

Final report of the discussion

Global Dialogue Forum on Employment Relationships in Retail Commerce: Their Impact on Decent Work and Competitiveness

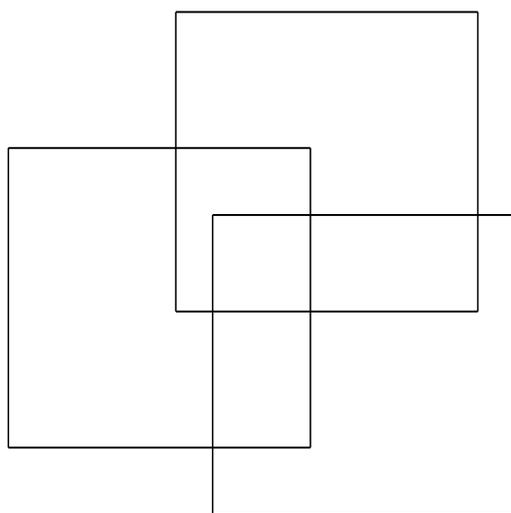
(Geneva, 22–23 April 2015)





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Their Impact on Decent Work and Competitiveness**
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INTERNATIONAL LABOUR ORGANIZATION

Sectoral Policies Department

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INTERNATIONAL LABOUR OFFICE, GENEVA

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Introduction

1. The Global Dialogue Forum on Employment Relationships in Retail Commerce: Their Impact on Decent Work and Competitiveness was held at the International Labour Office in Geneva from 22 to 23 April 2015. The Governing Body of the ILO had proposed the convening of the Forum at its 317th Session (March 2013)¹ and approved the Forum's composition at its 320th Session (March 2014).² The Office had prepared an issues paper³ and suggested points for discussion, which would serve as a basis for the Forum's deliberations.
2. The purpose of the Forum was to enable the tripartite sectoral constituents to discuss how the diversification of employment relationships in retail commerce is impacting decent work and the competitiveness of the enterprises in the sector with a view to developing a consensus on the way forward.
3. The Chairperson of the Forum was Ms Maria C. Valderrama (Philippines). The Government group coordinator was Ms Sabrina Mhar (Australia). The Employers' and Workers' group coordinators were respectively Mr Peter Woolford and Mr Ruben Cortina. The Secretary-General of the Forum was Ms Alette van Leur, Director of the Sectoral Policies Department (SECTOR), the Executive Secretary was Mr John Sendanyoye, and the Coordinator of secretariat services was Ms May Mi Than Tun, both also of SECTOR.
4. The Forum was attended by 66 participants, including 35 Government representatives and advisers from 29 member States, as well as 20 Worker and 11 Employer participants, and three observers from intergovernmental organizations (IGOs) and international non-governmental organizations (INGOs). Approximately 62 per cent of participants were male and 38 per cent were female.
5. The Secretary-General of the Forum recalled the outcome of previous meetings on the sector which had underlined the key role social dialogue should play in the design and implementation of measures to make the sector more attractive and ensure decent work. This was similarly this Forum's objectives, with a specific focus on the diversification of employment relationships in the sector. Consensus existed on the benefits and added value of applying good practice towards employment relationships and ensuring a more inclusive workplace. Greater flexibility in working time was required to satisfy customer expectations, and to adapt to the competitive environment and other trends. However, this flexibility needed to be aligned with decent work principles and with workers' needs for an acceptable work-life balance. The discussions would assess how ILO constituents in the sector and policy-makers could best harness social dialogue to effectively ensure a fair balance between the needs of employers and their workers on the issues of flexible work arrangements; predictability in work schedules and incomes; and employment practices that best aligned working conditions with the ILO decent work principles. She was confident the Forum's deliberations would result in useful suggestions to guide the work of the ILO and its constituents in retail commerce in the years to come.

¹ GB.317/POL/5.

² GB.320/POL/5.

³ ILO: *Employment relationships in retail commerce and their impact on decent work and competitiveness*, Geneva, 2014. http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_351453.pdf.

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6. The Chairperson underlined the importance of retail commerce in employment creation, accounting for more than 10 per cent of all jobs in many national economies. In her own country, the Philippines, retail and wholesale commerce combined employed over 7 million persons in 2011; just under 20 per cent of total employment, with women representing almost 60 per cent of the sector's workers. A recent survey found that commerce as a whole had accounted for 22.8 per cent of the 1 million new jobs recorded in 2014, more than any other sector. The quality of the sector's employment remained a key challenge, however, and there was a need to continue the quest for a balance combining decent work and quality jobs with sustainable enterprise growth. As indicated by the Office's Issues paper for the Forum, a host of factors were driving a process of diversification of employment relationships in retail commerce, generating challenges that the ILO constituents needed to address. She hoped the Forum would adopt consensus points with concrete proposals for action by governments, social partners and by the ILO to promote decent and productive work in the sector. The Forum brought together participants from across the world with significant experience, expertise and insights on the issues concerning the industry. Her role as Chairperson would be to facilitate the discussion, in consultation with the Officers of the Forum. The unique circumstances of each country could lead to a shared understanding if framed within the spirit of tripartism and constructive dialogue. In addition to the consensus points, the Forum would produce a final report of the discussion. The Executive Secretary presented the issues paper, which provided a background to recent developments in the retail commerce sector in very general terms and highlighted some of the main features and issues related to employment relationships and other contractual arrangements in the sector from different perspectives. The document did not attempt to present an exhaustive statistical analysis of the topic, or to look in detail at experiences in different countries around the world. There was a paucity of reliable data on trends in employment relationships in the sector for a majority of non-OECD countries, and even for many OECD Members. The link among decent work, staff commitment and customer loyalty was stronger in retail commerce than in any other sector; and yet no other sector had experienced greater diversification in its waged employment. The paper concluded with a brief discussion of what might be considered when formulating consensus points to balance the respective interests of retailers for greater organizational flexibility and that of workers for decent work with regard to the diversifying employment relationship. He believed the discussions would be interesting and useful in identifying the kind of environment that facilitated profitability and success of retailing, as well as conditions that helped to generate and sustain decent jobs for men and women around the world.
 7. The Workers' group coordinator hoped the Forum would achieve a consensus that improved the sector's conditions. His group was dissatisfied with the present conditions in the sector, where globalization had eroded the quality in working relationships and work organization. Since the 1990s, and especially after the 2008 economic crisis, labour markets had experienced more extensive flexibility and an even greater deterioration in rights at work than at the beginning of the globalization process. It had now become necessary to reaffirm the principles of decent work. The Forum should deliberate over the high and growing levels of part-time work and the continuous decline of standard forms of work. Workers recognized their employers' need for business flexibility, but insisted this should be arrived at only through social dialogue and collective bargaining. What was happening instead was that rising working hours and worker exploitation were increasingly seen as the only way forward in today's globalized marketplace, even as social dialogue and collective bargaining were declining. Workers hoped the Forum would recommend follow-up on these issues that could be effectively monitored.
 8. The Employers' group coordinator underlined the importance of the discussion given the revolutionary and dramatic changes under way in retail trade, and which were occurring at a pace that often made them hard to understand, especially with regard to their impacts on the employment relationship. These changes, which were projected to continue at the same

pace or even to accelerate, were customer-driven as, more than for any other industry, consumers were in the driving seat with increasingly greater options from which to satisfy their consumer needs, relegating everybody else to having to react to their decision-making. With regard to employment, retail commerce was important in all economies, accounting for one in every eight jobs in Canada, for instance, and for at least 10 per cent of the workforce in many other countries. The sector had also long acted as an essential entry point for many people into the workforce, and retail stores represented a central point of almost all communities.

9. Turning to the Office's Issues paper, he expressed his group's disappointment with its Eurocentric focus, given how greatly their labour markets differed from those of other regions, especially those of developing countries. Employers were also concerned that the paper seemed to present decent work as if it was in opposition to competitiveness when they were in fact complementary. Applying decent work principles to retail trade, which had been dominated by non-standard forms of work since the 1960s, was certainly a challenge, but they could still be aligned. Contrary to the view expressed in the paper that retailers provided little training, a lot of it was in fact often given on the job, equipping workers with basic skills for the future. He hoped that, in drawing up its consensus points, the Forum would draw inspiration from paragraph 18 of the Conclusions on employment and social protection in the new demographic context adopted at the 102nd Session of the International Labour Conference in June 2013, which stated as follows: "Labour markets need to function in a way that allows for adjustments to changing circumstances recognizing that all parties have legitimate interests. This should occur in an enabling framework that provides workers the stability and security to engage positively in change and provides employers with the necessary flexibility to be competitive and innovative."
10. An observer, the General Secretary of UNI Global Union, underlined the long tradition of unionization in the sector. He believed there was a consensus on the recognition of the sector's economic importance and its impact on the lives of millions of working people which all groups should impress on governments. He was not surprised with the lack of appropriate data on the sector which is often ignored everywhere. It was true that retail commerce was often the point of entry to formal economy employment, but many workers remained mired in the informal retail economy. In Africa, large demographic changes demanded millions of new jobs as the region's economies diversified away from raw material export towards commerce, and there was a similar consensus that retail commerce could be a point of entry for millions of Africans into the world of work. Workers also understood that retail commerce was customer-driven, but that consumers also wanted to be confident that their goods were sourced ethically and that retailers were making an effort to ensure that workers in their supply chains were treated fairly. Customers want not only quality and fairly priced products, but also fair treatment of workers. He noted that the role of supply chains was among the key issues in the German G7 presidential agenda.
11. The speaker underlined that, like their employers, workers had a strong interest in ensuring the survival of their businesses, while also believing that increased competition should in no way be won on the back of worker exploitation and erosion in the quality of their jobs and incomes. Consumer expenditure, much of it through retail commerce, represented approximately 70 per cent of many national gross domestic products in advanced countries. For retail commerce, therefore, inequality of income was unhelpful since it depressed overall consumption; to thrive, the sector required working people with sufficient levels of disposable incomes to buy retailers' goods. Jobs with dignity and adequate incomes had traditionally been a pillar of the middle class. Effective labour institutions, which facilitated collective bargaining and a rebalancing of income distribution, also boosted decent work in both local and global contexts. Workers recognized that, as underlined by the recent meeting of experts on the issue, unless remedial action was taken, non-standard forms of employment could lead to decent work deficits in a number of areas. Workers and good employers needed a common effort to

convince some big murky retailers out there to do better. Examples existed that showed it was possible to have a thriving retail business that pursued a high road on key issues and offered decent work. In concluding, he reminded participants that the following day was the second anniversary of the Rana Plaza disaster. In the aftermath of that disaster, UNI Global Union, together with other unions, major retail brands and manufacturers had agreed, with ILO involvement, on a common effort to improve working conditions and decent work in Bangladesh clothing factories.

