to accept or refuse an application for registration can be tantamount in practice to imposing "previous authorization", which is incompatible with Article 2 of the Convention. Noting with regret that the Government has provided no information in this regard, the Committee once again requests the Government to revise section 8(1)(e) and the First Schedule of the IRA to ensure that, beyond the verification of formalities, the Registrar has no discretionary powers to refuse the registration of trade unions and employers' organizations."</p>
							<p><b>Observation (CEACR) - adopted 2020, published 109th ILC session (2021)</b>  <b>Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)</b></p> <p>"Minimum membership requirements. In its previous comments, the Committee urged the Government to continue to take the necessary measures to review sections 179(2) and 179(3) of the BLA without delay, in consultation with the social partners, with a view to truly reducing the minimum membership requirement. The Committee notes the Government's indication that (i) through the 2018 BLA amendment, the minimum membership requirement to form a trade union and maintain its registration has been reduced from 30 to 20 per cent of the total number of workers employed in the establishment in which a union is formed; (ii) since this reduction, a total of 216 trade unions have been registered; (iii) section 179(5) of the BLA which limits the number of trade unions in an establishment or group of establishments to a maximum of three might require some time to amend; and (iv) both issues may be considered at the next revision of the BLA. While welcoming the reduction in the minimum membership requirement,</p>

## ► Use and interpretation of SDG indicator 8.8.2

### How can the scores be understood?

- Intended use of indicator: monitor change over time within country
- Change measured directly through the change in the individual country scores over time
- Interpretation of the scores
  - Chapeau text: “SDG indicator 8.8.2 is not intended as a tool to compare compliance among ILO member States”
  - Global and regional averages – useful to better understand the scores
  - Qualitative indicator – interpretation of the scores need to go hand in hand with underlying coding

### How can progress be achieved?

- Engagement with ILO supervisory system
  - Provision of accurate information regularly
  - Compliance with conclusions and recommendations of supervisory bodies (in law and/or in practice)
  - Indicator does not create new information – codes findings of supervisory bodies

► **Thank you!**  
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# Key elements of methodology

## Key elements:

- ▶ Key premises
- ▶ Coding sources
- ▶ Evaluation criteria
- ▶ Coding rules
- ▶ Converting coding to country scores

## Key premises:

Definitional validity

- ▶ The definitions accurately reflect underlying ILO sources and principles of application

Reproducibility/Inter-coder reliability

- ▶ Different coders are able to consistently arrive at the same results

Transparency

- ▶ Coded non-compliance can be readily traced back to individual ILO textual sources

## ▶ Key elements of methodology

- ▶ Reports of the Committee of Experts on the Application of Conventions and Recommendations
- ▶ Reports of the Conference Committee on the Application of Standards
- ▶ Country baselines under the Declaration Annual Review
- ▶ Representations under Article 24 of the ILO Constitution
- ▶ Complaints under Article 26 of the ILO Constitution
- ▶ Reports of the Committee on Freedom of Association
- ▶ National legislation

## ► **Key elements of methodology**

### **180 evaluation criteria**

- 103 for workers and their organizations
- 77 for employers and their organizations

### **Evaluation criteria are split**

- In law and In practice

### **Specific emphasis on:**

- Non-compliance related to officials of workers' and employers' organizations
- Non-compliance related to due process

## ▶ Key elements of methodology

**General coding rules:** Rules applicable to the coding of all textual sources.

**Source-specific coding rules:** Rules applicable to the coding of the specific textual source.

**Definitions:** constructed for each evaluation criterion based on ILO Conventions and principles of application.

### Codable information

- ▶ Coding is based on the comments, recommendations and conclusions made by the ILO supervisory bodies
- ▶ Only information recorded explicitly by the selected sources is coded
- ▶ Only non-compliance that is considered as such by ILO standards and principles of application is coded



## Key elements of methodology

- ▶ Dummy variable: “1”: observed non-compliance, “0” no observed non-compliance
- ▶ Raw scores: Equivalent to number of evaluation criteria for which non-compliance is observed (weighted and unweighted)
- ▶ Weights: established through survey-based expert consultations (Delphi method)
- ▶ Normalization of scores: Range from 0-10
- ▶ General prohibitions: load of 3.5 is added to the normalized score of the country

Evaluation criteria		Textual coding	Binary coding	Weights	Binary coding x Weights
<b>II a. Right of workers to establish and join organizations in law</b>					
24	Exclusion of workers from the right to establish and join organizations	abf	1	1.86	1.86
30	Lack of adequate legal guarantees against anti-union discriminatory measures	a	1	1.75	1.75
33	Infringements of the right to establish and join federations/confederations/international organizations		0	1.73	0
<b>II b. Right of workers to establish and join organizations in practice</b>					
37	Previous authorization requirements	af	1	1.70	1.70
42	Committed against trade union officials re violation No. 41	f	1	1.89	1.89
43	Lack of guarantee of due process and/or justice re violation No. 41	ab	1	1.80	1.80

