

Note on the proceedings

**Tripartite Meeting on Promoting Social Dialogue on Restructuring and
its Effects on Employment in the Chemical and Pharmaceutical Industries**
(Geneva, 24–27 October 2011)

Geneva, 2012

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Contents

	<i>Page</i>
Introduction	1
Opening speeches	2
Part 1. Consideration of the agenda item.....	5
Report of the discussion	7
Introduction	7
Composition of the Working Party	7
Presentation of the report and general discussion	8
Presentation of the report	8
General discussion	8
Point-by-point discussion.....	10
Employment effects of restructuring in the chemical and pharmaceutical industries ..	10
Implementation of the Global Jobs Pact	11
Skills and qualifications, vocational training and education programmes conducive to sustainable development in the chemical and pharmaceutical industries	13
To make the chemical and pharmaceutical industries more attractive to young workers and women.....	14
Challenges and opportunities of contract and agency labour in the chemical and pharmaceutical industries.....	16
Best practices of social dialogue in facilitating a constructive and conducive atmosphere for better industrial relations during restructuring in the chemical and pharmaceutical industries.....	20
Improving sustainability of small and medium-sized enterprises, contributing to promoting decent work in the chemical and pharmaceutical industries, through social dialogue.....	22
Future activities for the ILO	23
Consideration and adoption of the draft conclusions by the Meeting.....	23
Conclusions on the Tripartite Meeting on Promoting Social Dialogue on Restructuring and its Effects on Employment in the Chemical and Pharmaceutical Industries	24
Part 2. Additional items.....	29
Closing speeches	31
Evaluation questionnaire	33
List of participants.....	37

Introduction

The Tripartite Meeting on Promoting Social Dialogue on Restructuring and its Effects on Employment in the Chemical and Pharmaceutical Industries was held at the ILO in Geneva from 24 to 27 October 2011.

At the 304th Session of the Governing Body (March 2009), the ILO's constituents selected *Promoting social dialogue on restructuring and its effects on employment in the chemical and pharmaceutical industries* as the topic for this tripartite sectoral Meeting. At this session, it was also decided to invite ten Employer and ten Worker representatives, after consultation with their respective groups in the Governing Body, and to invite representatives from the government of any ILO member State that indicated its wish to attend. At the 310th Session of the Governing Body (March 2011), it was decided that five additional Employer and five additional Worker representatives, selected after consultation with their respective groups, be invited to attend the Meeting.¹

The purpose of the Meeting, as decided by the Governing Body, was to examine the best social dialogue practices to facilitate a constructive and conducive atmosphere during structural changes and mergers and acquisitions (M&A); to adopt conclusions that include proposals for action by governments, by employers' and workers' organizations, and by the ILO; and to adopt a report on its discussions.

The ILO had prepared a report issued in English,² French³ and Spanish⁴ to serve as a basis for the Meeting's deliberations. The report provided the context within which to discuss the subject of, and means to address, the challenges of the recent M&A in the chemical industry; factors promoting restructuring in the chemical industry; the impact of restructuring on employment and conditions of work; the implication of restructuring for industrial relations; and social dialogue at times of restructuring.

The Governing Body had designated Ms S. Fox, Worker titular member of the Governing Body to represent it and chair the Meeting. The three Vice-Chairpersons elected by the Meeting were: Ms Donderis de Carrión (Panama) from the Government group; Mr E. Kjaergaard from the Employers' group; and Mr T. Nieber from the Workers' group.

The Meeting was attended by Government representatives from: Brazil, Congo, El Salvador, Republic of Korea, Kuwait, Malaysia, Nigeria, Panama, Qatar, Thailand, Bolivarian Republic of Venezuela, as well as 17 Employer representatives and 23 Worker representatives.

Representatives from the following international non-governmental organizations attended as observers: the International Chemical Employers' Labour Relations Committee (LRC), the International Federation of Chemical, Energy, Mine and General Workers'

¹ GB.310/14(Rev.).

² *Restructuring, employment and social dialogue in the chemical and pharmaceutical industries*, 105 pp, 978-92-2-124711-1 (print), 978-92-2-124712-8 (Web pdf).

³ *La restructuration, l'emploi et le dialogue social dans les entreprises des industries chimique et pharmaceutique*, 110 pp, 978-92-2-224711-0 (print), 978-92-2-224712-7 (Web pdf).

⁴ *Reestructuración, empleo y diálogo social en las industrias química y farmacéutica*, 108 pp, 978-92-2-324711-9 (print), 978-92-2-324712-6 (Web pdf).

Unions (ICEM), the European Chemical Employers Group (ECEG), and the International Organisation of Employers (IOE).

The three groups elected their Officers as follows:

Government group:

Chairperson: Ms M.T. Donderis de Carrión

Employers' group:

Chairperson: Mr A.P. Anand

Vice-Chairperson: Mr E. Kjaergaard

Secretary: Mr J. Dejardin, IOE

Workers' group:

Chairperson: Mr T. Nieber for the first five sittings and Mr de Potter for the last three sittings

Vice-Chairperson: Mr T. Nieber

Secretary: Mr K. Özkan, ICEM

The Secretary-General of the Meeting was Ms A. van Leur, Director, the Sectoral Activities Department (Sector). The Deputy Secretary-General was Mr E. Werna. The Executive Secretary was Mr Y. Kamakura. The Clerk of the Meeting was Ms M.M. Than Tun. The experts were: Ms T. Kidest, Ms S. Garry, Mr R. Paratian and Mr J. Sendanyoye.

The Meeting held eight sittings.

Opening speeches

The Chairperson welcomed the participants and opened the Meeting. The purpose of the Meeting was to discuss the role of social dialogue in facilitating a constructive and conducive atmosphere during structural changes and M&A in the chemical and pharmaceutical industries.

The Secretary-General of the Meeting expressed the importance of social dialogue and sound industrial relations, particularly in the present context of global economic adjustment. The ILO estimated that a 1.3 per cent growth rate in world employment was required to recover back to the pre-crisis employment ratio by 2015. The Secretary-General stressed that measures taken towards recovery must be guided by the Decent Work Agenda. The Meeting discussion point on the implementation of the ILO Global Jobs Pact would be important. The Global Jobs Pact received strong support from worker and employer representatives and governments, including the G20. Many ILO member States have applied the policy approaches contained in the Global Jobs Pact. Considering that the global economy was still in recovery mode, the Secretary-General stressed the importance of continuing with the momentum to carry out the implementation of the Global Jobs Pact. The discussion on the changing labour market and the need for skills development for green jobs and the transition towards a greener economy would also have significant contribution to the Meeting. Initiatives by the chemical and pharmaceutical industries to introduce Responsible Care (RC) to address public concerns about the chemical industry

was welcomed as a step to initiate dialogue. The chemical industry also introduced environment-friendly technologies which correspond to the ILO's Green Jobs Programme. At the heart of this Meeting was the need for the promotion of social dialogue. This Meeting has brought together governments and social partners to have an open discussion on the role of social dialogue in the chemical and pharmaceutical industries. As illustrated in the report prepared for the Meeting, addressing restructuring challenges through social dialogue significantly contributed to avoiding a downward spiral of wages and conditions of employment. The Secretary-General finally expressed the hope that the discussion and the conclusion of the Meeting would inspire all our works ahead.

Part 1

Consideration of the agenda item

Report of the discussion

Introduction

1. The Meeting met to examine the item on the agenda by way of eight thematic discussions. In accordance with the provisions of article 7 of the Standing Orders for sectoral meetings, the Officers presided in turn over the discussion.
2. The Meeting held seven sittings devoted to the discussion of the themes. The spokesperson for the Employers' group was Mr Kjaergaard and the spokesperson for the Workers' group was Mr T. Nieber for the first four sittings and Mr de Potter for the last three sittings.

