

▶ Labour administration in a changing world of work

Labour Administration Convention, 1978 (No. 150) and
Labour Administration Recommendation, 1978 (No. 158)

**Third item on the agenda: Information and reports
on the application of Conventions and Recommendations**

**Report of the Committee of Experts
on the Application of Conventions and Recommendations
(articles 19, 22 and 35 of the Constitution)
Report III (Part B)**

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Introduction



▶ I. Background and scope

1. In accordance with article 19 of the International Labour Organization (ILO) Constitution, the ILO Governing Body decided at its 343rd Session (November 2021)¹ that the General Survey to be prepared by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) in 2023 and submitted to the International Labour Conference (hereinafter “the Conference”) in 2024 would examine the Labour Administration Convention (No. 150) and Recommendation (No. 158),² 1978. Following its decision, the Governing Body requested the Office to prepare a draft report form for the General Survey in relation to the aforementioned instruments. At its 344th Session (March 2022), the Governing Body adopted the report form to be used by Member States for their reports under article 19 of the ILO Constitution for the preparation of the General Survey.³

2. This General Survey looks at systems of labour administration around the world. It examines the law and practice of ILO Member States with respect to Convention No. 150 and Recommendation No. 158, analysing the impact of these instruments and their application, including challenges faced and ways to address these difficulties.

3. The Committee considers that effective and efficient labour administrations are instrumental in addressing inequalities in the world of work and creating the legal and policy framework that is necessary to achieve social justice through decent work. On the one hand, labour administration systems, including public employment services and labour inspection, can make decent work a reality in the workplace by enforcing labour standards. On the other hand, labour administration systems can contribute to economic growth by increasing competitiveness and productivity, ensuring a predictable environment for business, and developing and implementing policies aimed at producing higher employment rates and social cohesion.⁴

4. As witnessed during periods of economic crisis and the COVID-19 pandemic, labour administrations operate in rapidly changing environments. Their capacity to respond to the scale and pace of those changes is key to ensuring both the protection and promotion of fundamental principles and rights at work and the creation of enabling conditions for entrepreneurship and sustainable enterprises.⁵ At the same time, any modernization effort must respect values such as the rule of law, tripartism, social dialogue at all levels, public interest, democracy, equity, good governance and transparency.⁶

5. The Governing Body discussion on the choice of instruments in November 2021 emphasized that a General Survey on labour administration should provide a comprehensive overview of the impact that the COVID-19 crisis had on national systems of labour administration across the world and illustrate the central role they played in managing the immediate response to the crisis and in planning and implementing the longer-term recovery, in consultation with the social partners.⁷ The General Survey would also show the centrality of administrations in ensuring a human-centred recovery that is rights-based, inclusive, sustainable and resilient.⁸

6. Labour administration was the subject of a previous General Survey in 1997.⁹ The Committee welcomes the opportunity to assess the evolution in the governance of labour as a result of the socio-economic changes that have shaped the world of work in the past decades.

1 ILO, Decision concerning the choice of Conventions and Recommendations on which reports could be requested under article 19, paragraphs 5(e) and 6(d), of the ILO Constitution in 2023, [GB.343/PV](#), 2021, para. 505.

2 [Labour Administration Convention, 1978 \(No. 150\)](#), and [Labour Administration Recommendation, 1978 \(No. 158\)](#).

3 ILO, [Proposed form for reports to be requested under articles 19\(5\)\(e\) and 19\(6\)\(d\) of the ILO Constitution in 2023 on the Labour Administration Convention \(No. 150\) and Recommendation \(No. 158\)](#), 1978, [GB.344/LILS/2](#), 2022.

4 ILO, [Resolution and Conclusions on labour administration and labour inspection](#), International Labour Conference, 100th Session, 2011, para. 2.

5 ILO, [ILO Centenary Declaration for the Future of Work](#), International Labour Conference, 108th Session, 2019, Part II(A)(ix).

6 ILO, [Resolution and Conclusions on labour administration and labour inspection](#), para. 10.

7 ILO, [Choice of Conventions and Recommendations on which reports could be requested under article 19, paragraphs 5\(e\) and 6\(d\), of the ILO Constitution in 2023](#), [GB.343/LILS/2](#), 2021, para. 17.

8 [GB.343/LILS/2](#), para. 10.

9 ILO, [Labour Administration: General Survey on the Labour Administration Convention \(No. 150\) and Recommendation \(No. 158\)](#), 1978, ILC.85/III(1B), 1997 (hereinafter “1997 General Survey”).

► II. Adoption of the instruments

7. The attention given by the ILO to labour administration dates back to 1928¹⁰ and was renewed on several occasions¹¹ prior to the Meeting of Experts on Labour Administration convened in October 1973. This meeting discussed the role, functions and institutional development of labour administration¹² and it concluded that the Governing Body should give favourable consideration to placing an item on the agenda of the Conference for the adoption of international labour standards on the subject.¹³

8. The discussions in the Conference that led to the adoption of Convention No. 150 and Recommendation No. 158 emphasized the need to design instruments that are sufficiently flexible to encompass the diversities of national systems of labour administration and to accommodate the various stages of economic development of different countries.¹⁴ Constituents also stressed that economic and social matters could no longer be dealt with effectively without meaningful cooperation between workers' and employers' organizations and the state authorities and other public bodies. Such tripartism, founded upon the principles of freedom of association and the right to organize and collective bargaining already enshrined in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), had to be safeguarded in the instruments put before the Conference.¹⁵

9. Convention No. 150 came into force in October 1980. More than 40 years since their adoption, Convention No. 150 and Recommendation No. 158 still provide a useful framework for the regulation of labour institutions within the public administration and they are both considered up-to-date instruments.¹⁶ The Convention has been ratified by 78 Member States, most recently by *Rwanda* in 2019 and *Sierra Leone* in 2021. A list of the Member States which are currently bound by the provisions of the Convention is contained in Appendix I.

10 ILO, [Resolution concerning the creation by States Members of services entrusted with labour questions](#), International Labour Conference, 11th Session, 1928.

11 In 1953, the Conference adopted guidelines regarding the organization and working of national labour departments (ILO, [Record of Proceedings](#), Observations and conclusions regarding the organisation and working of national labour departments, Appendix XIV, International Labour Conference, 36th Session, 1953, para. 1). In 1966, the Conference adopted a resolution to draw the attention of governments to the importance of strong labour departments to assist in the framing and implementation of governmental programmes of economic and social development, utilization of human resources, labour law and labour relations, occupational safety and health and, in certain countries, social security (ILO, [Record of Proceedings](#), Appendix XIV, Resolution concerning national labour departments and other public institutions responsible for the administration of labour matters, International Labour Conference, 50th Session, 1966).

12 ILO, [Role, Functions and Institutional Development of Labour Administration](#), Working Paper for a Meeting of Experts on Labour Administration, Geneva, 15–26 October 1973, para. 3.

13 ILO, [Report of the Meeting of Experts on Labour Administration](#), Geneva, 15–26 October 1973, paras 67 and 68.

14 ILO, [Record of Proceedings](#), Labour Administration: Role, Functions and Organisation, International Labour Conference, 64th Session, 1978, para. 9.

15 ILO, [Record of Proceedings](#), International Labour Conference, 64th Session, 1978, para. 11. See also Convention No. 150, Preamble, and Recommendation No. 158, Preamble.

16 As determined by the Governing Body upon recommendation of the Cartier Working Party. Regarding Convention No. 150, see ILO, [Report of the Working Party on Policy regarding the Revision of Standards: Examination of the needs for revision of Conventions \(third stage\)](#), GB.268/LILS/5(Rev.1), para. 60; and ILO, [Reports of the Committee on Legal Issues and International Labour Standards, Second report: International labour standards and human rights](#), GB.268/8/2, para. 17. Regarding Recommendation No. 158, see: ILO, [Working Party on Policy regarding the Revision of Standards](#), GB.273/LILS/WP/PRS/3, para. 43; ILO, [Report of the Working Party on Policy regarding the Revision of Standards](#), GB.273/LILS/4 (Rev.1), para. 87; and ILO, [Reports of the Committee on Legal Issues and International Labour Standards, Second report: International labour standards and human rights](#), GB.273/8/2, para. 7.

► III. Overview of the content of the instruments

10. The instruments adopt a systemic approach to labour administration, requiring Member States to ensure the organization and effective operation of a system of labour administration in their territory, focusing on the proper coordination of its functions and responsibilities. In this context, the instruments emphasize the importance of collaboration and cooperation between the different stakeholders involved in labour administration systems, including, in particular, employers' and workers' organizations.

11. Convention No. 150 and Recommendation No. 158 provide the overall framework for achieving an effective labour administration system with a clear structure and a mandate that embraces key roles in the labour domain. The system should be underpinned by adequate material and financial resources for its effective operation. In addition, mechanisms should be put in place to ensure coordination within the labour administration bodies and with other government bodies responsible for social and economic policies. The instruments recognize the importance of ensuring consultation with and participation of employers' and workers' organizations and of creating enabling conditions for sound industrial relations.

12. Convention No. 150 and Recommendation No. 158 define labour administration as "public administration activities in the field of national labour policy".¹⁷ The use of such a broad definition reflects the difficulties of crystallizing a concept that varies considerably from country to country. Although labour administration activities correspond to a responsibility of the State in the field of labour policy which can be regarded as unitary, labour administration systems do not follow a single pattern.¹⁸

13. The term system of labour administration covers "all public administration bodies responsible for and/or engaged in labour administration – whether they are ministerial departments or public agencies, including parastatal and regional or local agencies or any other form of decentralised administration – and any institutional framework for the co-ordination of the activities of such bodies and for consultation with and participation by employers and workers and their organisations".¹⁹ Also in this case, the definition aimed to be sufficiently comprehensive to take account of national differences regarding government policies in the social field, degrees of economic development, existing social services, levels of employment and the proportion of wage earners in the labour force, the efficiency and size of public administrations, and the respective degrees of organization of employers and workers.²⁰

14. While playing a central role in identifying the realm of labour administration, the term national labour policy is not defined in the instruments. During the preparatory work for the instruments, constituents agreed that the expression "labour policy" should have the broadest possible meaning and that it was not necessary to enumerate its components.²¹ This approach also allows for the concept of labour policy to evolve with the socio-economic changes occurring at the national level.

15. Despite the lack of a definition, Convention No. 150 and Recommendation No. 158 refer to some aspects of this policy in connection with the activities performed by labour administrations. As examined in Chapter 1 of this General Survey, some of these functions include: the preparation and enforcement of labour standards; the creation of enabling conditions for sound industrial relations; the promotion of employment; research on labour matters; and aspects of international labour affairs. However, this list is not exhaustive, and the scope of action of labour administrations in the field of labour policy is determined by the specific features of national conditions.