First point for discussion: What are the challenges ILO constituents face with respect to decent work, the competitive environment and the evolution in the employment relationship in retail commerce?

12. An Employer participant from the United States, speaking on behalf of his group, stressed that retail employers considered decent working conditions an important consideration. Business competitiveness was built out of employee commitment which, in turn, derived from staff being offered decent work, contrary to the apparent assumptions in the Office's Issues paper that the sector lacked decent working conditions, as those it provided involved low pay, no benefits, and high rates of staff attrition, all of which impacted disproportionately on female workers. Although it lacked the longer term apprenticeships of other industries, the sector also provided extensive training and, as a result, its staff had unparalleled product and location knowledge of their merchandise. Such training had a pivotal role in preparing young people for future jobs in other sectors through work experience, and in offering those who were out of work the possibility of re-entering the labour market. He denied claims that workers had involuntary working hours and contended that there was much more data on the retail sector than alleged in the Issues paper, as long as one looked in the right place. Retail jobs played an important role both in the economy and in boosting labour participation rates. Furthermore, he underlined the necessity of differentiating between the rapidly growing e-commerce and the traditional bricks-and-mortar retail model. E-commerce provided jobs for drivers, packers, transporters, and other occupations, while traditional retail provided a different category of jobs which were nevertheless important to maintain. In his group's view, the Issues paper undervalued the sector's contribution to the labour market, and its role in strengthening training and career development. He was confident the Forum would develop consensus that continued to support fair labour practices with business competitiveness.

13. A Worker participant from New Zealand decried the increased financialization of retail commerce. Global finance no longer viewed the sector as distinct, but rather as just another activity from which to wring maximum returns for capital. Although global retailers had demonstrated an interest in caring for their workers and their working conditions, demands for higher rates of return threatened the effective realization of decent work. A global agreement on permissible rates of return would be beneficial to all. She stated that her own experience of the general working conditions in the sector differed greatly from that of the previous speaker: in new supermarkets in her own country, 80 per cent of the workers were employed for less than 20 hours a week and these were mostly unpredictable. They also provided no more than an average of two hours of training per person. The past 15–20 years had moreover seen great changes in retail, with the development of mega-retailers which had immeasurably increased their bargaining power vis-à-vis their suppliers who they could even destroy, if they so wished. Furthermore, these mega-retailers were controlled by financial capital whose only interest was return on capital often at the expense of the retailers' long-term viability. Technology was also a growing issue in terms of increased job redundancy. It was important to have a discussion, with the ILO playing a

key role, aimed at introducing a global financial transaction tax on global finance and also explore ways to limit finance's incessant demands for excessive rates of return.

14. A Worker participant from Chile underlined workers' interest in the continued competitiveness of their enterprises, their success and sustainability, but workers also wanted to share in such success. The sector was indeed undergoing continuous and wide-ranging transformation with far-reaching effects, especially for its workers. But contrary to the employers' claims, consumers might in fact be less of the driving force shaping shopping behaviour, than the actions of employers themselves. Workers and their trade unions had not been consulted on important changes in working conditions, including the shift towards more part-time employment, flexible shifts and wage erosion. The lack of union recognition was prevalent in many countries, and some companies refused to engage in collective bargaining. There was a clear need to involve collective bargaining and other forms of social dialogue in how the ongoing changes were managed. Workers were ready to engage with employers on these issues, as long as employers were similarly willing to engage in a two-way dialogue with workers and their unions.
15. The Government group coordinator noted the sector's great diversity, particularly with regards to differences among emerging economy and developing countries and the more advanced economy countries. Emerging economies and developing countries faced a large degree of informality in the sector where working conditions could be poor. Although some of these countries were witnessing a gradual movement towards more modern retailing formats, an increase in more formal employment and improving levels of compliance with labour regulations, a different set of challenges continued to impact working conditions in a sector still dominated by family-owned businesses, large-scale informality and the working poor. Problems of lack of formal contracts, correct employer relationships, insufficient government resources to ensure adequate regulations and satisfactory supervision and compliance with national labour standards, and social protection persisted in many emerging economy and developing countries. In more advanced economy countries, challenges to be addressed included high and rising levels of competition between retailers and inconsistent implementation of labour standards across the massive retail sector. In addition, government levels of worker protection standards differed among countries. Non-standard forms of employment, while proving advantageous for some, raised concern for certain members of her group. There was also a need to better understand the emergence and reach of e-commerce, as it was undermining more traditional forms of retail. Some countries would be holding round tables to discuss possible means of improving working conditions in this sector. The issue of vulnerable workers at the bottom of the supply chains should also be addressed.
16. The Government representative of the United States noted serious issues in apparel industry supply chains where, despite rigorous legislation, low compliance levels were encountered. Such practices as paying workers by the piece rather than at the federal minimum wage only generated fierce competition to drive down prices at the expense of workers' wages. Efforts to understand the challenges and how to tackle them were currently under way. These included round tables bringing together unions, workers, and different stakeholders. Special programmes with major retailers and various industry leaders were also being implemented. Over the previous five years, her Government had been rigorously enforcing measures that could help improve working conditions, despite facing resources constraints. She noted that the following day would be the second anniversary of the Rana Plaza disaster, and welcomed initiatives to address the underlying issues and prevent similar tragedies which could happen anywhere if appropriate action was not taken. Recommendations creating level playing fields should be implemented, but never at the expense of working conditions.
17. The Government representative of the Republic of Korea referred to the negative impact of the practices of large retailers, on their small and medium-sized competitors, especially

with regard to excessive working hours. To combat such practices and reduce their negative effects of decent work, his Government had introduced a law in 2012 to limit the operating hours of large supermarket chains.

- 18.** The Government representative of South Africa underlined inspection and enforcement as the greatest challenge for his country, especially with regard to the employment of immigrants and other categories of vulnerable workers on less than the minimum wage and substandard working conditions. Although a legal framework encouraging decent working conditions had been enacted, the challenge remained to strengthen labour inspection and enforcement.
- 19.** The Employers' group coordinator reminded the Forum that it should restrict its discussions to employment relationships in the retail commerce sector, avoiding extension into supply chains.
- 20.** An Employer participant from South Africa recounted some of the changes in her country's retail environment, the diversity in its workforce, and the employment regulatory frameworks. She deplored the inflexibility in existing labour laws which hampered the industry's needs for efficiency and competitiveness. Unenforceable laws on such issues as working hours and sick leave calculation for non-standard workers were, for instance, not set at levels that encouraged transitions from informality to formality. This situation made employer compliance difficult, especially for small and medium-sized enterprises. Enforcement and compliance represented massive challenges to securing competitiveness. The sector played an important role in the optimization of the labour market through lifelong learning and skills development whether applied to first-time work experiences, study, self-employment or retirement. Given the different needs of full-time and non-standard workers, the design of social protection policies needed to be much more innovative, expanded and adjusted appropriately in order to respond to the requirements of all retail workers. Furthermore, given the different levels of maturity of retail enterprises, traditional forms of social dialogue and engagement similarly required to be adapted to ensure freedom of association and representation. The essential challenges of non-standard models of employment were the adjustments that should be made in order to bring decent work to these forms of employment, with sufficient flexibility at country level that were not necessarily imposed. Some employers were designing jobs around workers' needs. Adjusted leave, increased hourly pay rather than statutory leave, discount cards providing valuable benefits, smaller pension fund contributions that were portable to future employment in retail commerce or other sectors, training and flexibility that would allow part-time studying were among several practices that could help to attract and retain young employees in the sector. Social dialogue should aim at adapting employment practices to the sector's specificities, avoiding a one-size-fits-all approach.
- 21.** The Workers' group coordinator agreed with his Employer counterpart that supply chains and retail commerce were indeed different topics, but they were nevertheless very interrelated. Avoiding supply chain discussions in the context of the present Forum was comparable to not mentioning consumer influence over retail commerce.
- 22.** A Worker participant from Spain underlined the differences of perception between statistical data and the reality in his country. While current statistical data indicating an increase in consumption and retail sales were real, this was not reflected in similar increases in real employment. More workers were indeed employed, but they were working fewer hours. With retail commerce having lost more than half a million jobs since the economic and financial crisis, more time was needed for employment to grow and reach the pre-2007 levels. Women were particularly affected by the increase in part-time and non-standard forms of employment. While commending the quality and amount of training in some sectors as described in the Office's Issues paper, it was important to note that in reality overall levels of training were decreasing. Even if the number of opening

hours had increased in retail shops, sales figures had not improved, as competition among small retailers, large retail chains and e-commerce operators had become very fierce.