Composition of the Working Party

3. At its second sitting, in accordance with article 13, paragraph 2, of the Standing Orders, the Meeting set up a Working Party to draw up draft conclusions reflecting the views expressed during the course of the Meeting's discussion of the themes. The Working Party, presided over by the Chairperson, was composed of the following members:

Government members:

<i>Congo:</i>	Mr Mvila
<i>El Salvador:</i>	Ms Aguilar Moreno
<i>Panama:</i>	Ms Donderis de Carrión
<i>Bolivarian Republic of Venezuela:</i>	Mr Flores Torres

Employer members:

Mr Arcila Gómez
Mr Brunini
Ms Derrick
Mr Kjaergaard
Mr Mühl

Worker members:

Ms McCulloch
Mr de Potter
Mr Özkan
Mr Quarez
Mr Wright

Presentation of the report and general discussion

Presentation of the report

4. The Executive Secretary presented to the Meeting the report prepared by the ILO. The challenges in the chemical and pharmaceutical industries such as M&A were indications of globalization in the chemical and pharmaceutical industries. Between 1987 and 2010, the chemical industry had 2,202 megamergers, exceeding US\$1.7 billion. Currently, global chemical employment is estimated at around 20 million people. In recent years, global employment in the industries has declined gradually. There were also other challenges including long working hours, wage gap by gender, the shortage of scientists, technical staff and skilled workers, and an increased use of atypical forms of work. The Executive Secretary pointed out the role of social dialogue in addressing challenges. Although prior and thorough consultation in times of restructuring were common practice in the chemical industry, further actions must be taken to ensure the involvement of employees and their representative organizations in consultation, and sharing ample information on corporate business and structural change. He also noted that prior consultation seldom took place in small chemical enterprises. The report prepared for the Meeting found that, in order to institutionalize constructive social dialogue at the workplace, employee representatives and managers needed to be positive about the climate for, and the effects of, dialogue. Positive support from managers for workers' organizations was also required. To this end, workers' organizations must have access to vital resources, such as training measures and information on the economic and employment situation of the establishment, and enough time off from their normal work to carry out their representative duties.

General discussion

5. The Employer spokesperson stated the role of social dialogue as an important tool when coping with the impacts of restructuring in the globalized world. The Meeting, however, should also be aware of the various forms of dialogue in various parts of the world. The citation "When you are finished changing, you are finished" represented well the Employers' point of view on the necessity of restructuring. To stop changing would be to stop developing, learning and progressing. He acknowledged that social implications of restructuring would be complex, both positive and negative, and that social dialogue would play a manifold role in this context. Restructuring was not only driven by political and economic changes, but also by technological and scientific developments. Restructuring was necessary for maintaining and improving companies' competitiveness, hence the reason the Meeting was seen as vital. Restructuring was in the interest of all stakeholders and collaboration was important. He acknowledged that regulations could not be shaped in a way that negative impacts could be avoided. However, it was important to focus on long-term effects and benefits, and the role that social dialogue would have in this process. A "one-size-fits-all" solution would not be suitable for all, and hence the differential nature of each individual case of restructuring should be noted. Furthermore, any final decision would be dependent on national regulations and usually the management of the company.
6. The Worker spokesperson stated this Meeting would contribute to strengthening of the ILO and improve tripartite social dialogue. It would also have an impact on working conditions and equality. Furthermore, the Meeting would improve tripartite social dialogue. He referred to the Meeting of Experts to Examine Instruments, Knowledge, Advocacy, Technical Cooperation and International Collaboration as Tools with a view to Developing a Policy Framework for Hazardous Substances (Geneva, 10–13 December 2007), on improving protection of workers and sound management of chemicals. The outcome at the time dealt with the ways in which social dialogue could contribute to the improvement of the situation by reducing risks for workers as well as for the ordinary users of hazardous substances. A global social dialogue between the ICEM and the LRC, and

collaboration between these two organizations would make a valuable contribution to all employers and workers. The presentation of the ILO's report highlighted a number of challenges the industry was facing. Particularly, challenges such as market shift in Asia, reductions in employment levels, the identification of qualifications in relation to staff shortages, and the role of women in the industry. Restructuring should also be interpreted in a broad sense of the term, to include issues such as plant closures, outsourcing, contract labour, and changes in work processes and the organization of work. Consideration therefore should be given to include these concepts in the definition of restructuring. The chemical and pharmaceutical industries were highly globalized and depended on the development of the global economy. Therefore, it was important to point out the common responsibility to approach the political circles, so that recession and the long-term negative consequences to the industry could be avoided. On the issue of global challenges, such as climate change and population growth, there was a common obligation to ensure that the industries were not viewed as contributor to related problems, but rather as one that provided solutions. In this regard, social dialogue could facilitate the move in the right direction. It should be stressed that the failure to address these global problems would signify a failure of restructuring. Finally, businesses and governments were to ensure that rights of workers and their trade unions would be recognized in all countries, and that employment generation would have a positive impact on the chemical and pharmaceutical industries as a whole.

7. The representative of the Government of Brazil asserted that, in his country, social dialogue and collective bargaining were principles that could inspire good labour relations. The Ministry of Labour was also committed to several initiatives in the chemical and pharmaceutical industries. In addition, the Ministry of Labour was invited by the unions to be involved in the social dialogue exercise and remained willing to engage in such exercise. The Ministry of Labour had had the opportunity to gain electronic access to agreements in the chemical and pharmaceutical industries in Brazil, which had enabled it to understand industrial relations and partake in the social dialogue. The Ministry of Labour had taken actions to build the capacity for social dialogue in the chemical and pharmaceutical industries. The result of the efforts had been stronger social dialogue in Brazil.
8. A Worker observer thanked the ILO for convening the Meeting to foster social dialogue and develop conclusions on such an important topic for the chemical and pharmaceutical industries. The ICEM had promoted social dialogue in the industries for decades and that this remained a priority for the organization. Activities had included seminars, meetings, workshops and conferences, all of which had been aimed at explaining and assisting with social dialogue. The ICEM had possibly organized hundreds of meetings at the global, regional and national levels. The ICEM also developed experience in the area of social dialogue and that this experience was documented in the report produced by the ILO for the Meeting. For example, the ICEM had worked with the LRC and social dialogue in the chemical and pharmaceutical industries had been characterized by practices between the social partners at the European level. This had been used as a model in other countries together with their own ways of social dialogue. The chemical firms and workers' organizations had also signed global framework agreements (GFAs). It was clear that the economic crisis had demonstrated and proved the value of social dialogue. Therefore, it was important that a clear message came out of the Meeting, which was necessary in certain countries where there was lack of respect for trade unions. A clear message would also have greater impact when working together on regulatory discussions and improvement of the industry's image. Cooperation could both promote the interests of the industry and present what the industry could deliver. The SAICM (Strategic Approach to International Chemicals Management) and the Kyoto Protocol (UN Framework Convention on Climate Change) were examples of successful work with the ILO, and the ICEM was looking forward to working with the ILO towards Rio+20 (UN Conference on Sustainable Development).

Point-by-point discussion

Employment effects of restructuring in the chemical and pharmaceutical industries

9. The Worker spokesperson stated that the Office's report was well received by the Workers' group with the exception of information on some countries in Asia. The trends presented showed the negative impact on the quality of jobs created and the underlying reasons governing these changes worldwide. Although productivity had been boosted, new production and technological processes had caused job losses and worsened workers' rights at work. New forms of work and structures had also emerged as, for instance, the splitting up of large companies into independent companies demarcated from the chemical and pharmaceutical industries. These trends were difficult to see because of the lack of statistics showing a comprehensive picture. The effect on workers in outsourced companies included, longer working hours, under poorer employment and working conditions, such as short-term contracts, all of which had a negative impact on the quality of jobs. The chemical and pharmaceutical industries in a Western European country were a case in point. Salespersons had been either laid off or re-assigned to other companies as a result of outsourcing, negatively impacting on the quality of jobs and decent work, all of which deserved attention. In some countries in Asia, for example, many jobs in the chemical and pharmaceutical industries were created, but there were concerns about the rights at work and working conditions. This called for international framework agreements (IFAs) or GFAs, among the different parties as to the new processes needed to deal with the emerging situations.
10. The Employer spokesperson stated that it was important to look at the background of the chemical and pharmaceutical industries in order to identify if existing trends resulted from either restructuring or from the financial crisis. Although exact figures about the observed changes could not be provided, some strategies to address the negative consequences of restructuring could be discussed. Restructuring was a necessity for ensuring the competitiveness of companies. The chemical and pharmaceutical industries had been going through restructuring influenced by various factors such as technological innovations, downsizing due to outdated production processes and technologies, outsourcing, demographic changes, and an ageing workforce. Furthermore, the workforce was forecasted to undergo further changes with increasing migration with higher education joining the labour market. With the rising level of education in the industries, it could be forecasted that the level of skills and training would increase. Despite these changes, many good practices existed to prevent job losses and support the ability to adapt to changing circumstances. For example, new forms of flexibility such as, flexible working time arrangements and variable pay schemes. The implementation of active labour market policies also had a positive impact on employability and skills development, thereby easing access of workers to jobs in other industries. The implementation of active labour market policies should be of common interest, and the responsibility should be shared by governments, employers and workers. The cooperation agreement in Denmark which started in 1947 was an example whereby individual companies agreed to enter into a process of internal dialogue to cope with crisis situations. Companies, especially large-scale ones, had agreed on social plans based on accords between management and workers to provide workers with further training or compensation to move on to other jobs.