17 Convention No. 150, Art. 1(a), and Recommendation No. 158, Para. 1(a).

18 ILO, *Labour Administration: Role, Functions and Organisation*, Report V(1), International Labour Conference, 61st Session, 1976, 18.

19 Convention No. 150, Art. 1(b), and Recommendation No. 158, Para. 1(b). Convention No. 150, Art. 2 indicates that "A Member which ratifies this Convention may, in accordance with national laws or regulations, or national practice, delegate or entrust certain activities of labour administration to non-governmental organisations [...]".

20 ILO, *Labour Administration: Role, Functions and Organisation*, ILC.61/V(1), 1976, 18.

21 ILO, *Record of Proceedings*, Report of the Committee on Labour Administration, International Labour Conference, 63rd Session, 1977, 513.

► IV. Labour administrations as partners of the ILO in achieving social justice and decent work

16. The State holds a great responsibility for safeguarding and promoting fundamental principles and rights at work and other labour rights. Labour administrations are key to fulfilling the ILO's constitutional mandate on social justice, and they are instrumental in attaining decent work. Within national governments, labour administrations are typically the main interlocutors of the ILO and this important link is recognized in the ILO Constitution.²² While standards specifically addressing labour administrations were adopted only in 1978, the activities and functions typically performed by labour administrations, such as the regulation of working conditions, the prevention of unemployment, the provision of an adequate living wage, and the protection of workers against sickness, diseases and injuries arising from employment, have been part of the standard-setting activities of the ILO from its earliest days. The need to strengthen national administrations in the governance of labour matters was also reflected in the Declaration of Philadelphia in 1944, which entrusted the ILO with the solemn obligation to further programmes that would achieve, inter alia, the collaboration of workers and employers in the preparation and application of social and economic measures.²³

17. The 2008 economic crisis and the widespread cuts in public finances that followed provided additional impetus to the efforts of governments to reform labour administrations in order to promote savings while also increasing performance, transparency and accountability within the public sector.²⁴ The need to strengthen labour administrations in order to ensure the implementation of effective social and economic policies was reaffirmed by the ILO Global Jobs Pact, adopted in June 2009.²⁵ In this context, the 2011 Conference resolution concerning labour administration and labour inspection recalled that robust labour policies and efficient institutions can help to address difficult economic situations, by protecting workers and enterprises against the worst impact of an economic crisis and mitigating its economic and social consequences while facilitating economic recovery.²⁶

18. The governance of labour was central to the dialogues held at the national level in the context of the Future of Work Initiative in 2016 and 2017.²⁷ Many of these national dialogues recognized that new forms of the organization of work require the adaptation of existing governance structures.²⁸ In the second stage of the Initiative, the Global Commission on the Future of Work acknowledged that the institutions of work are the building blocks of just societies and that “[t]hey forge pathways to formalization, reduce working poverty and secure a future of work with dignity, economic security and equality”.²⁹ The ILO Centenary Declaration for the Future of Work, which concluded the Initiative, explicitly recognizes the need for the ILO to direct its efforts to strengthening labour administration and inspection³⁰

22 Article 11 of the ILO Constitution states as follows: “The government departments of any of the Members which deal with questions of industry and employment may communicate directly with the Director-General through the representative of their government on the Governing Body of the International Labour Office or, failing any such representative, through such other qualified official as the government may nominate for the purpose.”

23 [Declaration concerning the aims and purposes of the International Labour Organisation](#) (Declaration of Philadelphia), adopted by the Conference at its 26th Session, Philadelphia, 10 May 1944, Part III. The Declaration of Philadelphia forms part of the ILO Constitution.

24 Thomas Hastings and Jason Heyes, [Comparative Developments in Labour Administration](#) (ILO, 2016), 1.

25 ILO, [Recovering from the Crisis: A Global Jobs Pact](#), International Labour Conference, 98th Session, 2009, as amended in 2022.

26 ILO, Resolution and Conclusions on labour administration and labour inspection, para. 3.

27 ILO, [Synthesis Report of the National Dialogues on the Future of Work](#), Geneva, 2017.

28 ILO, [Synthesis Report of the National Dialogues on the Future of Work](#), 51.

29 ILO, [Work for a Brighter Future: Global Commission on the Future of Work](#), Geneva, 2019, 12.

30 ILO, Centenary Declaration, Part II(A)(xi).

and the capacity of its tripartite constituents to engage in all relevant processes, including with labour market institutions, programmes and policies, within and across borders.³¹ The Centenary Declaration also calls upon Member States to further develop their human-centred approach to the future of work, strengthening the institutions of work to ensure adequate protection of all workers.³²

19. With the outbreak of the COVID-19 pandemic and its impact on the world of work, the role of effective labour administrations proved to be crucial for ensuring that no one is left behind and that there is meaningful participation in the decision-making processes that directly affect the lives of workers. To that end, the ILO's Global Call to Action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient expresses the commitment of the ILO constituents to strengthen the capacity of public administrations and employers' and workers' organizations to participate in social dialogue as the means to develop and implement regional, national, sectoral and local recovery strategies, policies and programmes.³³

20. In the post-pandemic world of work, the ILO has undertaken efforts to forge a Global Coalition for Social Justice which would consist of tripartite constituents, organizations from the multilateral system and other stakeholders. The coalition aims at building upon the need to bring together relevant actors with a common ambition to promote strong, sustainable and inclusive development through strengthened global solidarity, policy coherence and concerted action.³⁴ Labour administrations have a vital role to play in influencing the direction of policy, providing the conditions that support the transition from the informal to the formal economy, and securing compliance with workers' rights. There is a need to ensure that labour administrations have the requisite political support and the administrative capacity to carry out their governance functions, including those of a tripartite nature. Their agency is critical in developing effective regulatory frameworks and securing the fiscal space necessary for pro-employment budgeting and the expansion of social protection.³⁵

31 ILO, Centenary Declaration, Part IV(C)(ii).

32 ILO, Centenary Declaration, Part III(B).

33 ILO, [Global Call to Action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient, 2021, Part I.D\(c\)](#).

34 ILO, [Report of the Director-General, First Supplementary Report: A Global Coalition for Social Justice, GB.346/INS/17/1, 2022](#), para. 2; and ILO, [Advancing Social Justice: Report of the Director-General](#), ILC.111, 2023.

35 ILO, [Advancing Social Justice: Report of the Director General](#), para. 56.

► V. Labour governance in the global context

21. The need to ensure transparent and accountable governance and administration at all levels of society in order to ensure poverty reduction, the fostering of social cohesion and job creation was high on the political agenda during the 1995 World Summit for Social Development in Copenhagen³⁶ and was prominent in discussions at the Millennium Summit of 2000³⁷ and the World Summit in 2005³⁸. The World Commission on the Social Dimension of Globalization, established in 2002, acknowledged the importance of good governance for effective and equitable participation in the global economy. Its report underlined the fact that democracy, social equity, respect for human rights and the rule of law need to be reflected in institutions, rules and political systems within countries, and respected by all sectors of society.³⁹

22. The 2030 Agenda for Sustainable Development (hereinafter “2030 Agenda”), adopted by the United Nations (UN) in 2015, aims at fostering peaceful, just and inclusive societies that are based on the rule of law and good governance at all levels and on transparent, effective and accountable institutions.⁴⁰ In particular, labour administrations are instrumental in the implementation of Sustainable Development Goal (SDG) target 8.8, to “[p]rotect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment”. The existence of mechanisms for the participation of labour administrations in governmental deliberations defining socio-economic policies is also essential for the promotion of “development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalization and growth of micro-, small- and medium-sized enterprises”, as defined in SDG target 8.3. In addition, SDG target 16.6 requires the development of effective, accountable and transparent institutions at all levels. Action towards achieving SDG 8 takes account of 11 principles of effective governance for sustainable development formulated by the Committee of Experts on Public Administration (CEPA) and endorsed, in July 2018, by the UN Economic and Social Council (ECOSOC).⁴¹ While these principles, grouped under pillars of effectiveness, accountability and inclusiveness, are intended for public administrations in general, they are particularly pertinent to the governance of labour as well. Their specific application to labour administration is therefore discussed in Chapter 4 of this Survey.

36 World Summit for Social Development, [Copenhagen Declaration on Social Development](#), 1995, Introduction, para. 4.

37 UN General Assembly, resolution 55/2, [United Nations Millennium Declaration](#), A/RES/55/2 (2000), paras 5 and 24.

38 UN General Assembly, resolution 60/1, [2005 World Summit Outcome](#), A/RES/60/1 (2005), para. 24(b).

39 ILO, World Commission on the Social Dimension of Globalization, [A Fair Globalization: Creating Opportunities for All](#), 2004, paras 238–243.

40 UN General Assembly, resolution 70/1, [Transforming our world: the 2030 Agenda for Sustainable Development](#), A/RES/70/1 (2015).

41 ECOSOC, [Principles of effective governance for sustainable development](#), 2018.

▶ VI. Methodology of the General Survey

23. This General Survey is based on the reports communicated by Member States under articles 19 and 22 of the ILO Constitution on the measures taken to give effect to the provisions of the Convention and Recommendation under examination, as well as on the observations submitted by organizations of employers and workers under article 23 of the ILO Constitution. The Committee has also taken into account available information on relevant law and practice, and the Committee's past comments on the application of Convention No. 150. The tendencies highlighted in the Survey refer to the countries that have provided reports.

24. The Committee notes that 124 Governments provided reports on the position of national law and practice in respect of matters dealt with in the instruments examined: 37 reports from Africa, 26 from the Americas, 6 from the Arab States, 18 from Asia and the Pacific and 37 from Europe and Central Asia. Full indications on the reports received are contained in Appendix II. According to its usual practice, the Committee has also taken into account the observations submitted by 12 employers' and 24 workers' organizations, the list of which is contained in Appendix III.

25. The Committee acknowledges that many ILO standards address issues that concern the functions performed by labour administrations, such as those related to labour inspection,⁴² employment services and policy,⁴³ tripartite consultations,⁴⁴ freedom of association,⁴⁵ collective bargaining and industrial relations,⁴⁶ vocational guidance and training,⁴⁷ labour statistics,⁴⁸ social security,⁴⁹ minimum wage fixing,⁵⁰ occupational safety and health,⁵¹ equality of opportunity and treatment⁵², child labour⁵³ and forced labour⁵⁴. In order to ensure coherence within the body of international labour standards and where relevant for the analysis of Convention No. 150 and Recommendation No. 158, the Committee has also referred to instruments on those subjects, the observations it formulated with regard to their application, and previous General Surveys on those topics.