- 23.** A Worker participant from the United States, referring to the effects of training investment on workers' productivity referred to in the Office's Issues paper, explained that when retailers viewed their staff as drivers of sales and profit, rather than a cost to be minimized, the virtuous cycle that ensued was paid off. A Massachusetts Institute of Technology (MIT) study on retailers showed that better wages, more hours, and long-term contracts had a significantly positive effect on sales and profits, while low investment in the workforce caused poor business results, with a high turnover and increased levels of frustration among workers and customers. It was reported that, as a result of retail workers' dissatisfaction in the United States, an expectation of even an increase of US\$0.25 per hour often led employees to leave their current employer to join a rival retailer. In other cases, workers were willing to accept positions with other retailers paying lower hourly rates but offering more hours. Retail jobs, largely considered "throw away" jobs due to their lack of decent working conditions, could bring immediate benefits for employers willing to make adequate investments into improving the working conditions they offered, and building a skilled and motivated workforce. Instead, certain companies had embedded expected "turnover rates" in their business models leading to situations whereby lower turnover led to decreased profitability as their workers ended up earning slightly more due to seniority benefits. Increased collective bargaining and social dialogue were needed on exit interviews and joint analysis to find out why workers were leaving and to devise joint solutions to worker dissatisfaction and excessive staff turnover rates.
- 24.** A Worker participant from Australia challenged the notion that decent work principles had to be subordinated to customer demands, and derided an employer participant's example of good practices in which young workers were willing to trade their statutory leave for discount cards. She compared this to another example where an employer had surveyed his workforce and found that workers were apparently willing to be paid in pizzas. It was superficial and offensive for any employer to assume that young people only cared about discount cards and pizza as this constituted a serious failure to acknowledge the responsibilities faced by today's youth, such as caring for ageing parents. It was very dangerous to make such assumptions about youth preferences, particularly in an industry with significant proportions of younger workers. Efforts should focus on applying decent work principles to non-standard forms of work, rather than remodelling or redefining these relationships. Non-standard forms of employment needed to provide secure and legitimate labour rights, social security, and wages, while reaffirming employer responsibility to not undermine decent work principles.
- 25.** An Employer participant from Belgium, speaking on behalf of her organization – EuroCommerce, which represented the commerce sector employers at the European level, reported that her organization had conducted a study entitled "More and Better Jobs for Young People in the Commerce Sector", focused on youth employment, recruitment, and intergenerational solidarity. It comprised good practices in different European countries on employment retention. A collection of these practices, soon to be published, were documented at the national, company and local levels. Findings included those confirming that employment flexibility in the retail commerce sector was necessary as it was the starting point for achieving a satisfactory reconciliation between full-time and part-time employment agreements and striking a balance between work and private life. Flexible work arrangements facilitated the fulfilment of certain responsibilities, such as elderly and childcare.
- 26.** An Employer participant from Nigeria observed that in developing countries retailers not only competed with online sales but also against informal market operators. Skills shortages were a challenge for retailers who contributed to local capacity building through

their investments in training. Retailers in countries like his provided decent work by paying their workers well above the minimum wage.

27. A Worker participant from South Africa opined that atypical forms of work challenged the very notion of decent work. She reported on recent legislative developments in South Africa where, following extensive dialogue involving government and business, regulations had been adopted providing for the conversion of casual workers to be converted to full-time after three months of continuous employment. Governments needed to be more actively involved in empowering workers, ensure they were provided with the necessary tools to earn sufficiently, as very low wages prevented them from more fully contributing to the countries' economies.
28. A Worker participant from the United States explained that the sector's workforce was not only composed of young workers; this misconception ignored the fact that many college graduates and working families depended on jobs in the retail sector as their primary source of support. Industry employment standards and working conditions should also bear these workers in mind. He further added that freedom of association and collective bargaining were the best avenue through which to address the Government group's enforcement and resource concerns.

Second point for discussion: How can the needs of both employers and workers for flexible work arrangements, predictable work schedules and incomes, and full-time employment in retail commerce be effectively aligned in practice with ILO decent work principles?

29. A Worker participant from New Zealand invited the Forum to reflect on the magnitude of consequences arising from unpredictable hours of work and unreliable income, from a worker's perspective. Drawing attention to paragraph 58 of the Office's paper which specifically highlighted the case of zero-hour contracts, which did not guarantee enough or predictable hours of work or a living wage but still forbade workers from working for a competitor to supplement their incomes and included trade restrictive provisions, she reported that, since the paper had gone to print, the Governments of the United Kingdom and New Zealand had announced their intentions to enact laws against them, as a result of pressure from customers, workers, the media and the general public. Unfortunately this type of contract was in any case not being replaced by guaranteed-hour contracts. She called on the Forum to issue a strong statement against zero-hour contracts and trade restrictive provisions. Beyond the specific issue of zero-hour contracts, large multinational retailers were increasingly adopting employment practices generally promoting contracts without predictable hours or reliable incomes, illustrating this with an example of a supermarket chain in her country where 80 per cent of staff were on 20-hour contracts and below, with most of them employed only between eight to 12 hours a week. Practices of allocating poor and insecure hours, coupled with extremely low wages, had a detrimental effect in an industry mostly composed of female workers. In many cases, low wages in the sector drove workers to need government benefits and subsidies even though their income unpredictability made most of them ineligible for such benefits. Unpredictable wages and hours affected not just entry-level positions but also workers with families to support. She highlighted the problem arising from the contrast between the rigidity of childcare arrangements with the random schedules imposed on workers in the retail industry, and cautioned governments to ensure legislated minimum hours were instead not treated by retail employers as "maximum" hours.

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- 30.** Drawing further attention to paragraph 90 of the Office’s paper, she observed that the demand by the financial industry for exorbitant returns on capital and investments was accentuating the growing power imbalance between employers and workers. There was a need to analyse the real reasons employers preferred non-standard forms of employment, as workers were unconvinced of those advanced on the basis of customer demand, given the fact that employers themselves drove their customers’ demand. Workers were of the view employers promoted non-standard forms of employment in order to drive down labour costs and thus achieve exorbitant rates of return on capital. No evidence documented that flexible and unpredictable arrangements were benefiting workers.
- 31.** An Employer participant from Portugal stated that employers were investing in and developing information technology tools in order to better forecast demand and improve their staff planning processes. Flexibility was needed by both workers and employers because if it worked only in one direction, workers would be unhappy, leading to high staff attrition rates. Employers were also investing more in employee training than they did in the past and thus had an interest in greater accommodation of employee demands in order not to lose such investment.
- 32.** An Employer participant from Germany focused on the importance of customer preferences, noting that his company, a diversified commerce enterprise, operated under the philosophy of the customer as king, and had different approaches for their wholesale and retail segments. He underlined the need to not ignore the fact that technological developments were likely to destroy some categories of jobs in the sector, even though one-on-one customer support services would continue to be required. In this context, the most pressing need was for governments, employers and workers to use social dialogue as a mechanism to jointly consider best practice approaches to ensuring continued training and employability of the sector’s workers to take into account the ongoing changes, and in full respect of decent work principles. He noted the prevalent differences of social dialogue in the sector across different regions. In Europe, dialogue focused mainly on contractual forms of employment and included developing tailor-made solutions to this issue. The meeting provided an excellent forum to discuss how workers could continue to derive pleasure from their work, including in different forms of employment, such as part-time work. He was happy to be able to report stable employment in his own company.
- 33.** An Employer participant from Nigeria stressed the need to avoid one-size-fits-all approaches which were in any case impractical. Collective bargaining mechanisms, which were in place in her own country, could address this issue. She urged the Forum to look into best practices existing in different countries with the aim of tailoring them into local requirements.
- 34.** An Employer participant from the United States acknowledged that training in the sector was of utmost importance, but that employers were often concerned that workers once trained would move to other employers thus depriving their previous employer of the benefits of their investment in the training. He illustrated the dilemma employers faced in this regard by referring to a popular commercial in which one executive expresses concern that the company trains workers who then leave for a competitor with another executive who expresses similar concerns that they fail to train their workers who then decided to stay. He drew attention to concrete evidence from a survey that showed that only 15 per cent of part-time workers would prefer a full-time job, and underlined the reality that change was imminent. Workers, governments and employers might not be in the same boat, but they were certainly all in the same storm. He quoted an OECD report supportive of the view that employers were accommodative of their workers as much as possible because of the prevailing “war for talent”. Employers needed flexible work arrangements due to intensifying competition, but these were fully voluntary rather than being forced on workers.