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11. The representative of the Government of Panama, speaking on behalf of the Government group, raised the issue about the need for policies to deal with employment and unemployment, particularly with regard to foreign multinational companies operating in a country.
 12. The Worker spokesperson stated that his group was working on a common position, which hopefully would be acceptable to all the parties. He would hope that the Employers' and Government groups would make their positions clearer, while acknowledging that in varying degrees not all changes resulted from restructuring.
 13. A Worker member from Hungary expressed that the problems encountered in the process of restructuring might be different from one enterprise to another. For example, in larger enterprises the tendency was towards lay-offs, which was motivated by fear of losing competitive edge, and these steps were not always acceptable to workers.
 14. An Employer member from Colombia underlined the fact that enterprises in the chemical and pharmaceutical industries had merged and larger companies, in particular, had become somewhat independent. Some changes might be negative and have implications for working conditions. However, there were many good practices where changes related to ownership had taken place without impacting negatively on working conditions. He expressed his hope that the social partners would engage in dialogue to find a solution.
 15. An Employer member from Iran stated that because of the advent of new technology, a new social dialogue structure based on a new paradigm needed to be built. This should be done so against the background of a knowledge-based society, dominated by science and technology.

Implementation of the Global Jobs Pact

16. The Employer spokesperson stressed that the Global Jobs Pact provides a menu of policy options which could be used in a flexible manner by ILO member States. The nature of the financial crisis which hit the world in 2008–09 was different from the current one, thus necessitating different measures from those taken in the preceding one. In addition, some parts of the Global Jobs Pact had lost their relevance. This calls for joint initiatives between governments, employers and workers in the chemical and pharmaceutical industries. Focus should also be given to education and vocational training to regain competitiveness, such as promoting productivity, Quality Control (QC) activities and improving occupational safety and health. He emphasized the significant role that social dialogue played, and concluded that the Global Jobs Pact had a positive impact on those developments and that many companies had taken such measures to overcome the crisis.
17. The Worker spokesperson stated that the workers had welcomed the Global Jobs Pact when it was launched in 2009. The Global Jobs Pact showed that tripartite actions could be productive and positive. Many instruments in the Global Jobs Pact were implemented successfully and added that often implementation had taken place when institutionalized tripartite dialogue existed. For example, in Germany, the measures taken had been agreed in a tripartite composition. As a consequence, there were no dismissals and no mass redundancies, and particularly no measures that would have caused a reduction in production. The Global Jobs Pact included a number of instruments which contributed to job security, although in some cases workers had to face a reduction in pay and in working hours. For the employers, the system proved to be more costly compared to a situation where workers had been fired and the government had to invest in job promotion. All these efforts helped to bring about economic recovery and many such examples abound worldwide. In cases where the measures taken were not successful, for example, in Central and Eastern Europe, he attributed these failures to the absence of sound tripartism.

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18. The representative of the Government of Panama stated that the application of the Global Jobs Pact should be applied to countries based on their needs. The idea was to help jobseekers, which could be done through training, and restructuring of the industries. Tripartite dialogue was a good way to achieve this.
 19. The Employer spokesperson emphasized that the Global Jobs Pact was a menu of policy options from which one could choose. It was addressed to all governments, not to individual enterprises. Many of the initiatives mentioned in the Global Jobs Pact had been taken up by governments. The important point was that instruments were used where they should have been used, at company level between employers and workers. He emphasized that there should be extensive dialogue.
 20. A Worker observer raised a question about the statement made by the Employer spokesperson, regarding that the Global Jobs Pact had been taken up by companies in most countries using social dialogue. Although there were some positive cases in Europe, he said that the Global Jobs Pact had not been applied through social dialogue everywhere.
 21. The Employer spokesperson referred to Denmark and pointed out that social dialogue was embedded in the system of representation and that the Government had had recourse to this mechanism during the global financial crisis. As a group he said that it was up to the individual countries to take it up voluntarily.
 22. An Employer member from Colombia stated that there were 237 companies which were members of his employers' organization. The majority of these companies had reported constantly on the implementation of the Global Jobs Pact, among which 28 of the companies dealt with pharmaceutical businesses.
 23. An Employer member from Panama stated that his country promoted the overall implementation of the Global Jobs Pact in all industries and services sectors, including the chemical and pharmaceutical industries.
 24. The representative of the Government of Panama stated that her country was implementing relevant training policies to address needs as part of the implementation of the Global Jobs Pact. The Global Jobs Pact was being implemented given the priority of job creation.
 25. A Worker member from the United States stated that in the chemical industry, there was only bipartite dialogue, which mostly took place in the context of collective bargaining in the United States. In addition, many employers were not aware of the Global Jobs Pact but his trade union introduced the Global Jobs Pact in the process of collective bargaining for implementation in the chemical and pharmaceutical industries in the United States.
 26. The Employer spokesperson stated that the Global Jobs Pact was a menu of policy options for member States of the ILO to be used in a flexible manner. The Global Jobs Pact was relevant in the middle of the global economic crisis; however, the Global Jobs Pact was no longer relevant because the nature of the crisis considerably changed since the time of the adoption of the Global Jobs Pact. In addition, the Global Jobs Pact did not apply to fiscal deficit crises. In the past years, the chemical and pharmaceutical industries took initiatives at local, regional and national levels to cope with the consequences of the global economic crisis via a focus on improving education and vocational training for workers in the industries and to increase competitiveness of the industries as a whole.

Skills and qualifications, vocational training and education programmes conducive to sustainable development in the chemical and pharmaceutical industries

27. The Employer spokesperson stated that his group saw a relationship between training and attracting younger workers. The chemical and pharmaceutical industries were characterized by high technologies and complex processes. Future changes in the industries would affect the need for skilled and qualified workers. The industries needed both highly educated workers and vocationally trained workers. It was this mix of competences that made training in the chemical and pharmaceutical industries such a complex issue. Social dialogue was important to accommodate the labour demands of the industries and cooperation was vital to efforts to improving education and vocational training programmes.
28. The Worker spokesperson stated that education and vocational training were important to the survival of the chemical and pharmaceutical industries. Education and vocational training could be seen as investments in the future. He stated that the consequence of the absence of education and training would be a lack of talented staff. Social dialogue was under way in many countries but there were some problems. He stated that education and training should be seen as industrial investments and not just human investments. Training could help the workers to evolve within the industry. Many employers had begun outsourcing training rather than engaging in on-the-job training, which was a strategy to reduce costs and transfer them to society. However, these costs should not have had to be placed on society, and instead should be on the industries. He stated that it was important to provide young people with the prospect of work in factories. It was necessary to invest in labour and highly educated workers, as the industries were restructuring as a result of globalization. It was vital that training was carried out during paid working time and not provided outside of working time, as it is in some cases. Workers also should not lose their pay when training took place. He acknowledged that ageing was an issue in the industries, particularly among the highly qualified workers. It was a problem that needed attending to and which was closely linked to the need to attract young workers. In addition, sustainability was an important factor for making the industries attractive to workers, including addressing the dangerous image of the industries, which made workers hesitant to join or remain in such industries.
29. The representative of the Government of Panama stated that the Government group agreed that updating pre and post graduate skills were necessary. In addition, skills upgrading for those already in the job market was also important. She also stated that the educational and vocational programmes had to be reviewed to ensure up to date human resources.
30. An Employer member from Colombia stated that special attention needed to be given to better identification of the technologies. There was poor information given to young people which explained the difficulty in trying to attract them to the technical careers in the chemical and pharmaceutical industries. In addition, the experience in Asia and Latin America had been different. In Asia, governments focused on science and technical studies that were needed, whereas in Latin America emphasis was on social studies. It was important that there be a clear identification of the levels of education needed in each of the companies not only at the management and executive levels, but at all levels.
31. An Employer member from Pakistan stated that in his country there was collaboration on the part of the employers for skills development through established associations in the chemical and pharmaceutical industries. In order to bridge the gap in knowledge, at the company level, he stated that the employers were offering on-the-job training covering a

period ranging from three, six or 12 months. Large chemical firms contributed more than small ones to on-the-job training programmes.