42 In particular, [Labour Inspection Convention \(No. 81\)](#) and [Recommendation \(No. 81\), 1947](#); [Labour Inspection \(Agriculture\) Convention \(No. 129\)](#) and [Recommendation \(No. 133\), 1969](#); and [Protocol of 1995 to the Labour Inspection Convention, 1947](#).

43 For example, [Employment Service Convention \(No. 88\)](#) and [Recommendation \(No. 83\), 1948](#); [Employment Policy Convention, \(No. 122\)](#) and [Recommendation \(No. 122\), 1964](#); [Employment Policy \(Supplementary Provisions\) Recommendation, 1984 \(No. 169\)](#); [Employment Relationship Recommendation, 2006 \(No. 198\)](#); and [Employment and Decent Work for Peace and Resilience Recommendation 2017, \(No. 205\)](#).

44 For example, [Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(No. 144\)](#); and [Tripartite Consultation \(Activities of the International Labour Organisation\) Recommendation, 1976 \(No. 152\)](#).

45 In particular, [Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No. 87\)](#).

46 For example, [Right to Organise and Collective Bargaining Convention, 1949 \(No. 98\)](#); and [Collective Bargaining Convention, \(No. 154\)](#) and [Recommendation \(No. 163\), 1981](#).

47 In particular, [Human Resources Development Convention, 1975 \(No. 142\)](#) and [Human Resources Development Recommendation 2004 \(No. 195\)](#).

48 In particular, [Labour Statistics Convention \(No. 160\)](#) and [Recommendation \(No. 170\), 1985](#).

49 For example, [Social Security \(Minimum Standards\) Convention, 1952 \(No. 102\)](#); [Social Protection Floors Recommendation, 2012 \(No. 202\)](#); and [Employment Promotion and Protection against Unemployment Convention, \(No. 168\)](#) and [Recommendation \(No. 176\), 1988](#).

50 In particular, [Minimum Wage-Fixing Machinery Convention, 1928 \(No. 26\)](#); and [Minimum Wage Fixing Convention \(No. 131\)](#) and [Recommendation \(No. 135\), 1970](#).

51 For example, [Occupational Safety and Health Convention \(No. 155\)](#) and [Recommendation \(No. 164\), 1981](#); [Protocol of 2002 to the Occupational Safety and Health Convention, 1981](#); [Occupational Health Services Convention \(No. 161\)](#) and [Recommendation \(No. 171\), 1985](#); and [Promotional Framework for Occupational Safety and Health Convention \(No. 187\)](#) and [Recommendation \(No. 197\), 2006](#).

52 For example, [Equal Remuneration Convention \(No. 100\)](#) and [Recommendation \(No. 90\), 1951](#); [Discrimination \(Employment and Occupation\) Convention \(No. 111\)](#) and [Recommendation \(No. 111\), 1958](#).

53 For example, [Minimum Age Convention \(No. 138\)](#) and [Recommendation \(No. 146\), 1973](#); [Worst Forms of Child Labour Convention \(No. 182\)](#) and [Recommendation \(No. 190\), 1999](#).

54 For example, [Forced Labour Convention, 1930 \(No. 29\)](#), [Protocol of 2014 to the Forced Labour Convention, 1930](#), and [Abolition of Forced Labour Convention, 1957 \(No. 105\)](#), [Forced Labour \(Indirect Compulsion\) Recommendation, 1930 \(No. 35\)](#), and [Forced Labour \(Supplementary Measures\) Recommendation, 2014 \(No. 203\)](#).

► VII. Structure and content of the General Survey

26. The General Survey analyses the application and impact of the instruments at the national level and identifies relevant trends, best practices, opportunities and challenges in their implementation. It also looks at the developments which have occurred in the governance of labour since the previous General Survey of 1997 on labour administration.

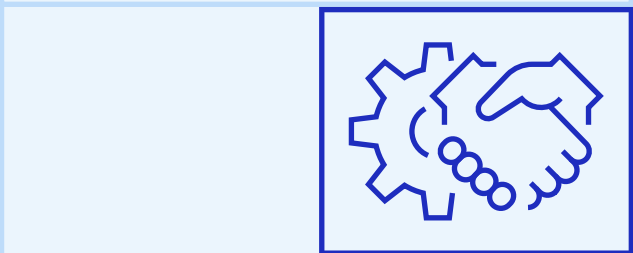
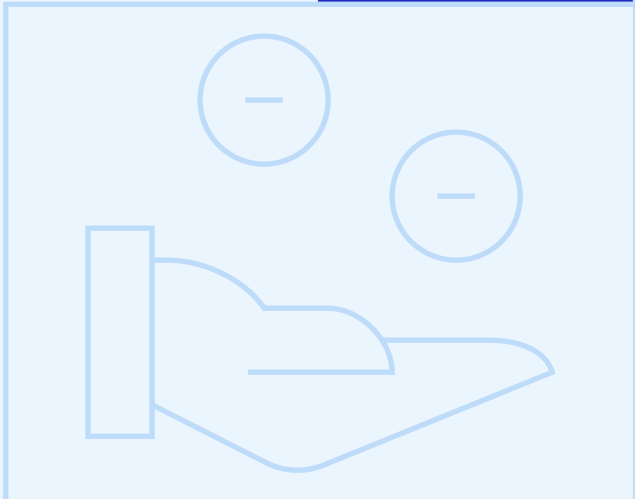
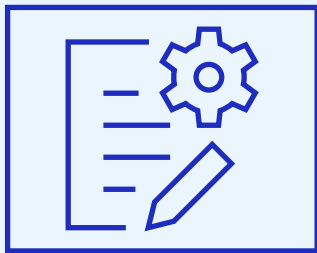
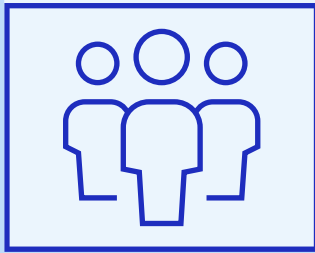
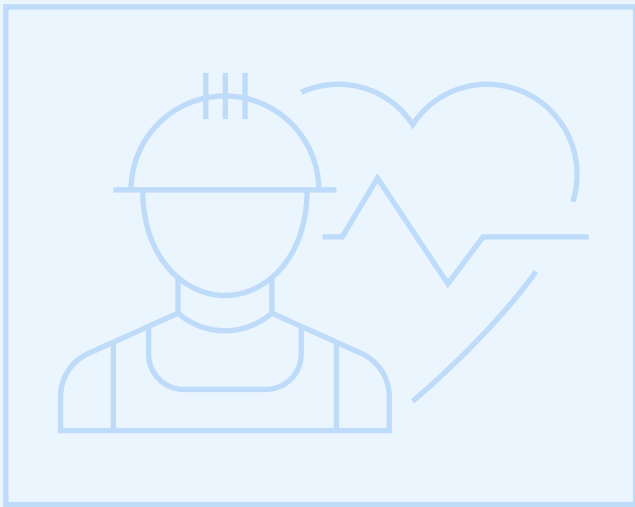
27. Chapter 1 analyses the functions typically performed by the labour administration system. Following the content of the Convention and the Recommendation, this part looks at the role that labour administrations play with regard to: (i) the preparation, administration, coordination, checking and review of national labour policies; (ii) the preparation, development, adoption, review and enforcement of labour standards, including relevant laws and regulations; (iii) labour relations; (iv) employment, vocational guidance and vocational training; (v) research into and study of conditions of work and employment; and (vi) international labour affairs. Other labour protection activities such as those related to minimum wage fixing, social security, and occupational safety and health, are also considered. This chapter concludes with an examination of the activities of labour administrations with regard to workers in the informal economy and in non-standard forms of employment.

28. Chapter 2 of the General Survey examines the structure of the labour administration system and the main bodies responsible for delivering labour administration activities, aspects of coordination within the system and with other public and private actors, and the human and financial resources available for the performance of labour administration activities.

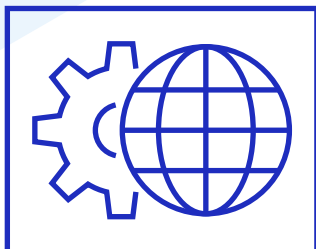
29. In Chapter 3, the Committee examines the role of social dialogue in the process of creating, revising and implementing labour policies. It explores the tripartite nature of certain bodies within the labour administration system and the involvement of employers' and workers' organizations in the governance of labour, including through recourse to direct negotiations on the regulation of matters relating to labour policy.

30. The final chapter of the General Survey examines the environment that can contribute towards achieving the full potential of the instruments. It focuses on the analysis of the practical implementation of the UN principles of effective governance for sustainable development, the obstacles and challenges impeding or delaying the ratification of the instruments, and measures to improve their application through standards-related actions and technical cooperation.

31. By highlighting good practices in the application of the instruments by Member States, this General Survey aims to increase knowledge of the content of the instruments, and of the framework that they provide for the functioning of effective and coordinated national labour administration systems. The Survey provides an overview of the vast array of services provided by labour administrations and reflects on how these services have evolved with the changes in the world of work. Lastly, by exploring the opportunities and challenges that modern systems of governance are confronted with in ensuring effective administration of labour matters, the Survey aims to highlight the full potential of labour administrations for achieving social justice and decent work.



1 Functions of the labour administration system



► 1.1. Introduction

32. Labour administration functions relate to the sphere of national labour policy. As indicated, owing to the difference in the scope and mandate of labour administrations around the world, Convention No. 150 and Recommendation No. 158 do not provide a definition of national labour policy, ensuring the flexibility needed to adapt to the different national contexts and leaving it to States to give substance to the expression by encompassing matters that correspond to their own circumstances and reality. At the same time, the Convention and the Recommendation identify certain functions that a national system should carry out with respect to labour protection, employment, industrial relations and the provision of services and technical advice to employers and workers and their respective organizations. The Convention provides indications as to the minimum content of national labour policy and the meaning of the term. In addition, the Recommendation provides more details of the functional areas of labour standards, labour relations, employment and research in labour matters which could be taken into account by Member States when formulating labour policy.

33. In carrying out these functions, the competent bodies within the system of labour administration must take into account relevant international labour standards, as indicated in Article 6(2) of the Convention. As highlighted in the 1997 General Survey, the Committee notes that the ratification of Convention No. 150 does not entail an obligation of the ratifying State to apply these standards.