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- 35.** The Government group coordinator stated that increasingly member States' legislation were supportive of flexible working arrangements. Some governments encouraged social partners to work collectively to align such flexibility with decent work principles. Voluntary initiatives, including on childcare, had been introduced by employers. There were also examples of outreach programmes to address practices that infringed decent work, such as mis-recording of hours worked in order to underpay employees. Experience with social partner and other stakeholder involvement to inform workers about their rights had proved to be very useful. She also noted the emergence of associations of self-employed retailers in different countries.
- 36.** The Government representative of South Africa highlighted his Government's preference for collective agreements between workers and employers as these constituted the best tool to reconcile the respective interests of concerned parties in each industry, unless collective bargaining was weak, in which case this led to government sectoral determinations. The process was now overseen by a commission tasked with the organization of tripartite meetings that in some cases also involved neutral actors, such as universities. He also referred to new legislation in his country related to benefits for part-time workers. Employment relationships involving work for less than 27 hours a week could now qualify for the same benefits as full-time arrangements, with a slight variation only regarding annual leave. In the case of minimum wage provisions, more flexible frameworks applied to companies with five or less workers. When they faced difficult times, the government could issue them a temporary waiver to pay their workers less than the minimum wage, although this was an extraordinary provision that followed very stringent procedures. Functional flexibility was also allowable by arrangement between employers and trade unions.
- 37.** The Workers' group coordinator commended all participants for the lively discussion but acknowledged that certain definitions and concepts raised were also of concern. He noted that, in the 1990s, similar lectures on the imminence of change and the employers' need for flexibility had cropped up in social dialogue in Argentina. In 2001, a severe economic crisis had led to 25 per cent unemployment, with half of the economically active population pushed into working in the informal economy. Other countries in Latin America and Central America had also been impacted by that crisis, which had led to trade union membership in the region dropping to an all-time low.
- 38.** Forum participants should consider whether they would feel they were forced into a situation where they lacked knowledge on whether they would be employed in the next 30 days, or what times or days they would be required to work the following week. Statistics on youth employment portended a grim scenario. Aside from high unemployment rates, part-time employment was extremely prevalent. He questioned statistics and studies indicating that young workers had a preference for part-time employment. The reality was more nuanced and complex and situations varied across countries. Solutions that worked in countries with a 7 per cent unemployment rate would not work for countries with rates that were above 25 per cent.
- 39.** Workers were fully conversant with the implications of technological changes and fluctuating customer demand. They experienced these changes directly and were involved in their implementation in their respective companies. Workers believed these changes and their consequences increased the need to create frameworks to promote collective bargaining, tailored to each country's reality. Workers sought greater trade union recognition to be able to formally negotiate with their employers. He recalled that, when permanent contract legislation had been changed in Argentina to address unemployment, 11 different categories of employment contracts had ensued from these measures, resulting in an increase of unemployment rates from 6 to 23 per cent during that period. There was a need to take a fresh look at how social dialogue and collective bargaining could be promoted within the current situation in which non-standard forms of employment had

moved from “exceptions” to the rule. Priority should be given to developing and promoting effective collective bargaining that are suited to this situation. The ILO Decent Work Agenda and the social partners’ knowledge of their domestic relations should make it possible to use social dialogue to transform these new kinds of employment arrangements to decent work opportunities.

40. A Worker participant from Australia followed up on an earlier statement regarding the need for hard evidence, referring to statistics demonstrating that retail commerce was the worst sector in terms of training, providing only an average of two hours of formal training. The rest of its vocational development was constituted solely of on-the-job training. Evidence of in-kind wages or the trade-offs for mandatory leave had been documented in a formal government enquiry into the sector. The exceptionally high staff turnover rates reflected a genuine lack of employee satisfaction and commitment in the sector.
41. A Worker participant from New Zealand concurred with the view in paragraph 92 of the Office’s Issues paper; an overwhelming majority of workers did not choose but were rather compelled to accept flexible work arrangements in order to be able to feed their families. With regard to organizational change and flexibility, a proper balance between the interests of the retail employers’ workers’ concern for decent work was needed. In her view, strong employment laws, regulations and standards provided an essential first step to creating a level playing field, with strong unions and collective bargaining representing additional tools. She believed a discussion on power and control in the workplace should be of high interest to Forum participants, and reiterated the view enunciated by her group earlier that expanding the discussion to encompass global supply chains was as appropriate as extending it to the issue of consumer preferences as drivers of the push towards non-standard forms of employment.
42. The Employer group coordinator underlined the need for a thorough examination of the challenge of predictability, which, together with the issue of consumer behaviour, was of obsessive importance to retailers who undertook incessant research efforts and developed predictability models in order to analyse trends in consumer preferences and the likely impacts on their own operations. As a sector that interfaced closely with the end customer, retail commerce was much more subject to high volatility driven by consumer behaviour than were other industries serving only industrial customers. When combined with retail commerce’s highly competitive marketplaces, the situation became even more unpredictable and the challenges enormous. The consequent volatile reality, which was outside the control of management, necessarily impacted the employment relationship, hours of work and compensation structures, as miscalculations could easily lead to avoidable staffing mistakes. Employers were nevertheless fully committed to decent work and their responsibilities to their workers.
43. The Government group coordinator thanked the social partners for their valuable input, wondering what they considered would be the best means to achieve a satisfactory balance in flexible work arrangements from all perspectives.
44. A Worker participant from Australia stressed that non-standard forms of employment were not achieving the goals of the Decent Work Agenda. It was the workers’ obligation to denounce the current deficits in fundamental rights at work in the sector.

Third point for discussion: What should be the recommendations for future action by the International Labour Organization and its Members regarding employment relationships in retail commerce?

45. The Employers' group coordinator, expressing the view that it would be remiss to put forward unfocused requests to the Office, presented three concrete recommendations that had been carefully considered within his group for future action. Firstly, all the three parties should resolve to encourage social dialogue within their national circumstances. Towards this end, an in-depth study of the diversity of the industry and its prevailing forms of employment relationships would shed light on national and industry particularities. Careful monitoring of trends and developments would then provide a conducive foundation on which social dialogue could be carried out. Secondly, the Office should be requested to undertake research and analysis of future trends and developments. Academic research could, for example, provide key information to better understand the potential implications of trends in the retail sector in South-East Asia and Africa; collection of country-level data would be the most helpful. Documenting issues in the employment relationship that impacted differently on large corporations and small and medium-sized retailers would be of great value, as would also be a quest for solutions balancing decent work principles and non-traditional forms of work. He noted the unfortunate fact that national data, research and analysis were backward-looking when what was really needed most was to anticipate future trends and their likely implications for the sector, including its employment needs. Compilation and analysis of data currently took at least two to three years, and by that time circumstances and issues in the sector had evolved and changed. Finally, member States, especially developing countries, needed to be provided clear definitions for the retail sector and of non-standard forms of work, as clear statistical definitions promoted a better understanding of the sector.
46. The Workers' group coordinator believed the debate had brought out more areas of consensus than of divergence among the three groups. Firstly, it was clear that greater and better data collection had been recurrent throughout the discussion. Rapid developments and the widespread adoption of non-standard forms of work were shaping the industry in many new ways, but adapting to new labour realities should not be an excuse to bypass respect for decent work principles. The ILO should play an important role in promoting trade unions recognition and their full participation in decisions fundamentally affecting the sector's workforce. Secondly, he agreed with the Employers' group coordinator on the usefulness of a study on the differentiated implications of non-standard forms of employment for small and medium enterprises, but this should not be disassociated from also examining the power and impacts of large multinationals on the sector. Supply chain decisions of multinationals set the direction, and could negatively impact the overall sector and its workers; shaping the trends and developments for the rest of retail companies. Thirdly, workers agreed to recommendations put forward for the ILO to undertake research on how best to safeguard decent work within a context of growth in non-standard forms of employment. Research should encompass country-level studies of legal structures put in place to protect workers' rights. Fourthly, it was necessary for member States to embrace clear regulatory frameworks protecting against, rather than promoting, precarious working conditions, ensuring positive interconnection between labour laws and collective bargaining. Good practices allowed for the evaluation of the effectiveness of social dialogue, while taking into consideration the industry's particularities.
47. A Worker participant from Japan believed harmonizing decent work with flexible employment agreements would be challenging without improving labour laws. Decent work principles, including the need for skills training and worker benefits, should be

protected by law, requiring companies to play a more active role to ensure they struck a satisfactory balance between the two. He acknowledged the need to ensure retailers were able to meet customer demands and to raise their productivity in order to be profitable and remain sustainable but productivity gains and profitability should also be appropriately reflected in decent working conditions, including ensuring that workers could expect both predictable incomes and work schedules. He questioned the relevance of the implementation of corporate social responsibility principles in companies where organizational responsibility was lacking; noting that ISO standard 26000, for instance, provided guidance on how to address enterprise organizational responsibility. He recounted Japan's experience with three-level social dialogue structures, namely the national centre, industrial unions and enterprise-based unions, explaining that this framework allowed for effective social dialogue between workers and their employers. The issue of global supply chains should be part of the Forum's analysis, although more thorough discussions of the issue would be carried out at the 2016 International Labour Conference.