32. An Employer member from Panama stated that the unemployment rate in his country was below 5 per cent, but most young people were trained for activities that were not needed in the labour market, hence leading to a mismatch between labour market demand and supply. Although educational programmes had to be run by governments, the private sector also had to make an effort to make known the qualification and training needed. He said that an annual conference on education and the economy would take place in Panama to look at the skills of individuals necessary to enter the labour market, not exclusively for the chemical and pharmaceutical industries, but for the economy as a whole.
33. An Employer member from Germany stated that in his country, for the past 24 years, there had been a sector-specific bipartite council responsible for training at the national level, which gave advice on basic and further training that could be offered to workers in the industries. He mentioned that training should be a joint responsibility for workers and employers in the interest of both sides. The governments in turn should ensure that opportunities are available. Furthermore, training should not have to be the responsibility of employers alone.
34. A Worker member from the United States stated that a great deal of training was needed on occupational safety and health, as well as in the whole area of green chemistry. Over the next decade or two the industry would change dramatically, which would require a great deal of education and training at every level. Many new products were coming online and training would be a necessity. Both technological innovation and sustainable industry would require more occupational safety and health training and education. He supported the assertion by mentioning a case of a plant in the United States which had to rely on low-skilled workers for undertaking dangerous activities in making nuclear fuels, which was clearly a case where training was desperately needed. He also mentioned that often employers faced labour shortages but could not commit extra time for training. He called on the governments to ensure that occupational safety and health education and training was made a requirement, and to ensure that it was done through trade associations throughout the industries.
35. A Worker member from Japan stated that it was crucial for the industries and countries to be competitive at the global level. New products were coming with certain hazards so it was important to have information, skills, and training to use these products. It was equally important to ensure that vocational training was conducted thoroughly.
36. A Worker member from Belgium stated that the Meeting could agree that employers had responsibility, States had a role in training, and the trade unions had to use training as part of their collective bargaining strategy. The universities also had a role to play and there were many joint training programmes. Training needs were constantly changing, the responsibility for basic training and education was the business of the State, and long-term training was the responsibility of the social partners. There were examples of good and bad practices in different countries. He also stated that getting young people into factories was good practice.

To make the chemical and pharmaceutical industries more attractive to young workers and women

37. The Worker spokesperson stated the importance of working conditions and a safe working environment to attract more workers to the chemical and pharmaceutical industries. Improving working conditions and occupational safety and health was vital not only to attract women and young people to the sector, but for all in the industries. Considering that

the number of women working in the industries was small, there was a need for a culture shift at the enterprise level to act on managerial practices which were biased against women. Furthermore, career prospects for women were necessary in order to have more women employed at the management level. In this regard, actions were necessary: the need for proper work–life balance; and the need to discuss gender equality, in relation to the type of work that women did and had opportunities for, and in relation to promotion. There was still a long way to go to provide women with equal access to certain jobs. He called for zero tolerance for sexual harassment and said that there was a common need to report on such abuses given that it remains a matter of concern in some countries. He also stated that childcare was needed to promote employment opportunities for women.

- 38.** The Employer spokesperson stated that despite the recent economic recession, there were good chances for professional advancement for young people. This was because the chemical and pharmaceutical industries had made significant efforts in retaining young professionals. The issue of basic education was necessary for governments and employers all over the world to work together in order to encourage young people to attain technical and scientific education. There was also a need to build bridges between the industry and education. The role of social dialogue was important in the political field in raising public awareness of the role of chemical and pharmaceutical industries in relation to the economic success of a country, particularly given the fact that this sector was often more capable of coping with economic recession than other industries were. For this reason, scientific education should be viewed as an investment. He concluded by stating the importance of decent and attractive working conditions, such as short working time and work–life balance. Lifelong learning was something that was indispensable, especially as this would allow workers to adjust to the changing needs of companies.
- 39.** The representative of the Government of Panama stated that women’s equal opportunity in technical, professional and management work was of paramount importance, including issues such as attractive holiday benefits and better pay.
- 40.** A Worker observer stated that for workers, it would be important that companies made statements on equal opportunities, occupational safety and health issues, as well as on issues regarding equal pay, which was of vital importance for women workers. She also made a reference to skills shortages in the industries, hence the need for young people to be adequately educated and trained. She then called for zero tolerance on all kinds of workplace bullying and harassment.
- 41.** A Worker member from Spain stated the importance of job security in the attempt to create an attractive sector. Job security of skilled personnel had not been taken into account in restructuring processes. In addition, he underlined the relevance of job descriptions and also stated that training and on-the-job-training would be beneficial for both sides. Attention should also be focused on the importance of proper collective agreements. Equality between women and men was a basic issue and equal opportunities should aim to be more specific and balanced. In order to attract young people, it would be important to keep a balance between work and private life. Finally, he referred to a national tripartite council in his country and the ways through which young people’s views had been promoted.
- 42.** A Worker member from the United States stated that there was a problem of trust with regard to occupational safety and health and environmental issues related to the chemical industry. Referring to both the fatal accidents in Bhopal, India, and plastic/baby bottle safety to minors, he highlighted that such concerns impacted negatively on the trust of people in the chemical industry, and should be addressed in order for the industry to become more attractive to young people.

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43. An Employer member from Germany stressed that in order to attract young people, the chemical and pharmaceutical industries had to create attractive jobs, taking into account their needs such as their work–life balance. Vocational and professional needs should be clearly identified. With respect to women, it was extremely important to give them equal opportunities, promote their participation, offer them opportunities for career development and offer help for them to do that.
 44. An Employer member from Colombia noted that employers in his country were faced with the question of handling hazardous substances in the pharmaceutical industry. He noted that the pharmaceutical industry was one of the most regulated sectors in the world. One way of making the industries attractive was to ensure occupational safety and health. To attract students into this sector, the industry had to make it clear that it applied good manufacturing practices which were recognized throughout the world.
 45. An Employer member from Pakistan stated that the chemical and pharmaceutical industries were the first choice for employment as they offered better wages and more incentives. For young people there were recreation rooms, gymnasiums and computer rooms which they could use in their free time. They had better working conditions and their occupational health and safety was taken into consideration and the best standards were applied. The industries had a large share of female workers. More than 50 per cent of the workers were women; they were guaranteed their work–life balance and there was no gender-based discrimination. Workers felt right and proud to join the industry because they felt that by producing high-quality medicines they were making a difference in people’s lives. He concluded that concerted efforts were needed to attract young people with more energy and promise them career prospects.

Challenges and opportunities of contract and agency labour in the chemical and pharmaceutical industries

46. The Worker member from Japan expressed his gratitude for all the solidarity that had been extended to his country after the 2011 Tohoku earthquake and tsunami that caused great damage and victims. He noted that the earthquake had brought people’s bonds (*Kizuna* in Japanese). He expressed his hope that the participants at the Meeting could extend their *Kizuna* and be able to tackle the multitude of issues they faced together.
47. The Employer spokesperson stated that given the high level of education and specific skills needed in the chemical and pharmaceutical industries, the use of contract and agency labour was usually lower than in other economic sectors. Contract and agency labour was usually warranted by the seasonality of the production of certain chemicals, or time-limited projects which required flexible and temporary employment. It was evident that the use of contract and agency labour was often lower where labour market regulations or labour law provided more flexible work arrangements. For the social partners to work together to determine an appropriate framework and modalities for contract and agency labour it should take into account both workers’ and employers’ interests. The reasons for resorting to contract and agency labour may also include social considerations, and contract and agency labour could have positive impact on the employment creation for those who lived in economically disadvantaged regions, including remote areas. Furthermore, there was an increasing need for more flexible working conditions for regular, permanent workers, as there was an increasing need for replacing such workers with temporary workers during certain periods. This poses another ground for an increased use of contract and agency labour.
48. The Worker spokesperson stated that the use of contract and agency labour was a great concern. He emphasized that no country was exempt in the debate and that the subject was topical in collective bargaining. The status of precarious or temporary work was well-

known throughout the world. It was estimated that about 60 per cent of workers were under such employment conditions. He noted that, indeed, some other sectors relied more heavily on temporary work. He agreed with the Employers' statement that in the sector, temporary work could not be completely avoided due to seasonal activities. However, he also commented on the reliance on third party subcontracting firms where the status of workers was different and that it was unacceptable to hire temporary workers merely in order to lower working conditions. In some cases, temporary workers did not enjoy the same conditions as regular workers. For example, workers were paid less even if there was a sectoral collective agreement, and increasingly, there were constraints linked to temporary work. In some cases, workers would be for years on an interim status beyond the trial period, before they would be hired as permanent workers. He stated that the Workers' group supported sustainable employment, if it was in line with sustainable enterprise development. Decent conditions for temporary workers were needed and the discussion should be part of social dialogue. He concluded by saying that the social partners would have to try to move towards a framework that could not eliminate temporary work but ensure what conditions were applied.