34. At the same time, the Committee highlights that the Declaration on Fundamental Principles and Rights at Work adopted in 1998, and amended in 2022, provides that all Member States, even if they have not ratified the ten ILO fundamental Conventions,⁵⁵ have an obligation, arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions.⁵⁶

35. The Committee notes that the flexibility offered by the instruments allows national labour policies to adapt to the rapidly changing environment in which they are intended to intervene. Labour policy agendas can be influenced by a number of elements, such as national economic and social conditions, the political position of governments and their policy agendas, the organizational strength of employers' associations, trade unions, civil society and, in some countries, their participation in advisory bodies.⁵⁷ Further potential influences on national labour policy agendas can derive from developments in other countries, such as conflicts or political instability, and from the participation of the State in international organizations. National governments may, for example, be obliged to introduce policies that meet the requirements of international organizations, such as the International Monetary Fund (IMF) and the European Union (EU).

36. The Committee notes that sound policymaking entails long-term planning and, in addition, requires governments to anticipate, innovate, and adapt in order to minimize disruption in the provision of services, avoid social conflicts, support productive employment, and provide for adequate social protection.⁵⁸ In this context, labour administrations have a key role

55 [Freedom of Association and Protection of the Right to Organise Convention \(No. 87\), 1948; Right to Organise and Collective Bargaining Convention \(No. 98\), 1949; Forced Labour Convention \(No. 29\), 1930 \(and its 2014 Protocol\); Abolition of Forced Labour Convention \(No. 105\), 1957; Minimum Age Convention \(No. 138\), 1973; Worst Forms of Child Labour Convention \(No. 182\), 1999; Equal Remuneration Convention \(No. 100\), 1951; Discrimination \(Employment and Occupation\) Convention \(No. 111\), 1958; Occupational Safety and Health Convention \(No. 155\), 1981; Promotional Framework for Occupational Safety and Health Convention \(No. 187\), 2006.](#)

56 ILO, [ILO Declaration on Fundamental Principles and Rights at Work](#) (1998), as amended in 2022, para. 2.

57 Jason Heyes, [The Changing Role of Labour Ministries: Influencing Labour, Employment and Social Policy](#), (ILO, 2004), 8.

58 Jason Heyes et al., "Introduction to The Governance of Labour Administration", in [The Governance of Labour Administration: Reforms, Innovations and Challenges](#), eds Jason Heyes and Ludek Rychly (ILO and Cheltenham, UK: Edward Elgar Publishing, 2021), 15.

to play in ensuring decent work while stimulating economic growth by levelling the playing field, promoting business predictability and sustainable enterprises. Moreover, while crises affect policymaking in the field of labour as well as the capacities of labour administrations to design and implement effective strategies, the Committee notes that they can provide an opportunity to strengthen or reform labour administrations and modernize labour policies, so that they are better prepared to anticipate and respond effectively to future disruptive events or at least mitigate their social impact.

37. As further examined in Chapter 2, the administration of labour matters is often entrusted to multiple agencies and at times the labour, employment and social security portfolios are distributed among different ministries. In addition, many socio-economic issues are interconnected and require the involvement of a multiplicity of actors operating at various levels. The Committee notes that in order to ensure a coherent labour policy it is important to establish coordination across different areas of government, both at the central and local level, and to ensure cooperation at the international level for issues that require a cross-national response.

38. Following the content of the Convention and the Recommendation, this chapter looks at the functions performed by labour administrations with regard to: (i) the preparation, administration, coordination, checking and review of national labour policy; (ii) the preparation and enforcement of labour standards including relevant laws and regulations; (iii) labour relations; (iv) employment, vocational guidance and vocational training; (v) research into, and study of, working conditions and terms of employment; and (vi) international labour affairs. As indicated in the 1997 General Survey,⁵⁹ labour administrations traditionally perform other activities relating to labour protection, such as those concerning the establishment of minimum wage fixing machinery, social security, and occupational safety and health. These functions are included in this chapter.

39. With regard to the gradual extension of labour administration functions to workers who are not, in law, employed persons, the chapter examines in particular the activities of labour administrations relating to workers in the informal economy, and it analyses the responses of labour administrations to the increase in non-standard forms of employment.

40. Taking into account socio-economic developments that affect the activities performed by labour administrations and new labour governance challenges emerging in a changing world of work, such as labour migration and global supply chains, this chapter concludes with an overview of the evolution and adaptation of labour administration functions in response to this changing landscape.

⁵⁹ 1997 General Survey, para. 49.

► 1.2. Functions relating to national labour policy

1.2.1. Content of the instruments

41. Article 6(1) of the Convention provides that the competent bodies within the system of labour administration shall, as appropriate, be responsible for or contribute to the preparation, administration, coordination, checking and review of national labour policy.⁶⁰ Article 5 of the Convention provides that these functions shall be carried out with the participation of social partners and that, to the extent compatible with national laws and regulations and national practice, the mechanisms for consultation and cooperation should be ensured at the national, regional and local levels.

1.2.2. Preparation, administration, coordination, checking and review of national labour policy

42. National policies are cross-cutting and represent the effort of governments to address issues of widespread importance. They are normally endorsed at the government level and the process is usually initiated by a political decision, which is followed by detailed policy development. Some governments have adopted national policy development frameworks or guidelines to regulate the policymaking process and to foster good governance principles in the public administration.⁶¹ The Committee notes that the concept of national labour policy has a dynamic meaning in the context of the Convention, denoting a recurrent process that includes different stages, such as preparation, administration, coordination, checking and review, which are meant to be implemented at recurring intervals.⁶²

43. A system of labour administration performs, in its own field of action and within the context of its statutory powers, some key functions in relation to labour policy. The formulation of the policy is a crucial step in the policy cycle as it entails the translation of proposals, views and priorities into detailed recommendations and actions for the governance of labour. The actions that follow include, for instance: planning, programming and setting timetables; contributing to the system of management (by defining outputs, programme planning and budgeting); allocating resources for the actual implementation of programmes; creating the organization for the management of the latter in line with policy objectives; staffing that organization with the necessary suitably qualified staff; allocating duties and responsibilities to units and individuals; providing methods for the control and evaluation of progress made in programme implementation; and proceeding with programme reviews and adjustments.⁶³

44. As noted above, national labour policy can be influenced by a number of factors. The Committee notes, for example, that, in *New Zealand*, Business New Zealand indicates that the national labour policy reflects to a great extent the views of the government of the day, being at times subject to a major policy shift, although more usually to incremental change. In addition, the International Trade Union Confederation (ITUC) notes that the existence of different labour administration structures and the distribution of responsibilities can have a direct impact on how policies are formulated and implemented. For example, the respective

60 As indicated in paragraph 15 above, the instruments do not provide a definition of national labour policy.

61 For example, *Costa Rica*, “[Guía para la Elaboración de Políticas Públicas](#)”, 2016; *Ecuador*, “[Manual para Formulación de Políticas Públicas Sectoriales](#)” 2009; *Jamaica*, [Guidelines for the Development of National Policies, 2017](#); *South Africa*, [National Policy Development Framework 2020, 2020](#); *Uganda*, [1995 Constitution, National Objectives and Directive Principles of State Policy](#).

62 A similar process is foreseen in Convention No. 155, Art. 4, with regard to OSH policy. See also: ILO, [ILO Standards on Occupational Safety and Health: Promoting a Safe and Healthy Working Environment](#), ILC.98/III(1B), 2009, para. 53 (2009 General Survey).

63 ILO, [Role, Functions and Institutional Development of Labour Administration](#), Working Paper for a Meeting of Experts on Labour Administration, Geneva, 15–26 October 1973, para. 74.

roles of labour, home or foreign ministries in the area of migration might determine whether labour market, security or foreign policy aspects prevail in the delivery of work permits and hence the effective protection of migrant workers and due recognition of their contribution to the economy. Also, the division of responsibilities for vocational training and skills development between ministries of labour, economic affairs (if separate from labour ministries) and education might have an impact on the orientation of training and skills programmes and their link with workers' employment aspirations and economic opportunities. The ITUC further indicates that finance and economic planning ministries may draw up policies to promote economic growth and attract foreign direct investment that are not aligned to full employment, the creation of decent and secure jobs, social progress and social justice imperatives of the national employment policies of employment, labour and social affairs ministries. The ITUC also notes that where labour ministries are entrusted with responsibilities other than the traditional labour and employment mandate, the combination of portfolios often has a direct impact on how policies are designed and implemented, including how resources are allocated for these purposes.

45. National policy can be formalized in many different ways, depending on the national situation, and the instruments do not establish any specific requirements as to the form of such a policy. The Committee notes that in the context of Article 6(1) of the Convention, policy formulation is distinct from the drafting and preparation of laws and regulations. The outcome of policymaking is a guiding framework for future actions which is not legally binding. It is laws and regulations which give effect to the policy; by definition, these are legally binding and establish legal rights and obligations.

46. The higher levels of a labour ministry are at all times involved in formulating, shaping and advising on policies at the request of the responsible political bodies. They are involved in following parliamentary debates, consulting on measures of concerted policy with other sectors of government, translating political goals into proposals for action or sounding out reactions to them, and consulting with social partners to gather the views of industry and labour bodies on certain policy matters. The effective capacity of labour administration systems to contribute to and support the policymaking requirements of modern States also depends to a considerable extent on their capacity for assembling and assessing relevant information, as well as understanding and interpreting the views and aspirations of employers and workers as expressed in particular by their respective organizations in the existing tripartite bodies.⁶⁴

47. While most governments have designed and adopted national policies on, for instance, employment, education and public health, there are very few cases in which the labour ministry or its responsible government equivalent has drawn up and adopted a document that comprehensively sets out a national labour policy. In recent years, efforts to develop such documents have been undertaken by a number of countries, in some cases with the support of the ILO.⁶⁵ These documents, which in some cases have yet to be endorsed by the respective national governments, set out a guiding framework for all matters relating to labour at the national level. Intrinsicly linked to the socio-economic conditions of each country, these policies aim at ensuring greater visibility, coherence, efficiency and synergies in the promotion of good governance and the social well-being of the population at the national level. Generally, they outline priorities and activities of labour administrations in the medium or long term and in some cases the criteria and parameters for their evaluation.

64 ILO, *Role, Functions and Institutional Development of Labour Administration*, para. 72.

65 For example, *Benin, Côte d'Ivoire, Georgia, Mali, Nepal* and *Togo*.

48. The Committee notes that in a number of cases, the labour ministry or its responsible government equivalent has developed strategies, plans, mission and vision statements setting out time-bound goals and priorities for ministerial action.⁶⁶ In addition, there is a considerable amount of labour policy which has been built up over the years, and which the labour administration system implements and, where necessary, helps to review and improve. National policy documents and strategies, accompanied by action plans, have been formulated with regard to areas such as employment, labour inspection, social security and occupational safety and health.