- 48.** A Worker participant from Nepal requested the Office to conduct further studies on the differences between non-standard forms of work in emerging and developed economy countries. A second issue should be to examine the impact of non-standard forms of employment and casual labour arrangements on income security. Analysis should also focus on the best way of implementation of labour standards for these forms of work, and on methods to improve labour inspection capabilities in the sector. She emphasized that working conditions in compliance with minimum wage standards did not necessarily constitute decent working conditions. More research should also aim at documenting how employers evaded complying with the principles of the Decent Work Agenda.
- 49.** A Worker participant from Spain emphasized the importance of effective collective bargaining and tripartite social dialogue. National legislation, in addition to ILO Conventions and standards, were important enabling tools for social dialogue. She commented that, more recently, international framework agreements had paved the way for more advanced social dialogue. The conclusions of the ILO's February Meeting of Experts on Non-Standard Forms of Employment included recommendations highly pertinent to the Forum's discussion and search for consensus. She requested the Office to identify and provide information on good practices that could move forward the connection between decent work and flexible work arrangements.
- 50.** A Worker participant from the United States followed up on the relevance of international framework agreements and emphasized the need to promote them further. He explained that these agreements spelled out rules, embedding values and objectives that translate into smooth labour relations irrespective of jurisdictions and varying applicable legislation. Tripartite negotiated agreements at the global level could then frame collective bargaining at the national and local level. He recommended for the Office to carry out research on best practices to implement such global framework agreements.
- 51.** Another Worker participant from the United States expressed the need for relevant standards enabling the conclusion of further global framework agreements. These should adhere to the UN Guiding Principles on Business and Human Rights. Global framework agreements constituted important tools to promote local social dialogue and to provide for labour peace. Member States and the ILO should promote the use of global framework agreements.
- 52.** A Worker participant from New Zealand agreed that many of the conclusions of the recent ILO Meeting of Experts on Non-Standard Forms of Work were relevant to the Forum's discussions. These included a specific recommendation for the ILO to reaffirm its commitment to implement decent working conditions. She added that standards included in different ILO Conventions applicable to employment relationships and private

employment agencies should be promoted. The high prevalence of women employed through non-standard forms of employment also called for specific attention to address access issues. Paragraph 8(c) of those conclusions was particularly relevant to the retail commerce sector. The possibility of a meeting of experts to undertake a gap analysis between contracts and the Decent Work Agenda should be considered. As far as workers were concerned, flexible employment arrangements translated into pernicious forms of employment decimating standards.

53. A Worker participant from Italy called for interventions in the realm of continuing education and certification of professional skills. The relevance of collective bargaining and in-service training certificates should be included in the Forum's recommendations.
54. A Worker participant from Japan underlined the need for businesses to harmonize, through dialogue with trade unions and representative worker organizations, their businesses' pursuit of growth with humanity and social responsibility. Workers were just as interested as their employers in ensuring that their businesses thrived, including through the provision of quality customer services, but this should never be at the expense of decent work and good working conditions; business operations needed to be based on proper respect for employees' decent work-life balance and without compromising on workers' rights and the form of their employment. Humanization of workers' private and working lives required a more equal relationship between employers and workers, ensuring that the needs of competitiveness did not override respect for workers' rights. Corporate activity and competition should not decimate workers' rights. Companies need to make their business activities grow in order to increase their earning, but also in a way that ensures fair distribution of the profits, the preservation of social values, the global environment and improved culture development.
55. The Government group coordinator summarized the main issues that her group had identified as recommendations for future action. First, there was a need to step up efforts on data collection on forward-looking trends and developments in the sector. Secondly, she called for an urgent comprehensive analysis of the developments related to the rapid growth of e-commerce and its impacts. Thirdly, there was a need for the ILO to help develop better definitions around non-standard forms of employment and provide clarifications regarding their ramifications. A fourth area of work should be an analysis of the proportion of women, immigrants and the self-employed in the sector's workforce and the specific issues they confronted. Differentiations should also be made between national and international levels. Analysis should document the phenomenon of diminishing small and medium-sized retailers and the correlative increase in the market shares for large companies. Finally, she proposed that the Office should further encourage the ratification of Conventions Nos 87 and 98 as part of its efforts to promote social dialogue in the sector and beyond.
56. The Government representative of the Republic of Korea stated that the retail commerce sector's workforce employed around 15 per cent of his country's workforce. His country had recently witnessed a rapid increase in the prevalence of non-regular workers, as they now accounted for a third of the country's working population. Government efforts had focused on mapping comprehensive measures for non-standard forms of work to address non-discrimination issues and the reinforcement of safety nets for vulnerable groups. Three main policies had been included within these comprehensive measures: inspection and guidance efforts had been strengthened in workplaces with large numbers of workers; in addition, public disclosure on the type of employment relationships, including the number of subcontractors, was now mandatory for companies with a staff of 300 employees or more; and finally, wage and insurance subsidies had been made available to part-time workers in order to promote equal treatment.

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57. The Government representative of Japan observed that the Forum had facilitated and promoted fruitful exchange of views and country practices. He called for the ILO's know-how to address the lack of universally accepted definitions applicable to non-standard forms of work. A collection of good practices that could easily be disseminated in different countries would also be very useful. He strongly emphasized the need to promote the greater use of social dialogue and the principles of tripartite cooperation in the sector.
 58. The Government representative of South Africa reiterated his Government's commitment to promote collective bargaining which, coupled with the ratification of relevant ILO Conventions, should provide member States with good tools to tackle decent work issues in the sector.
 59. The Employers' group coordinator agreed with the solid set of recommendations put forward by the Government group. He cautioned, however, that balancing comprehensiveness and effectiveness of recommendations would be necessary in view of the Office's limited resources.
 60. The Workers' group coordinator concurred with the need to pinpoint priorities within the wide range of complex issues that had been discussed. Workers would be able to prioritize items for action. Nonetheless, all recommendations, topics of concern and needs had been put forward in the interest of establishing a record of pending recommendations.

Discussion of the draft points of consensus

61. At the closing plenary session, the Forum considered document GDFERRC/2015/5, which included the suggested points of consensus drafted by the Office on the basis of the plenary discussions, and discussed amendments point by point. The Workers' group coordinator excused himself from the meeting and delegated the role to the Worker participant from the United States.
62. The Workers' group proposed to delete the word "vital" in the first sentence. She further proposed to add the phrase "with decent working conditions" after the word "workforce" in the last sentence, and to delete the rest of the sentence.
63. The Employers' group coordinator agreed with the proposals in principle, but, noting that the second sentence would be awkward, proposed to add the word "just" before the phrase "as necessary" and the word "is" before the phrase "a skilled, motivated". The workers agreed, and the paragraph was adopted as amended accordingly.
64. A Worker participant from New Zealand, acting as spokesperson for her group for the remainder of the Forum, proposed to delete the phrase "in many countries" in the last sentence of the proposed second paragraph, and to add the word "generally" before the words "below the average".
65. The Employers' group coordinator accepted the paragraph as was originally proposed, and accepted the second amendment, but did not agree to delete the phrase "in many countries".
66. The Government group coordinator proposed to insert the word "non-standard" before the phrase "forms of" in the second proposed paragraph, and to replace the phrase "have now attained standard status" with the phrase "are becoming common practice".
67. The spokesperson of the Workers' group noted that paragraphs 32 and 33 of the Issues paper stated that wages in retail commerce were much lower than in other sectors.

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68. The Employers' group coordinator accepted the Government group's proposal, but asserted that the paragraphs cited by the spokesperson of the Workers' group contained partial data. By suggestion of the spokesperson of the Workers' group, the discussion on the last sentence of this paragraph was postponed to the end of the session and the amendments made to the first sentence of the second paragraph were accepted by all parties.
 69. The Employers' group coordinator proposed to discuss all amendments to the proposed third paragraph collectively.
 70. The Workers' group spokesperson agreed, and thanked the Employers for that proposition, proposing deletion of the words "an adequate degree of employment" and replacing them with "secure, predictable hours of work". She also suggested replacing the words "diversified employment relationships" with "non-standard forms of employment" and the phrase "to ensure staff motivation and commitment" with "enjoy a genuine work-life balance".
 71. The Employers' group coordinator accepted the first proposed amendment and the deletion of the words "an adequate degree of employment and", but would insist on maintaining the phrase "to ensure staff motivation and commitment".
 72. The Government group coordinator proposed to delete the last sentence.
 73. The Employers' group coordinator accepted the word "for" introduced in the first sentence as it follows: "is similarly necessary to enable for workers to earn ...", but rejected the Workers' proposed addition of the phrase "enjoy a genuine work-life balance". He also supported the Governments' proposal to delete the last sentence.
 74. The Workers' group spokesperson proposed to end the amended paragraph with the phrase "necessary for workers", and delete the last phrase.
 75. The Employers' group coordinator accepted the Workers' proposal, and the Forum adopted the third paragraph as amended, which read as follows: "While non-standard forms of employment can contribute to business flexibility and help enterprises increase their competitiveness, decent work, including secure, predictable hours of work and income security, is similarly necessary for workers."
 76. The Workers' group spokesperson proposed to add the words "arrangements and" to the first sentence of the fourth proposed paragraph, which would read as follows: "Diversification in employment arrangements and practices has substantially affected career patterns". She also proposed to rephrase the third sentence as follows: "Although this has given retailers greater flexibility, workers in non-standard forms of employment more frequently than other workers lack protection in law or in practice". Finally, she proposed to delete the last phrase of the sentence which began with the words "keep staffing".
 77. The Employers' group coordinator accepted the first proposed amendment, and proposed to introduce the word "flexible" before the phrase "seasonal and temporary positions" in the second sentence. His group did not agree with the Workers' proposed text for the third sentence, because it would alter the balance of interests articulated in the proposed paragraph.
 78. The Workers' group spokesperson expressed confusion with the Employers' objection because, in its debate, the Forum had focused on this lack of protection, while the proposed third sentence focused on customers. She also revisited the first sentence and proposed to

use the phrase “workers in non-standard forms of employment” instead of “diversification in employment relationships”.