- 49.** The Government representative from Venezuela, speaking on behalf of the Government group, stated that the issue was discussed at the Global Dialogue Forum on the Role of Private Employment Agencies in Promoting Decent Work and Improving the Functioning of Labour Markets in Private Service Sectors, Geneva, 18–19 October 2011. He stated that the aim was to guarantee compliance with the Private Employment Agencies Convention, 1997 (No. 181). The principle of the Convention was often represented in domestic legislation and the provisions were covered even if the Convention was not ratified by the country. Temporary work did not mean that working conditions were poor and violated the national laws and regulations. However, it should be ensured that no work-related victimization took place and that trade unions could play their role. In cases where there may not be permanent employment opportunities in the sector, private agencies could help in terms of flexibility of employment. He concluded that private employment companies respecting the law could be an advantage, and what would be desirable was added flexibility but never at the expense of workers' rights.
- 50.** A Worker observer stated that private employment agencies had to respect national laws. He mentioned that his group supported and promoted national laws. Agency work should be heavily regulated rather than excluded altogether since the sector was not bad across the board. He also stated that the ratification of Convention No. 181 was the key to protect contract and subcontract workers.
- 51.** The Worker member from South Africa articulated the position of a South African trade union on the topic of agency work. He stated that agency work was one of the quickest money-making businesses and it was a form of exploitation that perpetuated modern slavery. As trade unions, they could not protect agency workers and that it was unfair to replace permanent work with temporary work. The position of his organization in South Africa was to not subscribe to any notion or concept of subcontracting and agency work. In addition, agency work should not be negotiated as it was proposed by the previous speaker, and stated such work had to be banned.
- 52.** An Employer secretary posed the question to a Worker member from South Africa whether it was better to ban private employment agencies, and in reality live with a more or less formal sector which would exist anyway with no regulations, or was it better to pass the laws to fight against the bad people?
- 53.** The Worker member from Belgium stated that contract labour had several forms. In his country there were often problems with temporary work. However, subcontracting was sometimes acceptable, for example in cases when there were short deadlines and specific tasks at hand. The problem was that more and more, the deadline for maintenance work

was getting shorter and shorter. Many of the problems related to occupational safety and health were in the process of production during subcontracted work where workers did not know the risks that existed in the industries. The fact was that subcontracting was not the same as it was several years ago. There were many large companies that have contracts with chemical companies which often times left subcontractors overworked. There were also serious problems with subcontracting related to training needs and this was why a framework to avoid problems needed to be developed. In addition, accidents in relation to temporary work took place on a regular basis. After the crisis the majority of work in the plastic sector was carried out by temporary work during which there was an increase of 50 per cent in accidents. He added that most temporary workers and subcontractors had no opportunity for training and stressed the need to be careful with contracting. If the objective was to find people who were motivated in this sector, precautions needed to be taken with temporary work and subcontracting.

- 54.** The Worker member from Spain stated that private employment agencies offered jobs for unskilled and skilled workers in his country. Spanish workers shared the concerns of the Spanish employers that these workers did not benefit from collective agreements concluded in the chemical and pharmaceutical industries, and it was important to ensure that working conditions were respected in accordance with collective agreements. When employers talked about working with private employment agencies, they had to make sure they did it correctly. There had to be more effort to regulate working conditions in the industries. In the industries workers were dealing with subcontracting and there were fatal accidents due to lack of training. Subcontracting was a topic that needed to be dealt with through tripartite dialogue. There were positive aspects to agency work as well, mentioning the case of a Spanish oil company, where a subcontracting arrangement included a framework agreement and an inter-contracting committee that had relationships with the workers. This arrangement meant that there was a link between workers in the company and employers, which was helpful. He concluded that the idea from a trade union perspective was to protect workers and make sure that all workers enjoyed the same working conditions.
- 55.** The Worker member from South Africa stated that his concerns were more related to the concept of agency work and not its application. He stressed that there was a distinction between the two. He added that South Africa was in the process of passing legislation to deal with agency work.
- 56.** The Employer member from Panama stated that not all outsourcing implied a deregulation of industrial relations and described that in the case of his country, outsourcing was used by companies to optimize their activities and not to avoid dealings with labour unions or agreements with workers. Outsourcing was used in cases in which the firm did not have specialization. He added that there might be binding responsibility according to the laws and legislations in his country.
- 57.** The Worker member from the Russian Federation stated that, regarding the topic of contract and agency labour in the chemical and pharmaceutical industries, the challenges were faced by the workers, while the opportunities were taken only by the employers. Flexibility was a benefit enjoyed by the employer but it was a condition that could affect the worker. In the Russian Federation and in CIS (Commonwealth of Independent States), taking the point of view of workers, there was no best practice or positive experience with contracting and agency labour or at least they had not seen it. Additionally, under those terms, they could not use atypical forms of employment. In CIS countries they had agreed to impose laws to restrict atypical forms of employment including agency work. With regard to the chemical industry, in his trade union, the impacts of contract and agency labour had been negative. For example, a chemical company several years ago modified its operation and 40 per cent of the jobs were transferred to agency labour, causing workers to sign new employment contracts for around 30 per cent less of what they had earned before

and many of them got short-term contracts. The employers did not get any responsibility for those changes since the workers were not part of their workforce anymore. Nowadays in the Russian Federation, they were not only looking at the salaries but also at the social benefits perceived by workers and currently 40 per cent of workers were excluded from these social benefits because they were working for agencies. Accidents at work had also increased threefold due to workers hired by the agencies who had no training or any kind of previous knowledge of the duties and many of them had been temporary workers. The problems worsened because there were no agreements to protect these workers at the time that the employers benefited from the flexibility opportunity that contracts and agencies offered with positive impacts. Many contract and agency workers also must cover their own health insurance. What could be done was to prohibit this form of work or to try, by means of legislation, to limit the use of contracted labour in the chemical and pharmaceutical industries.

- 58.** The Worker member from Brazil stated that he perceived that the problems of outsourcing in many countries were similar and it was being used to make working conditions more precarious mainly in hazardous workplaces. There were many cases in which workers travelled and worked together without having a collective agreement. He also mentioned that they were encouraging a tripartite dialogue to create a legislation to deal with the matters of outsourcing and determine which jobs could be outsourced and which could not.
- 59.** The Worker member from India stated that the situation of contract workers in his country was similar to other countries. However, the situation was the worst in India due to its vast population and large-scale unemployment. In India the existing law regarding contract workers was not properly implemented due to lack of cooperation from the Government. Many of the jobs in chemical factories were highly skilled and hazardous and required a technical and skilled workforce. Furthermore, when workers were working in insecure employment contracts they did not have sufficient occupational safety and health conditions and training. He also stated that contracted workers should get the same salaries and benefits as if they were directly contracted by the establishments they work for.
- 60.** The Worker representative from France said that, given the conditions in the global economy, there were many multinational companies moving more to subcontracting as a way to externalize the risks. One of the problems was the lower salaries that workers perceived when they worked under these terms so there should be discussions about the restrictions that could be adopted to use subcontracting.
- 61.** The Worker member from the United States stated that the principles that all groups should agree was the ILO Decent Work Agenda, which was created based on a tripartite consensus that affirmed the workers' basic rights, equal pay for equal work and good working conditions. There were two kinds of contracting that prevailed in the labour market. One related to short-term jobs, called turnarounds in the chemical industry, which were mainly perceived as legitimate from the worker perspective. The other one was the contracting of daily and routine work, which could lead to dangerous conditions in the workplace. He referred to an explosion in a petrochemical plant which had happened as a result of subcontracting of a routinely performed work. He stated that routine work should be done by workers paid and hired directly by the employer. In addition, jobs contracted out should benefit from the same pay, safety and working conditions as other regular employees.
- 62.** The Employer spokesperson stated that the situation of contracting was quite different in each country and that it was difficult to comment in such diverse cases. Additionally, it was impossible to draw a clear line from the examples given by the Worker member from the United States since they were not aware of the background of the story. Occupational health and safety and working conditions were important, and these issues were highly regulated in the chemical and pharmaceutical industries and all companies had to obey and

follow the rules. He stated that the Meeting agenda was to discuss challenges and opportunities of contract and agency labour, but not temporary agency workers in the chemical and pharmaceutical industries.