49. In addition, acknowledging that certain challenges faced in the administration of labour go beyond national borders, regional networks of labour ministries have in some cases drawn up common time-bound workplans.

The Labour Ministers of the Association of Southeast Asian Nations (ASEAN) endorsed a work programme for the 2021–25 period which aims at attaining four key result areas, namely: a skilled and adaptable workforce; productive employment; a harmonious, safe and progressive workplace; and expanded social protection.⁶⁷

50. *The Committee takes the view that comprehensive national labour policies, which can have different forms as appropriate to national conditions, can be important tools for strengthening the governance of labour and for affirming the importance of labour matters within the broader government agenda. The Committee emphasizes the need for governments to shape and define labour objectives in such a way as to be able to respond to increasing requirements, stemming not only from the rapid pace of technological, social, environmental and economic change but also from the increasing need to achieve decent work for all. The Committee highlights the fact that the ministry of labour or its responsible government equivalent should play a significant role in determining the policy agenda of the government with respect to labour related activities, including in relation to the labour market, labour relations and labour conditions and should have a sound awareness of developments and challenges in its areas of competence so that it can identify the need to develop policy proposals. National policies should be developed, implemented and reviewed in consultation with the most representative organizations of workers and employers and in coordination with other public, semi-public or private bodies that might have an interest in, be affected by or be connected with certain aspects addressed by the policy. The Committee also emphasizes that the checking and review of labour policy are essential for achieving Sustainable Development Goal (SDG) 8 as these processes allow for the progressive and periodic adjustment of labour policy in order to adapt to changes in national conditions and in the world of work. The Committee recalls that Member States may avail themselves of ILO technical assistance in this regard.*

⁶⁶ For example, Eswatini, Jordan, Kenya, Saudi Arabia, South Africa, South Sudan and Trinidad and Tobago.

⁶⁷ ASEAN, *ASEAN Labour Ministers (ALM) Work Programme 2021-2025 and Work Plans of the Subsidiary Bodies*, July 2021.

► 1.3. Functions relating to labour standards

1.3.1. Content of the instruments

51. Policies constitute the output of a dedicated process and they may be embodied in legal acts.⁶⁸ While, as noted above, the existence of a consolidated policy document setting out the strategic objectives of the system of labour administration over the medium or long term is rare, a number of countries have adopted a comprehensive legal framework in the labour field accompanied by coordination and consultation mechanisms and a system of labour inspection, and have an established process for the review of legislation.

52. Article 6(1) of Convention No. 150 provides that the competent bodies within the system of labour administration shall, as appropriate, be the instrument within the ambit of public administration for the preparation and implementation of laws and regulations giving effect to national labour policy. Paragraph 5(1) of Recommendation No. 158 states that the competent bodies within the system of labour administration should take an active part in the preparation, development, adoption, application and review of labour standards, including relevant laws and regulations, in consultation with organizations of employers and workers and in a manner and under conditions determined by national laws or regulations, or national practice. As analysed in Chapter 3, Article 3 of the Convention and Paragraph 3 of the Recommendation also provide for the possibility of collective agreements to regulate conditions of work.

53. Paragraph 6 of the Recommendation provides that the system of labour administration should include a system of labour inspection. While this function is regulated in detail in Convention No. 81, and in Convention No. 129, Article 6(2)(b) and (d) of Convention No. 150 recalls two important activities to be performed by labour inspectors: namely, to draw attention to defects and abuses in conditions of work and working life and terms of employment and submit proposals on means to overcome them,⁶⁹ and to make technical advice available to employers and workers and their respective organizations.⁷⁰

1.3.2. Preparation of labour standards

54. The Committee notes that the ministry of labour or its responsible government equivalent is normally responsible for the drafting of labour legislation or participates in that process.⁷¹ When the ministry takes a principal role, the drafting is usually carried out either by the lead department within the ministry or by the legal department. The minister's political staff often play a role in the internal approval process. A number of countries provide indications as to which department within the ministry is involved in the preparation of labour legislation.⁷²

55. As many labour policy areas cut across the competencies of several ministries, a number of other government bodies may have concerns or interests that need to be taken into account in the drafting process. This is true for other line ministries, due to the fact that many social issues are interrelated; for example, labour force matters are connected to education and health policies. Labour policies also affect other sectors of the economy, such as the environment, transport, agriculture, and mining. In addition, almost all policies have budgetary implications

68 See OECD, *The Role of Ministries in the Policy System: Policy Development, Monitoring and Evaluation*, SIGMA Papers No. 39, 2007, 12.

69 This function is included in Convention No. 81, Art. 3(1)(c), and Convention No. 129, Art. 6(1)(c).

70 Convention No. 81, Art. 3(1)(b), and Convention No. 129, Art. 6(1)(b), provide that labour inspectors shall supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions.

71 For example, *Austria, Azerbaijan, Bangladesh, Belgium, Finland, Jordan, Latvia, Liberia, Maldives, Mozambique, Senegal, Slovenia, United Arab Emirates and Viet Nam.*

72 For example, *Algeria, Argentina, India, Israel, Mauritania, Morocco and Mozambique.*

requiring coordination with the ministry of finance. Inter-ministerial coordination is therefore an important element in the drafting process. For example, in *Lithuania*, the Ministry of Social Security and Labour works closely with other government bodies, such as the Ministry of Economy and Innovation, the Ministry of Justice, and the Ministry of Education, Science and Sport in the drafting of labour legislation in order to ensure policy coherence. In some cases, the rules of procedure or legislative drafting guidelines establish detailed requirements for inter-ministerial consultations.⁷³

56. The majority of countries report that the process of creating new legislation or amending existing laws involves consultation with social partners and that this occurs mainly through established bipartite or tripartite institutional mechanisms.⁷⁴ These consultations can take place during the drafting phase⁷⁵ and/or after the draft has been prepared and before it is submitted to the government or parliament for approval.⁷⁶ For example, in *South Africa*, the Government is required to submit draft legislation to the National Economic Development and Labour Council for its consideration before it is tabled in Parliament or enacted. In the *United States of America*, the Department of Labor and other federal agencies provide employers' and workers' organizations and representatives with the opportunity to participate in the administrative process of creating, amending, and repealing regulations relating to labour administration, pursuant to the Administrative Procedure Act. To improve transparency, the Department of Labor and other federal executive branch agencies publish twice each year in the Federal Register an agenda that lists all regulations expected to be under review or development in the upcoming 12-month period. In *Latvia*, the Free Trade Union Confederation indicates that the main platform for influencing policies and legislation is the National Tripartite Cooperation Council and its subcouncils. For instance, the Subcouncil for Tripartite Cooperation in Labour Affairs is the central forum for initiating and discussing legislative proposals regarding various labour standards. The Confederation indicates that in previous years Parliament supported the approach that changes to labour law could only be put to the vote if they were discussed in the subcommittee.⁷⁷ The Federation of Chambers and Associations of Private Enterprise (UCCAEP) (*Costa Rica*) indicates that, within the Employment Council, it participates actively in the discussion concerning the drafting and amendment of laws and regulations. The Committee notes that Business New Zealand and, in *Serbia*, the Confederation of Autonomous Trade Unions, the Nezavisnost trade union, and the Serbian Association of Employers highlight a lack of consultations in the development of new laws giving effect to labour policy. The Committee further notes that the International Organisation of Employers (IOE) emphasizes that addressing issues of concern to employers in an integrated way helps ensure consistency across the spectrum of labour law and the interpretation and application thereof. For instance, the IOE indicates that where labour administration involves employers' organizations in the development and drafting of labour laws, this can raise employer awareness and enable more effective enforcement of labour laws in the workplace. For enterprises, this ensures that the legal framework impacting on enterprises is intuitive, avoids duplication, and lessens compliance costs associated with implementation.

57. Noting the observations from social partners indicating deficiencies in the consultation process, the Committee emphasizes the importance of consulting the most representative organizations of employers and workers during the preparation and application of legislation which affects their interests, in accordance with Article 5 of the Convention. It also recalls the

⁷³ For example, *Finland, France, India, New Zealand, Peru, Thailand* and *United States*.

⁷⁴ For example, *Azerbaijan, Bahamas, Bangladesh, Belgium, Botswana, Ethiopia, Lesotho, Malaysia, Maldives, Morocco, Netherlands, New Zealand, Niger, Nigeria* and *Republic of Moldova*.

⁷⁵ For example, *Austria, Bangladesh, Benin, Philippines, Suriname* and *Sweden*.

⁷⁶ For example, *Benin, Liberia, Lithuania, Mali, Niger, Poland, Senegal, Slovenia* and *United Arab Emirates*.

⁷⁷ See also: *Latvia*, Regulation of the Cabinet of Ministers No. 606 of 7 September 2021, [Rules of Procedures of the Cabinet](#), section 52.2.7.

importance of holding consultations with the most representative employers' and workers' organizations sufficiently far in advance and, in particular, to ensure that the drafts of laws or decrees are submitted to these organizations for consultation well before their adoption.⁷⁸

58. In addition, as recognized in Article 3 of the Convention and Paragraph 3 of the Recommendation, collective agreements can also determine working conditions and terms of employment.⁷⁹ Collective agreements should bind the signatories thereto and those on whose behalf the agreement is concluded.⁸⁰ Standards set by collective agreements may complement or be complemented by legislative and regulatory texts in specific fields, it being understood that they may not lower the level of protection established by the law.⁸¹

59. The Collective Agreements Recommendation, 1951 (No. 91), considers, where appropriate and having regard to national practice, that measures should be taken to extend the application of all or some provisions of a collective agreement to all employers and workers included within the domain of the agreement.⁸² Many countries make provision for the government authority to extend a collective agreement to all employers and employees that fall within its scope.⁸³ In addition, the role of the labour administration should be to promote and encourage free and voluntary collective bargaining which allows the parties the greatest possible autonomy, while establishing a regulatory framework and an administrative structure to which they may have recourse, on a voluntary basis and by mutual agreement, to facilitate the conclusion of collective agreements. The services offered by the labour administration system to employers' and workers' organizations, with a view to promoting the regulation of terms and conditions of employment by means of collective bargaining, in accordance with Paragraph 5(2) of Recommendation No. 158, are analysed below under the functions connected with labour relations. That section of the General Survey also looks at the measures adopted by the competent authorities in promoting the full development and utilization of machinery for voluntary negotiation, as provided in Paragraph 9 of Recommendation No. 158.