- 79.** The Employers’ group coordinator proposed that, since the Workers were moving towards the language proposed in the conclusions of the Meeting of Experts on Non-Standard Forms of Employment held in February 2015, the text of the paragraph should be the same, and read the text from the cited paper as follows: “Non-standard forms of employment have assisted business adaptability and growth, as well as increasing labour market participation. In the past decades, due to globalization and other factors, their use has grown. Workers in non-standard forms of employment more frequently than other workers lack protection in law or in practice.”
- 80.** The Workers’ group spokesperson accepted the Employers’ proposal, but the representative of the Government of Latvia, speaking for the Government group, questioned the wisdom of copying text from the conclusions of another meeting.
- 81.** The Employers’ group coordinator proposed to delete the proposed paragraph, and the Workers’ group spokesperson agreed. The proposed fourth paragraph was deleted, and the paragraphs that followed in the proposed points of consensus were renumbered accordingly.
- 82.** The Employers’ group coordinator proposed to add some words to the first sentence of the proposed fifth paragraph, after the phrase “rights at work”, the phrase “as defined in the 1998 ILO Declaration”. His group preferred retaining the title of the section as proposed by the Office.
- 83.** The Workers’ group spokesperson accepted the Employers’ proposed change on condition that the title of the section was amended to read as follows: “Impact of non-standard forms of employment on decent work”.
- 84.** The Government representative of Latvia, speaking for the Government group, proposed to add the phrase “working hours and” in the last sentence, before the word “income.” Both the Employers and the Workers’ groups accepted the proposed amendments, and the Forum adopted the proposed fifth paragraph as amended.
- 85.** The Workers’ group spokesperson proposed to replace the phrase “diversified employment relationships” in the second sentence of the proposed sixth paragraph with the words “non-standard forms of employment”.
- 86.** The Employers’ group coordinator, in turn, proposed to delete the first part of the second sentence (“Workers in retail commerce in diversified employment relationships may face a higher incidence of decent work deficits and they may face barriers to collectively address decent work deficits along one or more of the following dimensions of work:”), indicating that the first sentence introduced the listing of dimensions adequately.
- 87.** The Workers’ group spokesperson stated that they preferred to leave the whole second sentence for the benefit of readers who were unfamiliar with the outcome of the ILO Meeting of Experts on Non-Standard Forms of Employment.
- 88.** The Employers’ group coordinator agreed, and the Forum adopted the sixth proposed paragraph as amended.
- 89.** The Forum adopted the proposed seventh paragraph without amendments.
- 90.** The Workers’ group spokesperson proposed deletion of the phrase “sometimes conflicting” from paragraph 8. The phrase “essential to businesses with the” should also be

deleted and replaced with “, decent”, so that the sentence read as “It is a vital element in reconciling the social partners’ interests, including balancing the need for flexibility, decent employment and income security needed by workers”.

- 91.** The Employers’ group coordinator proposed a different approach which would be to modify the second sentence slightly, to read as follows: “It is a vital element in reconciling social partners’ interests, including the need for flexibility and the need for employment and income security and predictable work,” explaining that the predictability of work schedules was a shared concern.
- 92.** The Workers’ group spokesperson accepted the Employers’ proposal on condition the word “decent” was inserted before the word “employment”.
- 93.** The Employers’ group coordinator accepted the above proposal, while also proposing deleting the word “with” that preceded the Workers’ proposed insertion.
- 94.** The Government group coordinator proposed deleting the word “and” after “employment”.
- 95.** The Employers’ group secretary suggested that the phrase “income security” was redundant because it was part of decent work, as was clear from the definition provided in the Conclusions of the Meeting of Experts on Non-Standard Forms of Employment.
- 96.** The Workers’ group spokesperson insisted, and the Employers’ group coordinator, accepted that the text should remain.
- 97.** The Employers’ group secretary proposed deleting the word “greater” before the phrase “social dialogue,” which the Workers’ group spokesperson accepted. The Forum adopted the proposed eighth paragraph as amended.
- 98.** The Workers’ group spokesperson proposed deleting the second sentence of the proposed ninth paragraph, which the Employers’ group coordinator and the Government group coordinator accepted. The Forum adopted the proposed ninth paragraph as amended.
- 99.** Both the Workers’ and Employers’ groups accepted the proposed tenth paragraph without amendment.
- 100.** The Government group coordinator proposed to add at the end of the paragraph the following sentence: “Governments should also set up appropriate working conditions to encourage retail commerce workers to move from the informal to the formal sector”.
- 101.** The Employers’ group coordinator proposed to replace the phrase “set up appropriate working conditions to” in the latter proposal with the phrase “promote conditions that”, to avoid assigning to governments duties that employers should perform.
- 102.** The Government group coordinator accepted this suggestion, but the Workers’ group spokesperson asked if it was relevant to speak about the informal economy while they had not talked about it during the plenary discussions.
- 103.** The Government representative of Côte d’Ivoire explained that it was important to take account of the informal economy which represented a large part of the developing countries’ economies, and that one of the goals of decent work was to help workers move from informal into formal economy employment.
- 104.** The Workers’ group spokesperson asked if this was a problem specific to the retail commerce sector or whether it was a general issue.

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- 105.** The Secretary-General of the Forum advised that Report V(1) to the 103rd International Labour Conference⁴ provided the appropriate phrase: To encourage transition from the informal to the formal economy.
 - 106.** The Workers' group accepted the sentence with that phrasing.
 - 107.** The Workers' group spokesperson submitted a proposal for a new sentence for the proposed tenth paragraph which would read as follows: "Global frameworks agreements are valuable tools to promote decent work, social dialogue and enforce international labour standards".
 - 108.** The Employers' group coordinator did not accept this proposal, arguing that this was within the competence of the companies and trade unions on a voluntary basis, and the proposal was not in accord with the purpose of the meeting.
 - 109.** The Government representative of Latvia asked if the subject of global frameworks agreements was tackled during the meeting.
 - 110.** The Workers' group spokesperson asserted that it had been, and that the proposed new sentence did not imply an obligation for employers.
 - 111.** The Employers' group coordinator reiterated his group's rejection of the Workers' proposal, which the Workers' group then withdrew.
 - 112.** The Forum adopted the proposed tenth paragraph as amended.
 - 113.** The Employers' group coordinator proposed deleting the word "effective" in the proposed subparagraph 11(a), stating that it was unnecessary to qualify the phrase "social dialogue" with an adjective. He accepted subparagraph 11(b).
 - 114.** The Workers' group spokesperson agreed with the removal of the word "effective" in the proposed subparagraph 11(a). She moved to have the proposed subparagraph 11(b) rephrased as follows: "Jointly seeks solutions to address decent work deficit caused by non-standard forms of employment".
 - 115.** The Government group coordinator said that the governments would like to add to the proposed subparagraph 11(a) the phrase "taking into account the needs of the most vulnerable groups, such as migrant workers, women, youth and self-employed", and agreed with the Employers' group's proposed amendment.
 - 116.** The Employers' group coordinator stated that, at the Meeting of Experts on Non-Standard Forms of Employment, employers had expressed concern at categorizing the self-employed as vulnerable, and proposed that the text not define the vulnerable groups.
 - 117.** The Workers' group spokesperson agreed to the Employers' proposal.
 - 118.** The Government group coordinator noted that the self-employed could be very vulnerable if social security did not protect them and that they often had a precarious, non-standard condition of work.

⁴ ILC.103/V/1.

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- 119.** The Government representative of the Republic of Korea supported defining vulnerable workers as migrants, women and the young.
 - 120.** The Government representative of Burkina Faso stated that developing countries were not necessarily concerned with employer–worker relations, but more often with intermediaries that dealt with wholesalers. Family enterprises which operated in the informal economy often found themselves in vulnerable positions. He thought that it was important to consider this type of workers as vulnerable, as they could not count on sustained employment.
 - 121.** The Employers’ group coordinator observed that the Governments’ comments reflected different degrees of vulnerabilities and the fact that each region and country had their own definition of which categories to include among vulnerable workers. In his own country this category would have included workers with disabilities. He illustrated the point of disadvantaged people with the example of Australia’s aboriginal people, explaining that once one started adding precision, the risk of leaving out other groups arose, which could raise concerns. He proposed limiting the description to the word “vulnerable”.
 - 122.** The Government group coordinator suggested amending the wording to “most vulnerable groups according to national circumstances”.
 - 123.** The Workers’ and Employers’ groups accepted this amendment, and the Forum adopted the proposed subparagraph 11(a) as amended.
 - 124.** The Employers’ group coordinator expressed concern that the proposed amendment by the Workers’ group to the proposed subparagraph 11(b) was too negative. He suggested a wording change to “work deficits that may arise”.
 - 125.** The Workers’ group spokesperson proposed the alternative phrase “any work deficits caused”.
 - 126.** The Employers’ group coordinator proposed the phrasing “jointly seeks solutions that balance the need for flexibility and the need to address any decent work deficits ...”.
 - 127.** The Workers’ group spokesperson objected to this phrasing as cumbersome and stated that attention should be paid only to deficits. She referred to a paper which mentioned higher deficits in different parts of the world, saying that the Workers had accepted a softening of wording on the issue and had already gone some distance to meet the Employers’ concerns.
 - 128.** The Government group coordinator indicated that the group had no amendments, while the Government representative of the Republic of Korea believed that including the word “increasing” before “non-standard forms of work” was relevant.
 - 129.** The Employers’ group secretary said that the discussion had reached an impasse, suggesting the proposed paragraph be deleted.
 - 130.** The Workers’ group spokesperson agreed to delete the proposed subparagraph 11(b), provided that they could reach an agreement on subparagraph 12(a).
 - 131.** The Employers’ group secretary asserted that there was an unwritten rule to the effect that, whenever consensus could not be reached on any given point, it should be dropped.
 - 132.** In clarification, the Secretary-General of the Forum replied that there were no hard rules applicable to global dialogue forums; previous forums had applied informal procedures of

skipping paragraphs, of putting paragraphs in brackets, and of package negotiations as had been suggested here. She stressed the importance of tripartite negotiations.