Best practices of social dialogue in facilitating a constructive and conducive atmosphere for better industrial relations during restructuring in the chemical and pharmaceutical industries

63. The Worker spokesperson stated that worker participation in social dialogue was paramount. He added that all parties involved needed to be able to speak and workers needed to be given recognition by managers in the same way as trade unions needed to be acknowledged by employers. Social dialogue started at the beginning of any discussion and that everybody needed to be involved from the outset. Another condition for successful social dialogue was a clearly defined subject and noted that this Meeting had a very specific subject, which subsequently enabled a rich debate. Social dialogue needed to be voluntary and not forced and there was a need to respect the ILO principles and standards. The next condition of social dialogue was the right to defend one's viewpoint while allowing flexibility to listen to other parties' viewpoints. He explained that only after having listened to all that had to be said, one could make a decision. He added that experience of all speakers was equal and most importantly, that it was necessary to follow up on the decisions taken. In addition, evaluation of progress was important as much as the process itself, and the last condition was that discussions should not be limited.
64. The Worker spokesperson also referred to practical examples of social dialogue in times of restructuring. In order to ensure social dialogue was effective, all parties involved had to be present. Moreover, social partners needed to be present not only at the discussion but also when strategic decisions were taken. Information needed to be unlimited and unrestricted to workers. Examples of good practice showed decisions should not be made until all of the information was put on the negotiating table. Furthermore, competition had to be an element that helped partners to improve the discussion. He stressed the importance of following up on decisions that were already taken, and decent work must always be promoted through social dialogue.
65. The Employer spokesperson commented that employers shared the viewpoints made by the Worker spokesperson and expressed willingness to add more elements on social dialogue at times of restructuring. In this Meeting, there had to be respect for different cultures and national values and therefore certain systems or practices should not be imposed universally. Restructuring and change of corporate organizations was a recurring economic process in the chemical and pharmaceutical industries which could be shaped effectively by social dialogue in its different forms. In May 2009, the Joint Declaration on the Global Economic Crisis adopted between the European social partners of the chemical industry (the European Chemical Employers Group (ECEG), and the European Mine, Chemical and Energy Workers' Federation (EMCEF)) defined several points for developing good practice towards social dialogue in case of restructuring. Several of these points could serve as a starting point for the global-level social dialogue. These points included building trust inside companies and sites, which meant working together constructively, discussing possible scenarios for change management, building trust between social partners, communicating and informing regularly and timely. Furthermore, lifelong learning; implementing programmes of training to prepare workers for their new tasks; using financial resources for investments into employability; working closely with local institutions and organizing internal job markets; and respecting national experience and labour relations, could also be especially important elements to consider in times of restructuring. The Declaration was still valid for the future.

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- 66.** The representative of the Government of Panama stated that bilateral and sectoral social dialogues were important and that government needed to act as a mediator to achieve better results.
- 67.** A Worker member from Germany stated that the European dialogue in the chemical industry was exemplary and could be analysed by the rest of Europe and extended globally. The European dialogue was now well established and anchored in the work of social partners, as well as taken on board by the European Commission. The social dialogue process in the creation of REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) was one extremely good example. There was also cooperation between workers and trade unions in a very close dialogue, which helped make REACH more practicable than planned, acceptable to the industry, paid for, and that allowed technical progress. In addition, social dialogue had a very positive impact for chemical companies and workers themselves. In regards to lifelong learning, an agreement was concluded between European social partners that set the minimum requirements for qualifications in specific careers.
- 68.** Responding to the statement from a Worker member from Germany, the Employer spokesperson stated that the agreement had been very successful at the European level and also pointed out the differences of social dialogue at European level and at the global level. It was important to be aware of systems in other regions and companies were very different, and a European social dialogue system could not be imposed on the rest of the world. The success of the European experience on social dialogue could inspire other countries and noted the difference that, in Europe, there was a specific formal system which was not the case at the global level. The best result of social dialogue was achieved if it took place close to those who are involved and impacted, namely at the company level. Therefore, it should start at company level between workers and employers. He added that the statement given by the Worker spokesperson was useful, as it showed how successful best practices in social dialogue could be.
- 69.** The Worker spokesperson clarified his earlier statement concerning flexibility in the context of social dialogue, stressing the need for everyone to give up a little and the conclusion had to be agreed jointly. In reference to the comment made by the Employer spokesperson, he acknowledged that there were good practices in social dialogue that differ between countries and regions. Moreover, best practices in social dialogue were never imposed but done in proper principle and good faith. Best practices had to be respected, and stressed the need to be careful with the use of the word “imposed”, and best practices were the responsibility of all.
- 70.** A Worker member from Germany noted that his earlier statement was not to imply European experience could be directly applicable to other cases or other regions and there was no obligation to apply them at all.
- 71.** An Employer member from Germany stated that in Europe there were many important examples of social dialogue. However, many of them referred to specific situations and conditions in Europe which could not be used as best examples for other regions. He stated that there were areas in which others certainly could not learn from Europe. He agreed social dialogue must take place at the right time and to do so the dialogue must have proper purpose and the necessary information available to workers. Additionally, what information to use should be decided on a case-by-case basis.

Improving sustainability of small and medium-sized enterprises, contributing to promoting decent work in the chemical and pharmaceutical industries, through social dialogue

72. The Employer spokesperson stated that the same approaches of social dialogue were applicable to all enterprises, including small and medium-sized enterprises (SMEs). The high standards in occupational health and safety in the chemical and pharmaceutical industries should be applied regardless of the size of the company. In addition, achieving sustainability was a common priority and therefore, transparency and information on occupational health and safety must be provided to all workers. Occupational health and safety was influenced by workers' conduct and was the key to create decent work in education and vocational training to ensure workers' employability.
73. The Worker spokesperson stated that social dialogue must be the same for all companies, including SMEs. He stated that there was often a lack of social dialogue in SMEs and stressed the need to recognize that many people worked in SMEs. The lack of union representation in SMEs also resulted in not having proper collective bargaining over the matters concerning workers. The enterprise-level collective agreements that protected and supported workers in large companies, in many cases did not cover SMEs' workers. SMEs were an important part of the chemical and pharmaceutical industries, and their workers must enjoy appropriate working conditions and decent work should be promoted. In this regard, the social partners also had the responsibility to create networks to ensure the same levels of occupational safety and health to all workers in the industries.
74. The Worker member from the United States stated that the protection of public health and safety was the main issue in the chemical and pharmaceutical industries. He stressed the need to analyse the causes of industrial accidents, and the importance of education and training, hazard recognition and risk assessment.
75. The representative of the Government of Panama stated that social dialogue for SMEs was the best way to establish appropriate working conditions and sustainability including decent work, wage gains, occupational safety and health, a safe environment and specialization programmes. Social dialogue in SMEs should have the same approaches as in large chemical and pharmaceutical companies.
76. The Employer spokesperson stated that dialogue in SMEs did occur. He said that it was a different kind of dialogue which was not the same everywhere in the world. However, it did not necessarily mean that social dialogue was less important in SMEs.
77. The Worker spokesperson stated that social dialogue took place in different ways, and that if one was to dialogue in different teams, one had to have structures and measures in place. Social dialogue in SMEs had a top-down approach and there were no exchanges of views between the parties concerned. He said that partners had to make sure that the rights of workers were not compromised. Although social dialogue was organized differently in various countries and, given the high record of hazards and accidents in the chemical and pharmaceutical industries, there at least needed to be general rules in dialogue in any given company in the chemical and pharmaceutical industries. He stressed there needed to be a structure to enhance job security and occupational safety and health. It was also important to ensure that dialogue took place at all levels in the chemical and pharmaceutical industries.
78. The Worker member from Indonesia stated that union members were sometimes perceived as enemies rather than partners by the chemical and pharmaceutical companies in her

country. The position of workers were very weak in companies. She said that efforts needed to be made to strengthen workers' positions to ensure better dialogue.