1.3.3. Implementation and monitoring of labour standards

60. Labour inspection is a well-established and important function assigned to labour administrations. It plays a key role in the world of work and can effectively address and remedy a wide range of labour issues.⁸⁴ As recalled in the Preamble to Convention No. 150, the main international labour standards in this field are Convention No. 81, which covers labour inspection in industry and commerce, and Convention No. 129, concerning the agricultural sector.⁸⁵ The instruments on labour administration only deal with this function in general terms and the Committee examined in detail the activities related to labour inspections in its previous General Surveys concerning Convention No. 81 and Convention No. 129.⁸⁶ While the conclusions of the 2006 General Survey remain valid, the Committee considers it useful to provide an overview of some aspects of labour inspection in practice which are relevant in the context

78 ILO, [Compilation of Decisions of the Committee on Freedom of Association](#), 2018, paras 1536–1551.

79 See also: Convention No. 154, Art. 2.

80 Recommendation No. 91, para. 3(1).

81 See also: 1997 General Survey, para. 58.

82 Recommendation No. 91, Para. 5.

83 See Susan Hayter and Jelle Visser, eds, [Collective Agreements: Extending Labour Protection](#) (ILO, 2018).

84 ILO, [Labour Administration and Labour Inspection](#), ILC.100/V, 2011, paras 197–198.

85 See also: Protocol of 1995 to the Labour Inspection Convention, 1947, which extends the application of the Convention to the non-commercial services sector; Recommendation No. 81; and Recommendation No. 133.

86 ILO, [Labour Inspection in Industry, Commerce, and Mining and Transport Undertakings](#), ILC.50/III(IV), 1966 (1966 General Survey); ILO, [Labour Inspection](#), ILC.71/III(4B), 1985 (1985 General Survey); and ILO, [Labour Inspection](#), ILC.95/III(1B), 2006 (hereinafter “2006 General Survey”).

of labour administration, on the basis of the reports supplied to the Office for this General Survey and in view of the changes in the world of work that have been impacting labour inspection functions in recent years.

61. The Committee notes that the designation of a central labour inspection authority is the means of ensuring effective coordination within the whole system and facilitates the establishment and implementation of policies with a view to ensuring uniform, nationwide compliance. While Convention No. 150 and Recommendation No. 158 do not detail the structure that the labour inspection system should follow, Conventions Nos 81 and 129 provide that the labour inspectorate should be placed under a central authority.⁸⁷ In the vast majority of cases this central authority is represented by the ministry responsible for labour. Within this framework, the labour inspectorate is either a department or directorate of the ministry or a public agency with a certain degree of autonomy, reporting to the ministry of labour.

62. The Committee notes that the reforms undertaken by a number of countries in recent years have strengthened the role of the central labour inspection authority by improving collaboration among the different labour inspection bodies or creating an integrated labour inspection system. For example, in *Italy*, Legislative Decree No. 149 of 14 September 2015 on the rationalization and simplification of inspection activities in the area of labour and social legislation established a uniform labour inspection system. By creating the National Labour Inspectorate as an autonomous public agency under the purview of the Ministry of Labour and Social Policies, the reform brought together the inspection services of the Ministry of Labour and Social Policies, the National Social Security Institute and the National Occupational Accident Insurance Institute. In *Mongolia*, the Government is currently effecting the transition of its central labour inspection authority from the former General Agency for Specialized Inspection to the Ministry of Labour and Social Protection.⁸⁸ In addition, the Committee notes that in a number of countries, labour inspection services for specific sectors such as agriculture and mining have been merged under a single labour inspectorate which covers all sectors of the economy,⁸⁹ while some other countries have separate inspectorates for different sectors of economic activity.⁹⁰

63. At the same time, in its 2019 general observation on Conventions Nos 81 and 129, the Committee noted with concern that in some cases reform processes led to a weakening of the role and coherence of the central authority by processes of decentralization and distribution of labour inspection services and functions among different authorities. The Committee emphasized that modernization initiatives are important in order to ensure that labour inspection systems remain effective and urged governments to ensure that any reform measures are implemented in a manner that is in full conformity with ratified international labour Conventions.⁹¹

64. In addition, as further examined in section 2.5.4 of Chapter 2, in recent years there has been an expansion of private compliance initiatives, including auditing, monitoring and certification systems for labour standards, which operate alongside labour inspection systems. ***The Committee recalls that forms of self-regulation can assist in improving compliance, but they are not meant to replace public labour inspection and should not exempt governments from taking the necessary measures in this regard, nor should they take the place of, or be taken as a justification or as an excuse for, reducing the capacity and frequency of labour inspection visits.***

87 Convention No. 81, Art. 4, and Convention No. 129, Art. 7(1).

88 Other examples include *Albania, Croatia, France, Greece and Peru*.

89 For example, *Croatia and France*.

90 For example, *Brazil, Namibia, Netherlands, New Zealand and Zimbabwe*.

91 CEACR, [General observation on Conventions Nos 81 and 129](#), 2019.

65. Consultation with the social partners is also an integral part of the proper functioning of a labour inspection system, in accordance with Article 5 of Convention No. 150. A number of countries have set up national tripartite consultative bodies dealing with labour inspection issues or have established agreements between social partners and the labour inspectorate as a means of addressing common concerns, sharing information, consultation and participation of social partners in decision-making.⁹²

66. The movement of workers across national borders and the multinational character of businesses has also had a significant impact on labour inspection practices. The fact that labour inspectorates are bound to national jurisdictions, paired with the growing labour mobility between countries, has encouraged labour inspectorates to collaborate with their peers in other jurisdictions.⁹³ Such international cooperation can take various forms, such as coordinated cross-border joint inspection activities, setting up liaison offices, and signing of bilateral or multilateral agreements between labour inspectorates.⁹⁴ In this respect, the Committee notes that several labour inspectorates, especially in Europe, have established cooperation agreements and memoranda of understanding⁹⁵ which seek to support enhanced information sharing and common activities, at times focusing on specific topics such as issues related to posting of workers⁹⁶ and tackling undeclared work.⁹⁷

67. The Committee notes that a number of labour administrations have undertaken efforts to modernize their labour inspection systems and have designed and implemented specific responses to the changes in the world of work, in some cases with the technical assistance of the ILO. The Committee notes that, while challenges remain, in a number of countries the use of information and communication technologies (ICTs) has assisted labour inspectorates in better performing those functions. Electronic case management systems, which facilitate the collection and analysis of results of compliance initiatives and promote evidence-led decision-making, have been introduced in a number of countries.⁹⁸ For example, in *Colombia*, the labour inspectorate's electronic inspection case management system, which has been gradually put in place since 2018, enables effective case tracking in labour inspections, generation of reports, and definition of new policies to guide inspectors.⁹⁹

68. To cope with issues emerging from a rapidly changing world of work, labour inspection is required to continuously adapt and modernize. Taking advantage of the progress in ICTs to improve their internal working methods and expand the range and accessibility of services for workers and employers, a number of countries, with ILO support, have also adopted stra-

92 For example, *Greece, Ireland, Italy, Portugal, Slovenia and United Kingdom of Great Britain and Northern Ireland*.

93 ILO, *Guidelines on General Principles of Labour Inspection*, 2022, para. 6.3.11.

94 ILO, *Labour Administration and Labour Inspection*, ILC.100/V, 2011, paras 317–320.

95 For example, the Bilateral Cooperation Agreement between the labour inspectorates in Norway and Lithuania to tackle undeclared work, 2019–2022; the Cooperation Agreement between Baltic labour inspectorates, 2018; the Agreement on Cooperation for Transfer of Information between the Labour Inspectorate of Estonia and the Division of Occupational Health and Safety of the Regional State Administrative Agency of Southern Finland, 2014; and the Bilateral Agreement between the Authority for Working Conditions of Portugal and the Service for the Control of Social Laws and the Service for the Control of Well-being at Work, both part of the Federal Public Service for Employment, Labour and Social Consultation of the Kingdom of Belgium, 2009. At the European level, the European Platform tackling undeclared work, established in 2016, brings together Member States' enforcement authorities, including labour inspectorates, in order to enhance cooperation in tackling undeclared work.

96 For example, the State Labour Inspection Office of *Czechia* has had cooperation agreements or memoranda of cooperation with the labour inspectorates of several countries (including *Germany, Netherlands, Poland and Slovakia*).

97 For example, *Bulgaria*, Agreement for Administrative Cooperation between Bulgaria and France in the Fight against Undeclared Work, State Gazette of Republic of Bulgaria, 2014.

98 For example, *Bangladesh, Philippines and Sri Lanka*. See also the initiatives under the ILO's [Transformative Technology for Decent Work \(TT4DW\)](#).

99 CEACR, Conventions Nos 81 and 129: *Colombia*, direct request, 2022.

tegic compliance models which provide the labour inspectorate with a new methodology to achieve compliance with limited resources. This approach, which goes beyond the traditional enforcement model to focus more on compliance, uses proactive and tailored strategies based on data to target and prioritize inspections. It also engages stakeholders inside and outside the government and combines deterrents, incentives, awareness-raising and guidance activities to empower workers to exercise their rights and motivate employers to meet their duty to comply.¹⁰⁰

In *Indonesia*, in 2018 the ILO supported a training workshop focused on improving the ability of labour inspectors to apply a strategic compliance planning methodology to the fisheries sector. In the *Occupied Palestinian Territory*, a strategic partnership with the Ministry of Education led to the identification of over 800 kindergartens previously unknown to the labour inspectorate, allowing them to reach 4,089 workers, compared to the approximately 300 they would have reached using only their official internal list.¹⁰¹

69. The Committee notes that these activities aim to strengthen the labour inspection system with a view to ensuring the effective operation of a system of labour administration, as envisaged in Article 4 of Convention No. 150 and Paragraph 4 of Recommendation No. 158. ***The Committee is of the view that innovative working methods can be powerful tools for responding to the emerging challenges of the world of work. At the same time, they should go hand in hand with the provision of adequate human, material and financial resources to labour administrations. In addition, adequate training should be provided to labour inspectors and labour administration staff in order to increase their skills relating to the use of digital tools and ensure the effective performance of their duties in accordance with Article 10 of the Convention.***

70. Labour inspection systems are a tool for fairness in the workplace and good governance, and are particularly important when there is turmoil in the labour market, as in times of crisis. The COVID-19 pandemic highlighted the importance of inspections in protecting the health of workers, in ensuring the safety of workplaces and in containing the spread of the virus.¹⁰² At the same time, most labour inspectorates scaled back on planned activities during the pandemic owing to the need to protect the safety and health of inspectors; their working methods were adjusted to enable inspectors, in a context of health constraints, to ensure the continuity of their functions. As with many other occupations, inspectors also switched to the widespread use of teleworking or remote work at the height of the pandemic, limiting face-to-face inspection procedures to only strictly essential cases. This resulted in a substantial reduction in inspections of workplaces in certain countries.¹⁰³ The Committee notes that comprehensive post-pandemic data on inspection visits are still emerging.