- 133.** The Government representative of South Africa felt the Employers' group had been too quick to dismiss the chances of an agreement.
- 134.** After further discussion, however, the Forum agreed to delete the subparagraph, and adopted the proposed paragraph 11 as amended, without subparagraphs.
- 135.** The Employers' group coordinator moved to rephrase the proposed subparagraph 12(a) to read as follows: "Engage social partners in defining non-standard forms of employing and in reviewing labour legislation and policies in retail commerce with reference to both employer and worker interests", arguing that this language was more neutral.
- 136.** The Workers' group spokesperson accepted most of the amendment, but proposed that the sentence end with the word "commerce." She also proposed to add a new subparagraph 12(b) that would read as follows: "Governments in collaboration with social partners should pursue labour market and other policies with the goal of ensuring continuous progress towards decent jobs", indicating that the text had been adapted from subparagraph 7(a) of the conclusions of the Meeting of Experts on Non-Standard Forms of Employment.
- 137.** The Government group coordinator speaking on behalf of her own Government and the Government representative of Latvia agreed with the position of the Workers' group on the proposed subparagraph 12(a).
- 138.** The Government representative of Latvia, in turn, objected to the proposed new subparagraph 12(b).
- 139.** The Employers' group coordinator accepted both proposals from the Workers' group, and the Forum adopted subparagraph 12(a) as amended.
- 140.** The Workers' group spokesperson clarified that the proposed subparagraph 12(b) was new, and that subparagraph 12(b) previously proposed in the secretariat's draft should be renumbered as subparagraph 12(c).
- 141.** The Employers' group coordinator supported the Workers' proposal, since the wording had been previously agreed, but requested the Governments to voice any concerns.
- 142.** The Workers' group spokesperson explained that they had proposed the new subparagraph 12(b) because the Forum had agreed to delete the previously proposed reference to decent work deficits, and that the proposed new subparagraph 12(b) was a replacement.
- 143.** The Government group coordinator, speaking as the Government representative of Australia, said that she was concerned that the Asia-Pacific region had a diverse range of countries, and due to austerity measures minimum wages could not be increased, which was equally true in many OECD countries. She requested clarification on what "continuous progress" meant, and voiced concern the wording might be too strong.
- 144.** The Government representative of South Africa expressed doubt that the subpoint added anything new to what had been covered in subparagraph 12(a).
- 145.** The Workers' group spokesperson said that there was no reference to decent jobs in subparagraph 12(a), which was problematic. She reiterated that this text was already

agreed in a tripartite forum, so presumably, the experts at the meeting themselves had come up with the view that “continuous progress” at least meant not going backwards.

146. The Employers’ group coordinator moved that the proposed subparagraph begin with the phrase “as much as possible in collaboration with social partners”, and remove the word “should”.
147. The Government representatives of Latvia and Australia supported the Employers’ suggestion.
148. The Workers’ group spokesperson also supported it, and the Forum adopted the proposed new subparagraph 12(b) as amended.
149. The Workers’ group spokesperson sought to amend the Office’s proposed subparagraph 12(b) to read as follows: “improve social protection systems to mitigate the negative impact of non-standard forms of employment”.
150. The Employers’ group coordinator said that his group took a different approach, stating that the Workers’ proposed amendment presented the Employers in a negative light. To make the language more neutral, he proposed that it be rephrased to read as follows: “adapt social protection systems to take account of non-standard forms of employment”.
151. The Workers’ group spokesperson objected that the Employers’ amendment took the original proposal from the secretariat’s draft too far in the opposite direction, presenting a false view of what social protection systems were meant to do.
152. The Employers’ group coordinator stated that he could not envisage consensus emerging on this point.
153. The Government representative of Latvia proposed deletion of the point.
154. The Workers’ group spokesperson wished to leave subparagraph 12(b) as originally written.
155. The Employers’ group coordinator underlined his group’s rejection of the version proposed by the Office because it assumed that flexible work had negative effects.
156. The Workers’ group coordinator recalled that the negative effects of flexible work had previously been accepted.
157. The Employers’ group coordinator, however, observed that his group had simply tried to reflect the fact that existing structures in social protection were not well suited to new forms of employment. He was not sure whether it was worth pursuing the debate further.
158. The Workers’ group spokesperson stated that her group preferred to delete subparagraph 12(b) altogether rather than accepting the employers’ amendment.
159. The Government representative of Côte d’Ivoire felt the problem could be simply semantic, suggesting to rephrase the sentence as follows: “improve the social situation in order to take into account of non-standard forms of employment”. Nevertheless he would have no problem should the social partners prefer deleting the clause instead.
160. The Government group coordinator said that they did not have further comments as a group, and the Forum agreed to delete the Office’s proposed subparagraph 12(b).

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- 161.** The Workers' group spokesperson indicated that the group did not have any proposals to amend the proposed subparagraph 12(c).
- 162.** The Employers' group coordinator proposed several amendments, because the group were concerned that the subparagraph portrayed retail trade in a negative light, and it should be more action-oriented, as follows: "ensure workplace compliance and enforce labour legislation and guarantee workers' rights". He noted that the deleted text was already contained in the just adopted subparagraph 12(b).
- 163.** The Workers' group spokesperson appreciated the clarification and said that, in that context, her group could accept the amendment.
- 164.** The Government representative of Gabon, having requested that the amendment be reread, expressed concern with the first French interpretation, but agreed with the proposed amendment as stated in the second interpretation.
- 165.** The Forum adopted paragraph 12 as amended.
- 166.** The Employers' group coordinator proposed two amendments to the proposed subparagraph 13(a), to remove the word "all" and the text "particularly those related to freedom of association and collective bargaining".
- 167.** The Government group coordinator accepted the proposed amendments.
- 168.** The Workers' group spokesperson also agreed to the proposed amendments.
- 169.** The Forum adopted the proposed subparagraph 13(a) as amended.
- 170.** The Employers' group coordinator proposed to remove "effectively" in the proposed subparagraph 13(b).
- 171.** The Workers' group spokesperson agreed.
- 172.** The Government representative of Latvia, speaking on behalf of the Government group, proposed to add the following words at the end of the subparagraph: "as well as outreaching to other organizations representing employees", arguing that there were examples where doing so was very effective.
- 173.** The Government representative of the United States explained that her country had extensively identified and involved not only employers but also workers and their needs, and other stakeholders, including non-governmental organizations, such as faith-based organizations.
- 174.** The Government representative of Niger stated that the wording in the subparagraph was repetitive, and the phrase "which includes collective bargaining" could be removed.
- 175.** The Government representative of Burkina Faso mentioned self-employed workers as an example of workers that were not employees and not linked to employers. Small business associations often went hand in hand with trade unions and worked on similar lines to promote decent work. The subparagraph should therefore be broadened to include these kinds of organizations.
- 176.** The Workers' group spokesperson objected to the Government group's proposals: firstly, because the extension to parties outside the ILO's tripartite structure was both

unacceptable and dangerous, and, secondly, because the ILO promoted collective bargaining.

177. The Employers' group coordinator fully supported the Workers' statement, while clarifying that nothing prevented governments from involving other organizations, but that this had to be outside the tripartite structure which was reserved for the recognized parties of social dialogue. Without intending any disregard or disrespect for the Governments, it was important to underline that it would be dangerous and ill-advised to add this extra text.
178. The Government representative of the United States reiterated that in her country other groups such as faith-based groups were already taking part in social dialogue.
179. The Government representative of South Africa disagreed, stating that these measures were a matter for national policies.
180. The Government representative of Latvia withdrew the proposal.
181. He agreed on removing the phrase "which includes collective bargaining".
182. The Government representative of Gabon supported the amendment, as the ILO was perfectly aware of the meaning of social dialogue.
183. The Workers' group spokesperson opposed removing the phrase.
184. The Employers' group coordinator expressed understanding for the Workers' position on an issue that was so important to them and concurred with the Workers' group position.
185. The Forum therefore adopted the proposed subparagraph 13(b) as amended.
186. The Employers' group coordinator moved to delete the proposed subparagraph 13(c) as it was retrospective, while the ILO should be forward looking.
187. The Workers' group spokesperson opposed that suggestion, as it would still be useful to have data.
188. The Employers' group coordinator explained the reasons for his group's position, noting that the limited resources that would be expended for gathering data would be better applied to the work preferred by his group in the following subparagraph.
189. The Workers' group spokesperson argued in turn that empirical evidence were a prerequisite for conducting the research and comparative analysis under the proposed subparagraph 13(d).
190. The Employers' group coordinator explained that data was poor, often not available, and with a limited value, so it would be better to focus on the future.
191. The Workers' group spokesperson maintained that the Issues paper had highlighted the lack of data and stated that it was the ILO's role to help member States to improve their systems for the collection of labour statistics and labour market information.
192. The Employers' group coordinator contended that there was so much academic literature available which the ILO could use to research employment relationships, and that the Office use its limited resources to study new developments rather than duplicate what others were doing so well.