Future activities for the ILO

79. The Worker spokesperson referred to the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, the Global Jobs Pact, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and the ILO Declaration on Social Justice for a Fair Globalization. He stated that these instruments could be used to promote social dialogue, but it was important for the social partners to know what they were about and how one had to go along with them. He also referred to the lack of adequate representation for workers, the lack of social dialogue mechanisms and the lack of social dialogue itself taking place everywhere in the world. He stated that workers' capacity-building programmes needed to take place in order to make sure that social dialogue took place everywhere.
80. The Employer spokesperson stated that the ILO was active on the global level and cooperated with the three partners. There were also many examples at all levels for good employer–employee relations. In addition, the social partners in the industry at global level already worked together. The “Starting Global Social Dialogue in the Chemical Industry” (Geneva Declaration) adopted in Geneva on 26 May 2011, between the LRC and the ICEM was such an undertaking to improve social dialogue in the chemical and pharmaceutical industries. The ILO could capitalize and strengthen such good relationships. It was also important for the ILO to pay heed to different countries as a one-size-fits-all scenario would not work. Activities of the ILO could focus on enabling social partners in the chemical and pharmaceutical industries to develop and implement their own joint ideas on conducting social dialogue.
81. The representative of the Government of Panama stated that the Government group felt that tripartite meetings like the current one were one of the best ways of ensuring social dialogue. However, they needed to be repeated to ensure that there was appropriate follow up with respect to the chemical and pharmaceutical industries. She also stated that issues, including occupational safety and health, the dissemination and exchange of experiences, and ensuring sharing of good experiences among various countries to improve the situation, needed to be prioritized.

Consideration and adoption of the draft conclusions by the Meeting

82. The Working Party on Conclusions submitted its draft conclusions to the Meeting at the eighth sitting.
83. At the same sitting, the Meeting unanimously adopted the draft conclusions.

Geneva, 27 October 2011

(Signed) Ms S. Fox
Chairperson

Conclusions on the Tripartite Meeting on Promoting Social Dialogue on Restructuring and its Effects on Employment in the Chemical and Pharmaceutical Industries

The Tripartite Meeting on Promoting Social Dialogue on Restructuring and its Effects on Employment in the Chemical and Pharmaceutical Industries,

Having met in Geneva from 24 to 27 October 2011,

Adopts this twenty-seventh day of October 2011 the following conclusions:

General considerations

1. Social dialogue between worker representatives¹ and employers is a valuable means to manage the process of restructuring in the chemical and pharmaceutical industries, thereby contributing to equitable outcomes for all concerned parties whether at global, regional, national or the enterprise levels. Such dialogue should take place at the earliest possible stage in conformity with national law and practice, where relevant. Governments can play a supportive role for social dialogue by providing the enabling legal and regulatory environments and mechanisms in accordance with the ILO fundamental principles and rights at work, which enable the social partners to engage in effective dialogue.

The employment effects of restructuring in the chemical and pharmaceutical industries

2. The chemical and pharmaceutical industries are facing both challenges and opportunities related to restructuring. Global imbalances in labour demand and labour supply present further difficulties. In some countries, technological innovations have led to a drop in employment, while demographic change, especially ageing populations, and rising labour migration have resulted in a drop in labour supply. There is, in addition, a growing mismatch in sectoral skills requirements and skills supply across countries, with some countries having made more significant investment in education and skills training than others. Restructuring in the chemical and pharmaceutical sectors should not affect the principles and rights at work as defined by the 1998 ILO Declaration.² Furthermore, the chemical and pharmaceutical industries are anticipated to undergo further changes on their

¹ Throughout this text, when the term “workers’ representatives” is used, it refers to Article 3 of the Workers’ Representatives Convention, 1971 (No. 135), which reads as follows:

For the purpose of this Convention the term “workers’ representatives” means persons who are recognized as such under national law or practice, whether they are –

- (a) trade union representatives, namely, representatives designated or elected by trade unions for by the members of such unions; or
- (b) elected representatives, namely, representatives who are freely elected by the workers of the undertaking in accordance with provisions of national laws or regulations or of collective agreements and whose functions do not include activities which are recognized as the exclusive prerogative of trade unions in the country concerned.

² ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up.

way to increasing their contribution to sustainable development. In order to enable the industries to prepare for those changes social dialogue is an important means.

The implementation of the Global Jobs Pact

3. The ILO tripartite constituents believe the Global Jobs Pact, unanimously adopted by the International Labour Conference in 2009, provides a positive social dialogue-based framework for the design and implementation of local, national, or regional measures to assist the chemical and pharmaceutical industries in member States to recover from the global economic and financial crises and it should be promoted and taken into consideration in restructuring processes. Towards this end, the employers and workers should focus on decent work,³ reinforcing competitiveness and employability of workers. Such efforts should, in addition, address occupational safety and health issues.

Skills, qualifications, vocational training and education conducive to sustainable development of the chemical and pharmaceutical industries

4. Shortages of workers with the scientific, technical and production skills required by the chemical and pharmaceutical industries represent a major challenge which demands greater and ongoing investment in education and vocational training to ensure future sustainability.
5. Governments and the social partners have a shared responsibility in ensuring the availability of resources and the design and implementation of programmes to upgrade workers' skills and qualifications to support the continued viability of the industries. Social dialogue, taking into account national law and practice identified in different countries, should play a pivotal role in identifying and fostering education and vocational training outcomes that best balance the interests of the industries, their workers and society as a whole.

Attracting young and women workers into the chemical and pharmaceutical industries

6. In order to promote decent work, sustain competitiveness and contribute to the performance and image of the chemical and pharmaceutical industries, the social partners and governments should continue to work on areas such as work–life balance, gender equality, and health and safety. In addition, governments and social partners should work together to provide quality education, lifelong learning and vocational training, thus providing better career development opportunities, which could enhance the attractiveness of the industries to women, along with men. Such action also improves the attractiveness of the industries for young workers.

³ Decent work is a broad concept, enshrined in the *ILO Declaration on Social Justice for a Fair Globalization*. It was enunciated by the Director-General in 1999 as “opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity”. The Decent Work Agenda encompasses four strategic objectives, with gender equality as a cross-cutting objective: creating jobs, guaranteeing rights at work, extending social protection and promoting social dialogue. The four strategic objectives are inseparable, interrelated and mutually supportive. The failure to promote any one of them would harm progress towards the others.

Challenges and opportunities of contract and agency labour in the chemical and pharmaceutical industries

7. Where the use of contract and agency labour becomes necessary, chemical and pharmaceutical firms should at all times ensure that national occupational safety and health laws, regulations and good practice are applied to this category of workers in accordance with the ILO's fundamental principles and rights at work and relevant international labour standards. Contract and agency workers should enjoy the same fundamental rights at work as the firm's directly recruited workers.

Social dialogue to promote an atmosphere conducive to better industrial relations during restructuring in the chemical and pharmaceutical industries

8. Social dialogue plays an essential role in making restructuring processes successful in the chemical and pharmaceutical industries. To be effective in this respect, such dialogue should:
 - be timely, meaning at the earliest possible stage;
 - be based on a relationship of mutual respect in the context of good industrial relations between employers and workers as well as their respective organizations and be carried out in a spirit of cooperation and good faith;
 - consider and address the possible restructuring scenarios and their respective implications for management and the workforce;
 - be based on a full and meaningful exchange of views;
 - be based on all relevant information shared at the earliest possible stage by management with workers and their representatives; and
 - involve employers' and workers' representatives and, where appropriate, the relevant government entities.
9. Good social dialogue practice in the context of restructuring also requires that the agenda and content of the process be clearly defined in consultation between employers, workers and their representatives. Dialogue, to be effective, must be in accordance with the national law and practice and the relevant ILO principles and standards. Good social dialogue practices which exist in some countries provide valuable models that could be documented and disseminated for the information of sectoral social partners in other countries.
10. Among other aims, restructuring-related social dialogue should seek to expand employment opportunities with decent work conditions and worker employability through greater investments in education, vocational training and lifelong learning for all workers, while at the same time seeking to increase the competitiveness of companies in the industries.
11. The Meeting noted and welcomed a bilateral agreement entitled "Starting Global Social Dialogue in the Chemical Industry (Geneva Declaration)", adopted in Geneva on 26 May 2011 between the International Chemical Employers' Labour Relations Committee (LRC) and the International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM). The Geneva Declaration is not binding to Governments.