71. With regard to the functions performed by the labour inspectorate, in addition to supervision and enforcement tasks, a number of countries also provide details regarding the role of the labour inspectorate in drawing attention to defects and abuses in conditions of work and terms of employment and submitting proposals on means to overcome them, in accordance with Article 6(2)(b) of Convention No. 150.

100 ILO, *ILO Approach to Strategic Compliance Planning for Labour Inspectorates*, 2017; ILO, *Strengthening Labour Inspection Systems for Increased Compliance with Labour Law through Development Cooperation*, 2022.

101 ILO, *Stories of Change: Strategic Compliance Planning 2020-2021*.

102 ILO, *ILO Standards and COVID-19 (Coronavirus)*, FAQ, 2021, 28.

103 CEACR, Convention No. 81: *Caribbean Part of the Netherlands*, direct request, 2022; *Guinea-Bissau*, direct request, 2021; *Russian Federation*, observation, 2022. Conventions Nos 81 and 129: *Costa Rica*, direct request, 2022; *Finland*, direct request, 2022; *Hungary*, observation, 2022; *Türkiye*, observation, 2020; and *Ukraine*, observation, 2021. See also: ILO, *Addendum to the 2020 Report of the Committee of Experts on the Application of Conventions and Recommendations*, ILC.109/III/Add.(A), 2021, para. 84.

In the *Netherlands*, the Labour Authority, which is responsible for supervising compliance with the regulations in the area of working conditions, conducts a “feasibility test” during which it checks what impact the new or amended legislation will have, particularly in terms of how to monitor compliance with a new law and to what extent new legislation potentially conflicts or overlaps with existing legislation. The Netherlands Labour Authority also has a “reflective function”, which means that it seeks feedback from industry and the other social partners following the adoption or amendment of new legislation. Such feedback is shared with the ministry and other stakeholders. In *Maldives*, on the basis of the inspections conducted by the Labour Relations Authority and its annual reports, the Business Council and the Economic Council discuss possible revisions of policy and legislation.¹⁰⁴

72. The Committee notes that despite the central role played by the labour inspectorate in ensuring the effective implementation of labour policy and promoting decent work, inspection services are faced with new or persistent challenges such as insufficient human and material resources (aggravated by economic and health crises), a growing informal economy, changing employment relationships, and the emergence of new work-related hazards. In particular, the Committee notes that the lack of adequate material and financial resources continues to be a matter of concern in many countries, particularly in developing ones, as this hampers the effectiveness of the labour inspection system.¹⁰⁵ In this regard, in *Argentina*, the General Confederation of Labour of the Argentine Republic (CGT RA) indicates that training is becoming imperative in the face of issues such as discrimination, gender issues, trafficking and non-standard forms of employment.

73. The Committee recalls the importance of labour inspection in ensuring social peace and good governance of labour matters and contributing to economic and social progress. Noting that labour inspection systems continue to face numerous challenges which are common to labour administrations as a whole, the Committee urges all governments to ensure that adequate human and financial resources and material means are allocated to labour inspectorates even in times of crisis. The Committee also stresses the importance of ensuring that labour inspection is organized as a system, by achieving consistency and coherence in the implementation of national laws and regulations, coordination between different public and private actors, and cooperation with social partners.

104 Other examples include *Mali, Mauritania, New Zealand* and *Niger*.

105 For example, *Albania, Côte d'Ivoire, Gambia, Guinea-Bissau, Honduras, Liberia, Mali, Namibia* and *Uganda*.

► 1.4. Functions relating to employment

1.4.1. Introduction

74. The Committee notes that, while a stable economic, political, legal and social environment is an essential element for the development and implementation of employment policies, labour administrations play a decisive role in these processes. The Committee acknowledges that the topics are encompassed by several ILO standards.¹⁰⁶ Convention No. 150 recalls in its Preamble the terms of Convention No. 122 and of Convention No. 142, which affirm the need for programmes of labour administration to work towards the objectives of the said Conventions. Similarly, Recommendation No. 158 proposes that the system of labour administration should play a role in the field of employment and provides guidelines for establishing an efficient employment policy. Although Convention No. 150 does not contain provisions on human resources development, Recommendation No. 158 links occupational guidance and vocational training policies to employment policy. At the same time, Convention No. 142 provides that a close link must be established between employment services and human resources development.

75. The Committee notes that the fundamental functions of the system of labour administration concerning the specific matter of employment are extensively covered by the 2020 General Survey on promoting employment.¹⁰⁷ This chapter concentrates on the organizational structure and functioning of the labour administration system with respect to its involvement at different stages of national employment policies, as well as human resources planning, vocational guidance and training. It also highlights the administrative aspects of the functioning of public employment services, and the need for proper coordination of tasks and responsibilities assigned to the labour administration system in relation to employment and human resources.

1.4.2. Preparation, administration, coordination, checking and review of national employment policy

1.4.2.1. Content of instruments

76. Article 6(2)(a) of Convention No. 150 lays down the responsibility of the labour administration regarding national employment policy, specifying in particular that competent bodies within the labour administration system shall participate in the preparation, administration, coordination, checking and review of national employment policy. The same responsibility is established in Paragraph 11 of Recommendation No. 158, which further provides for the existence of a central body in charge of coordinating the activities of the various authorities and bodies which are concerned with particular aspects of employment policy. While Convention No. 150 does not define employment policy, reference in this respect is made to instruments which relate to such policy.¹⁰⁸

¹⁰⁶ See also: Convention No. 88 and Recommendation No. 83; [Private Employment Agencies Convention \(No. 181\)](#), and [Recommendation \(No. 188\)](#), 1997; [Vocational Rehabilitation and Employment \(Disabled Persons\) Convention, 1983 \(No. 159\)](#) and [Vocational Rehabilitation \(Disabled\) Recommendation, 1955 \(No. 99\)](#); Convention No. 122 and Recommendation No. 122; Recommendation No. 169; [Vocational Rehabilitation and Employment \(Disabled Persons\) Recommendation, 1983 \(No. 168\)](#); [Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 \(No. 189\)](#); [Promotion of Cooperatives Recommendation, 2002 \(No. 193\)](#); Recommendation No. 198; Recommendation No. 205; Convention No. 142 and Recommendation No. 195.

¹⁰⁷ ILO, [Promoting Employment and Decent Work in a Changing Landscape](#), ILC.109/III(B), 2020 (hereinafter “2020 General Survey”).

¹⁰⁸ Convention No. 122 and Recommendation No. 122; and Recommendation No. 169. Under Convention No. 122, Art. 1(1), each Member shall declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment. Under Convention No. 122, Art. 2(a), the measures to be adopted must be decided on and kept under review, within the framework of a coordinated economic and social policy.

1.4.2.2. Bodies and activities relating to the preparation, administration, coordination, checking and review of national employment policy

77. The Committee notes that the reports received demonstrate the major role assigned to labour administration bodies with respect to employment policy. In this respect, the Committee acknowledges a significant variation in the entities involved in the formulation, implementation, coordination and review of national employment policies and measures, as well as the methods and mechanisms used in this respect. The Committee notes that many governments provide specific information with regard to the process and entities involved in the preparation and development of national employment policies. Most countries have indicated the ministry of labour or its responsible government equivalent as responsible for employment-related issues,¹⁰⁹ with some countries having identified specialized units within the ministry.¹¹⁰ While the development of national employment policies traditionally belongs to the ministry of labour, some countries have chosen a different ministry, usually charged with employment and vocational training,¹¹¹ or other ministries with a more general mandate.¹¹²

78. In this respect, the Committee notes that, in certain cases, the ministry of labour collaborates with other ministries to jointly prepare policies concerned with employment or broader policies that also include aspects relating to employment.¹¹³ This cooperation also refers to employment measures enacted to meet the labour market needs of specific categories of workers, which might be the focus of different ministers.¹¹⁴ In addition, many governments provided information on their engagement with social partners in the formulation and development of national employment policies.¹¹⁵ In numerous countries social partners take an active role from the early stages of policy preparation through tripartite forums.

In *Honduras*, for the reformulation of the national employment policy, the Ministry of Labour and Social Security establishes a tripartite working group and a tripartite dialogue space is created within the tripartite Economic and Social Council. In the *Philippines*, a tripartite executive committee pre-processes the proposed policy which is subsequently deliberated by the National Tripartite Industry Peace Council before submission to the Secretary of the Department of Labour and Employment.¹¹⁶

79. In some countries, consultations occur after the initial draft has been prepared.¹¹⁷ In other countries, employment policy is formulated through a participatory process that involves a broader range of actors.

109 For example, *Azerbaijan, Ethiopia, Greece, Honduras, Iceland, Kuwait, Lithuania, Namibia, Norway, Poland, Qatar, Russian Federation, Sierra Leone, Slovakia, Slovenia, Spain, Thailand, Trinidad and Tobago, Türkiye, Turkmenistan and Uruguay*. The Committee notes that a few countries have a Ministry of Labour and Employment: *Bangladesh, Niger, Nigeria, Paraguay, Republic of Korea, Saint Kitts and Nevis, Serbia and Sri Lanka*.

110 For example, *Benin, Gambia, Ireland, Israel, Liberia, Mali, Morocco, Nicaragua, Oman, Panama, Slovenia, Uruguay, Viet Nam and Zimbabwe*.

111 For example, *Mali, Nepal, Netherlands, New Zealand, Senegal, Sweden and Tunisia*.

112 For example, *Latvia, Maldives and Bolivarian Republic of Venezuela*.

113 For example, *Indonesia, Poland, Rwanda and Senegal*.

114 CEACR, Convention No. 122: *New Zealand*, observation, 2017.

115 For example, *Denmark, Japan, Malawi, Morocco, Nigeria, Oman, Rwanda, Sierra Leone, Slovakia and Spain*.

116 Other examples include *Argentina, Belize, Honduras, Ireland, Niger, Serbia, Seychelles and Viet Nam*.

117 For example, *Bulgaria, Latvia, Poland, Seychelles and Sierra Leone*.

In *Guatemala*, the National Decent Employment Policy 2017–32 was developed following consultations with representatives of workers’ and employers’ organizations, as well as representatives from organizations representing women, indigenous peoples and youth.¹¹⁸ In *Serbia*, the Employment Strategy 2021–2026 and its accompanying Action Plan 2021–2023 were prepared by a working group, consisting of representatives of authorities, institutions, social partners, civil society organizations, as well as the donor community.