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193. The Workers' group spokesperson countered that the proposal was based on resolutions adopted by the International Conference of Labour Statisticians.
 194. The Government representative of Latvia, speaking on behalf of the Government group, was happy with the text and had no proposals to make on it.
 195. The Employers' group coordinator explained it was a matter of priorities and resources, and any language that would affirm that the next subparagraph would be a priority would resolve the problem.
 196. The Secretary-General of the Forum explained that the Office had tried to adequately reflect the plenary discussion regarding the lack of data, especially in developing countries, as well as the outcomes of the discussion at the ILO Meeting of Experts on Non-Standard Forms of Employment the previous February. The Office was committed to widening its policy and forward-looking research efforts because it could not base its policy guidance and recommendations on data from the United States and other OECD Member states alone.
 197. The Employers' group coordinator accepted the text and, as a result, the Forum adopted the proposed subparagraph 13(c) without amendments.
 198. The Employers' group coordinator proposed to change the first word of the proposed subparagraph 13(d), "undertake", to the phrase "Particular attention should be paid to". He also proposed the amendment to include the phrase "and digitization" after the word "e-commerce".
 199. The Workers' group spokesperson accepted the first amendment. She also proposed to remove "the diversification of employment relationships" and to add "the impact on decent work of" before "non-standard forms of employment".
 200. The Employers' group coordinator expressed his concern about the Workers' first proposed amendment, namely to remove the part about diversification of employment relationships, because these new relationships should be analysed as they developed. He accepted the second amendment proposed by the Workers' group.
 201. The Forum adopted the proposed subparagraph 13(d) as amended, and the proposed paragraph 13 as amended.
 202. The Chairperson requested that the Forum revisit paragraph 2 as earlier agreed.
 203. The Workers' group spokesperson stated that in the interest of getting a consensus document she was willing to revert back to the original text, withdrawing her group's proposed amendment.
 204. The Employers' group coordinator thanked the Workers and stated that he believed the Governments had been comfortable with the paragraph from the outset.
 205. The Government representative of Latvia, speaking on behalf of the Government group, agreed.
 206. The Forum adopted the proposed paragraph 2, reflecting amendments to the first sentence as agreed before.
 207. The Forum adopted the proposed points of consensus, as amended.

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- 208.** The Coordinator of the Meeting explained that the secretariat would record the amendments and send the adopted text at the beginning of the following week. The draft report of the meeting would be sent by email and participants could make changes to their own interventions in a specific period of time.
- 209.** The Employers' group coordinator and the spokesperson of the Workers' group thanked all the parties and participants to the Forum. The Government representative of Latvia, speaking on behalf of the Government group thanked the Chairperson, the Office, his colleagues and the interpreters.
- 210.** The Secretary-General congratulated the Global Dialogue Forum on achieving such excellent results. They had seen social dialogue, as well as collective bargaining, in action. The interventions had made clear that the issue was both extremely interesting as well as complex. Changes in the sector had given rise to concerns for all partners. It had been encouraging to see governments sharing examples, demonstrating that they had been thinking about ways to overcome the decent work deficits in the sector arising out of non-standard forms of employment. The topic would stay with them for some time and they could continue learning from these experiences. The Forum had benefitted from and built on the results of the February Meeting of Experts on Non-Standard Forms of Employment. She expressed the Office's pleasure with assisting the constituents and thanked everyone for the interesting discussion, after which she thanked the group coordinators individually, a selection of people who had supported the groups, the Chairperson, and the staff of the Sectoral Policies Department. She wished everyone a safe journey home and stated her appreciation for everyone's engagement and commitment at the meeting.
- 211.** The Chairperson expressed a collective sense of achievement, and thanked participants for their hard work and active participation. The Forum had, once again, reaffirmed the relevance of their Organization's fundamental faith in the power and value of social dialogue as the best means to address labour- and employment-related issues that arise in the world of work, so that amicable solutions could be developed by those directly concerned with the results. They had shown that social dialogue undertaken in a true spirit of mutual respect and trust would always prove to be an adequate means to arrive at optimal solutions for all stakeholders concerned. Their efforts had resulted in the adoption of a set of points of consensus. She was greatly satisfied with the result. She had no doubt that these points of consensus would be invaluable in providing the ILO's tripartite constituents and the Office with the necessary roadmap to support the ability of retail commerce to offer jobs that were fully in line with the Decent Work Agenda. She thanked the group coordinators, delegates and other Forum participants, as well as the members of the secretariat and the interpreters, for their work. Without their contribution the smooth running of the Forum would not have been possible. She wished everyone a safe journey home and declared the Forum closed.

Points of consensus ¹

Challenges for ILO constituents

1. Unlike many other sectors, retail commerce is important in every country. It is one of the largest employers around the world, representing an entry point into the labour market, particularly for young people and women who represent the majority of retail workers in many countries. Successful retail enterprises are just as necessary for continued employment as is a skilled, stable and motivated workforce with decent working conditions.
2. Few industries have experienced greater change in their waged employment over the last few decades than retail commerce, where highly varied non-standard forms of employment are becoming common practice. A wide range of factors are driving this process, from changes in economic circumstances and consumer preferences, globalization, to advanced technological innovations and the new forms of competition they have enabled, including an explosive growth in electronic commerce. In many countries, wages in retail commerce are below the average for the economy as a whole and the sector experiences a high labour turnover.
3. While non-standard forms of employment can contribute to business flexibility and help enterprises increase their competitiveness, decent work, including secure, predictable hours of work and income security, is similarly necessary for workers.

Impact of non-standard forms of employment on decent work

4. Fundamental principles and rights at work, as defined in the 1998 ILO Declaration, apply to all workers in retail commerce, regardless of the nature of their employment relationship. Non-standard forms of employment should meet the legitimate needs of workers and employers and not be used to undermine labour rights and decent work, including freedom of association and the right to collective bargaining, equality and non-discrimination, security of employment, and predictability of working hours and income.
5. The conclusions of the ILO Tripartite Meeting of Experts on Non-Standard Forms of Employment, held in Geneva on 16–19 February 2015, are fully relevant to the retail trade sector. Workers in retail commerce in non-standard forms of employment may face a higher incidence of decent work deficits and they may face barriers to collectively address decent work deficits along one or more of the following dimensions of work: (1) access to employment and labour market transitions to decent work; (2) wage differentials; (3) access to social security; (4) conditions of work; (5) training and career development; (6) occupational safety and health; and (7) freedom of association and collective bargaining. If left unchecked, these decent work deficits risk contributing to increased insecurity and greater inequality.
6. As in other sectors, these dimensions are often insufficiently addressed by regulatory frameworks, enforcement and labour market systems, active labour market policies or

¹ These points of consensus were adopted by the Global Dialogue Forum on 23 April 2015. In accordance with established procedures, they will be submitted to the Governing Body of the ILO for its consideration.

judicial systems. All of these should be similarly effective and accessible for all workers and employers in the sector.

7. Social dialogue, including collective bargaining, is widely acknowledged as a fundamental mechanism for achieving decent work. It is a vital element in reconciling social partners' interests, including the need for flexibility, decent employment, income security and predictable work. There is a need for social dialogue in retail commerce involving the social partners and policy-makers, to design and implement measures to ensure non-standard forms of employment in the sector are fully in line with decent work.
8. Such measures need to draw on existing good practices in the retail and other sectors, covering such areas as training, skills and human resource development and promotion, flexible working practices, and work organization.
9. Governments have an important role to play in facilitating and creating a climate conducive to sustainable retail enterprises that also safeguard decent work in retail commerce. Governments should also promote conditions that encourage transition from the informal to the formal economy.

Recommendations for future action by the International Labour Organization and its Members

In view of the discussion at the Global Dialogue Forum on Employment Relationships in Retail Commerce, the following future action was recommended:

10. Tripartite constituents should:

engage in social dialogue in order to promote decent work and sustainable enterprises and ensure equitable treatment for all workers, regardless of their employment status, taking into account the needs of the most vulnerable groups, according to national circumstances.

11. Governments should:

- (a) engage social partners in defining non-standard forms of employment and in reviewing labour legislation and policies in retail commerce;
- (b) as much as possible in collaboration with social partners pursue labour market and other policies with the goal to ensuring continuous progress towards decent jobs;
- (c) ensure workplace compliance, enforce labour legislation and guarantee workers' rights.

12. The Office should:

- (a) continue to promote the ratification, effective implementation and better use of international labour standards relevant to the retail commerce sector and the fundamental principles and rights at work (FPRW), and build capacity of constituents to do likewise;
- (b) promote social dialogue, which includes collective bargaining, in retail commerce and develop capacity of tripartite constituents to engage in social dialogue;
- (c) work with member States to improve systems to collect and disseminate regular data on employment levels, minimum wages, wage structures, working hours, contractual

arrangements and other relevant data on the basis of resolutions adopted by the International Conference of Labour Statisticians; and

- (d) pay particular attention to research and comparative analysis, map good practices and share knowledge on: the drivers of change; the employment-creation potential; the diversification of employment relationships; SMEs and large retailers; e-commerce and digitization; and the impact on decent work of non-standard forms of employment in retail commerce.

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