Improving the sustainability of small and medium-sized enterprises, and helping to promote decent work in the chemical and pharmaceutical industries through social dialogue

12. Decent work, as defined by the ILO, is as relevant to SMEs as it is to any other company in the chemical and pharmaceutical industries. Social dialogue should be undertaken at appropriate levels and in all sizes of enterprise including SMEs, with a view to achieving this goal in the two industries.

ILO's future activities

13. Taking into account the Governing Body's decisions at its 310th Session in March 2011⁴ on activities with respect to the chemical and pharmaceutical industries for 2012–13, the following future ILO activities are recommended:
- In collaboration with governments and employers' and workers' organizations, the ILO should undertake activities and programmes to promote, in the chemical and pharmaceutical industries, the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up; the ILO Declaration on Social Justice for a Fair Globalization; the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy; and the ILO's Global Jobs Pact.
 - Where appropriate and in consultations with the social partners and governments, the ILO should take follow-up actions and provide in-depth studies on examining the impacts of restructuring and corporate structural change in the chemical and pharmaceutical industries, including the use of contract and agency labour as well as the employment of women and young workers.
 - The ILO should enhance the capacity of the social partners in the industries, and develop and implement relevant joint ideas and tailor-made systems of social dialogue at all levels, on the basis of the principles, Conventions and other instruments of the ILO, enabling social partners to work together constructively and to keep their operations competitive. These activities could be connected to support global level sectoral social dialogue initiatives.
 - The ILO should ensure that appropriate follow-up activities and programmes take place. In this context, promotion of ratification and implementation of relevant ILO occupational safety and health (OSH) Conventions and other instruments and the dissemination and exchange of best practices and experiences learned from OSH should be a priority.

⁴ ILO actions approved by the Governing Body at its 310th Session in March 2011 (GB.310/STM/1, paras 25–26).

Global Dialogue Forum on initiatives to promote decent and productive work in the chemical industry

A Global Dialogue Forum is proposed to discuss initiatives to promote decent and productive work in the chemical industry. This Forum would examine initiatives to promote social dialogue for improving the performance of the chemical and pharmaceutical industries, in particular of small and medium-sized enterprises.

Taking on board the ILO's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), the discussion may assess how corporate social responsibility initiatives and relations with the emerging voluntary initiatives could be promoted at global and national levels in the chemical and pharmaceutical industries.

Part 2

Additional items

Closing speeches

1. The Secretary-General thanked all participants for their contribution to the Meeting discussion and results. The Meeting recognized the crucial role of social dialogue, particularly at a time of global economic crisis and underscored the importance of effective dialogue in the promotion of the ILO's goal of decent work for all. The Secretary-General congratulated that the Meeting adopted an important conclusion on contract and agency labour. The Secretary-General thanked the Chairperson for her able leadership, the spokespersons of the three groups and the members of the Working Party on Conclusions. The Secretary-General also expressed her appreciation to all her staff in the Sectoral Activities Department, particularly the Clerk and the Executive Secretary.
2. The Worker spokesperson congratulated all participants for the successfully adopted draft conclusions and thanked the Office for organizing the Meeting. He underscored the role of the ILO in promoting decent work for all. He stated that the Meeting discussed all elements of the Decent Work Agenda. He expressed his gratitude that the Meeting discussed a wide range of issues in relation to restructuring in the chemical and pharmaceutical industries. He emphasized that governments, employers and workers shared responsibility in the implementation of the conclusions in the chemical and pharmaceutical industries. He stated that the Meeting was an excellent social dialogue and stressed the importance of dialogue in the implementation of the conclusions.
3. The Employer spokesperson thanked the Chairperson, the Secretary-General, the Executive Secretary, the Clerk, all staff at the Sectoral Activities Department, and the interpreters. He expressed the satisfaction of his group on the Meeting conclusions. He expressed his special thanks to the Executive Secretary for an excellent report and his good work of drafting fair and neutral draft conclusions. He noted that the chemical and pharmaceutical industries had a history of good social dialogue to create a productive outcome. He underscored the paramount role of social dialogue in dealing with labour issues, and the Meeting was such a good example. He also thanked his colleagues from the Employers', Workers' and Government groups for the support and cooperation.
4. The Chairperson of the Government group thanked the ILO for organizing the Meeting. The Meeting had set goals and had been able to achieve them. She thanked the cooperation of her group, and the Employers' and Workers' groups to adopt the conclusions, and she stated this was a result of long hours of hard work of all participants.
5. The Chairperson stated the Meeting had a productive four-day work. The Chairperson thanked all participants involved in the discussions and their willingness to bridge the gaps in view of reaching a consensus. The Meeting was timely, particularly since the chemical and pharmaceutical industries were experiencing restructuring. The Meeting had been extremely successful in developing a roadmap to deal with the challenges in the industries. The Chairperson thanked the Officers of the Meeting, the Workers' and Employers' groups, and the Office for all its efforts for the preparation and organization. She stated that it was her role to report to the Governing Body about the Meeting conclusions to ensure follow-up activities take place. The Chairperson declared the Tripartite Meeting on Promoting Social Dialogue on Restructuring and its Effects on Employment in the Chemical and Pharmaceutical Industries closed with a great accomplishment.

Evaluation questionnaire

Evaluation questionnaire

A questionnaire seeking participants' opinions on various aspects of the Meeting was distributed before its last sitting. The following is an analysis of their responses.

1. How do you rate the Meeting as regards the following?

	Excellent (5)	Good (4)	Satisfactory (3)	Poor (2)	Unsatisfactory (1)
The choice of agenda item	2	15	–	–	–
The points for discussion	3	13	1	–	–
The quality of the discussion	6	9	2	–	–
The Meeting's benefits to the sector	2	14	1	–	–
The conclusions	3	12	2	–	–
Opportunity for networking	6	6	3	–	–

2. How do you rate the quality of the report in terms of the following?

	Excellent (5)	Good (4)	Satisfactory (3)	Poor (2)	Unsatisfactory (1)
Quality of analysis	6	8	3	–	–
Objectivity	4	10	3	–	–
Comprehensiveness of coverage	3	10	4	–	–
Presentation and readability	5	10	2	–	–
Amount and relevance of information	4	9	4	–	–

3. How do you consider the time allotted for discussion?

	Too much	Enough	To little
Discussion of the report	3	13	1
Presentations	2	15	–
Group meetings	3	14	–

4. How do you rate the practical and administrative arrangements (secretariat, document services, translation, interpretation)?

Excellent (5)	Good (4)	Satisfactory (3)	Poor (2)	Unsatisfactory (1)
11	6	–	–	–

5. Are you aware that the Sectoral Activities Department has a new website that provides information on its activities and meetings?

Yes 11 No 5

6. If yes, please indicate how you would rate the design and content of the website?

Excellent (5)	Very good (4)	Good (3)	Needs improvement (2)	Unsatisfactory (1)
1	5	3	2	–

7. Were you aware that the Sectoral Activities Department website had a section that provided information on this Meeting?

Yes 11 **No** 3

8. If you consulted the web page, did you download any of the documents available from it?

Yes 10 **No** 2 **Viewed but did not download** 3

List of participants

Chairperson

Président

Presidente

Ms Sarah Fox, Legal Counsel, American Federation of Labor, Congress of Industrial Organizations (AFL–CIO), Washington, DC, United States.

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Membres représentant les gouvernements
Miembros representantes de los gobiernos

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Mr Rafael Souza Campos de Moraes Leme, Permanent Mission of Brazil in Geneva.

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M. Adolphe Ntari, conseiller, coopération du ministre d’Etat, coordonnateur du pôle socioculturel, ministre du Travail et de la Sécurité sociale, Brazzaville.

M. Claude Arsène Amona, conseiller à l’emploi, ministère de l’Enseignement technique, professionnel, de la Formation qualifiante et de l’Emploi, Brazzaville.

M. Jean-François Tchitembo, directeur de la réglementation du travail et des relations professionnelles, Brazzaville.

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