80. In view of the interconnection between employment policies and other socio-economic factors, coordination in the application of employment policy appears particularly important. In this regard, some countries provided information on the legal and institutional framework regulating coordination of the activities carried out by the various entities concerned with particular aspects of employment.¹¹⁹ The Committee notes that coordination mostly occurs through a central body. In *Malaysia*, the policy division of the Ministry of Human Resources acts as a central body to coordinate employment policy matters among various agencies under the ministry, as well as statutory bodies such as the Social Security Organization. In *Côte d’Ivoire*, there is a tripartite Employment Committee with international technical and financial partners, whose responsibilities include coordinating the implementation of the national employment policy.¹²⁰ In *Lithuania*, the Tripartite Council under the Ministry of Social Security and Labour is one of the main institutional frameworks for the coordination of activities related to employment policy.¹²¹ The Committee notes that some countries provide specific information on the coordination between central bodies and decentralized entities. In *Kazakhstan*, the competent national body on employment matters is the Ministry of Labour and Social Protection, which implements national employment policy and also coordinates the work of local authorities on employment issues. In *Spain*, the Sectoral Conference on Employment and Labour Affairs is the general instrument of collaboration, coordination and cooperation between the General Administration of the State and that of the autonomous communities in matters of employment policy and vocational training and especially in relation to the Annual Employment Policy Plans.¹²²

81. The Committee notes the importance of having a commitment to implementation through active policies and programmes which take into account national conditions and levels of national, regional and local development. In this regard, many countries provided information on the application and administration of programmes and measures for the practical implementation of employment policy, such as employment creation and promotion programmes. Usually, these programmes are headed by the ministry of labour,¹²³ sometimes through specialized agencies.¹²⁴ In *Japan*, the Employment Security Bureau of the Ministry of Health, Labour and Welfare is in charge of nationwide job referrals and planning of employment security measures. In *Morocco*, the National Agency for the Promotion of Employment and Skills is a public service company attached to the Ministry of Economic Inclusion, Small Busi-

118 CEACR, Convention No. 122: *Guatemala*, observation, 2022.

119 On the manner in which national employment policy is coordinated with other economic and social policies, see 2020 General Survey, paras 81–90.

120 CEACR, Convention No. 150: *Côte d’Ivoire*, direct request, 2022.

121 Other examples include *Brazil, Ghana, Guatemala, Honduras, India, Japan, Liberia, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Poland, Sierra Leone, Slovakia* and *United Arab Emirates*.

122 Other examples include *Algeria, Argentina, Azerbaijan, India, Lithuania, Niger, Pakistan, Republic of Korea, Serbia* and *Slovakia*.

123 For example, *Bahrain, Lithuania, Maldives, Namibia, Nicaragua, Panama, Serbia* and *Turkmenistan*.

124 For example, *Algeria, Australia, Azerbaijan, Latvia, Liberia, Mozambique* and *Türkiye*.

ness, Employment and Skills that functions as an active intermediary in the labour market by supporting jobseekers seeking to enter the labour market. In this context, the Committee notes that implementation is sometimes shared among different ministries.¹²⁵

82. It is noteworthy that several countries highlight the role of decentralized public authorities in implementing employment measures, specifically through employment centres spread across the country.¹²⁶ In *Denmark*, national, regional and local employment councils can provide advice and recommendations on the implementation of employment policies.¹²⁷ Furthermore, the Committee notes that in some cases, parastatal agencies are involved in the implementation of employment policies. In *Belgium*, the Brussels Regional Employment Office (Actiris) is a public interest organization under the supervision of the Minister of Employment of the Government of the Brussels-Capital Region. The Management Committee that oversees Actiris decides how the Brussels employment agency will implement the major policy guidelines set by the Government.¹²⁸

83. Recognizing that some categories of workers are especially vulnerable to decent work deficits, a number of countries have put in place arrangements for promoting and assisting the employment of specific categories of workers. In *Indonesia*, the Ministry of Manpower has launched a disability service unit, aiming to provide free work counselling to workers with disabilities. In the *Republic of Korea*, the Inclusive Employment Policy Bureau under the Ministry of Employment and Labour establishes and supervises employment policies for older workers, workers with disabilities, women and young persons through the Youth Employment Policy Bureau.¹²⁹ In this regard, the Committee takes note of the information provided by governments with regard to the involvement of public employment services in implementing special measures in favour of employment for young people or particular categories of workers. In the *Philippines*, the Public Employment Service Office has several special services and programmes aiming at enhancing the provision of employment assistance to special groups of disadvantaged workers such as persons with disabilities and displaced workers.¹³⁰

84. As highlighted in the 1997 General Survey, the process of review, envisaged in Article 6(2)(a) of the Convention in the field of national employment policy and programmes appears an essential tool. It allows for the analysis of successes and failures in achieving employment objectives and provides valuable information to decision-making bodies responsible for formulating, implementing and updating national employment policies.¹³¹ The Committee emphasized the importance of having statistical information and data collection that allows the results of employment policies to be examined and evaluated, and the monitoring of progress towards full, productive and freely chosen employment. In this respect, a number of countries indicate that the review is conducted by the ministry responsible for labour or employment with the support of independent research institutions, which inform the ministry through different types of evaluations. In *Ireland*, the tripartite Labour Market Advisory Council is an independent group of labour market experts which examines the implementation of employment-related policies and provides advice to the minister on possible updates. At the same time, Ireland's public agency for further education and training has a Skills and Labour Market Research Unit of the Department of Social Protection, which also undertakes

125 For example: *Australia, Bangladesh, Ireland, New Zealand, Senegal, South Africa and Bolivarian Republic of Venezuela.*

126 For example, *Argentina, Belgium, Belize, Canada, Lithuania, Myanmar, Nepal, Netherlands, Poland, Republic of Korea, Serbia, Slovakia, Spain, Thailand, Turkmenistan, United States, Uruguay and Viet Nam.*

127 CEACR, Convention No. 150: *Denmark*, direct request, 2022.

128 Other examples include *Australia and Portugal.*

129 Other examples include *Burundi, France, Guatemala, Iceland, Ireland, Israel, Jamaica, Japan, Malaysia, Panama, Paraguay, Russian Federation and United States.* See also: 2020 General Survey, paras 785–816.

130 Other examples include *Canada, Niger, Spain and Togo.*

131 1997 General Survey, paras 102–103.

detailed analysis of labour market trends to inform broader national employment policy, and the Labour Market Analytics Unit delivers impact evaluations under the Government's Pathways to Work 2021–25 strategy.¹³²

85. The importance of continuous review of employment policies is demonstrated by the complexity and variety of factors that have a potential impact on the implementation of employment policies and the setting of new priorities. Among other things, such factors might relate to the needs arising from economic or health crises or demographic changes that impact the labour market. For example, in the context of the COVID-19 crisis, labour administrations were called upon to implement measures to preserve employment.¹³³ In this respect, some countries indicate programmes aimed at supporting employment and restoring the loss of employment during the pandemic.¹³⁴ As examined further in Chapter 2, some countries reported that increased funds were dedicated to employment support measures during the pandemic.¹³⁵

86. The Committee notes that the ITUC indicates that labour administration bodies have a leading role to play in the elaboration, implementation, coordination and review of national employment policies and national labour policies, as well as the preparation and implementation of laws and regulations giving effect to them. The ITUC emphasizes that given that the creation of decent and secure jobs is a priority for the multilateral system and Member States, in addition to the need for safeguarding workers' rights and protecting them from the vulnerabilities caused by the pandemic and the multiple crises, effective labour administration systems can make decent work a reality for all workers by promoting full employment, enforcing labour standards, and improving working and employment conditions. At the same time, the Committee notes that some social partners also point to challenges faced by labour administrations in the field of employment. In *Peru*, the Autonomous Workers' Confederation of Peru (CATP) indicates that because of inadequate budget allocations, employment programmes in the 2011–19 period had limited coverage as the services were insufficient in relation to the number of people who entered the labour market. The scarce distribution of financial resources also led to a lack of sufficient human resources in the Regional Directorate for Labour and Employment Promotion of Metropolitan Lima. In *Guinea-Bissau*, the National Union of Workers of Guinea-Bissau (UNTG-CS) indicates that the country does not have a national employment policy because, up to the present time, no government has taken the initiative to draw up such a policy. In *Mexico*, the Confederation of Workers of Mexico (CTM) indicates that there is no employment policy that considers the participation of workers' organizations. In *Costa Rica*, the UCCAEP indicates that after being almost inoperative during 2021–2022, the Higher Labour Council resumed its work on a regular basis with the change of administration in 2022. Sessions were held to discuss the possibility of establishing a National Employment Policy.

132 Other examples include *Greece, Italy, Niger and Poland*.

133 Heyes and Rychly, eds, *The Governance of Labour Administration*. On the importance of national employment policies in addressing the COVID-19 crisis and ensuring a job-rich recovery and sustainable structural change, see: ILO, *Addendum to the 2020 General Survey: Promoting Employment and Decent Work in a Changing Landscape*, ILC.109, 2021 (hereinafter "2021 Addendum to the 2020 General Survey").

134 For example, *Dominican Republic, Ecuador, Ghana, India, Islamic Republic of Iran, Japan, Lithuania, Malaysia, Peru, Qatar and Suriname*.

135 See also: OECD, *OECD Employment Outlook 2022: Building Back More Inclusive Labour Markets*, 2022, 103. About two thirds of OECD countries have increased their budget for public employment services and active labour market measures since the onset of the COVID-19 crisis. Fewer OECD countries opted not to increase the budget for public employment services and active labour market measures, with approximately one in five countries decreasing expenditure for labour market services in 2021 by comparison with 2020.

87. The Committee notes the diverse approaches and structures of labour administration systems in managing employment policies and the involvement of a variety of stakeholders in the process. ***The Committee is of the view that such a collaborative approach is a prerequisite for inclusive, gender-responsive, informed and evidence-based decision-making on employment matters. In addition, as highlighted by the COVID-19 pandemic, ongoing monitoring, evaluation and adaptation of policies is essential to meet changing priorities, and labour administration bodies have a catalytic role in this respect. The Committee also emphasizes the need for labour administrations to promote inclusivity and equal opportunities in the labour market through specialized units and programmes aimed at supporting workers who are vulnerable to decent work deficits. Noting the observations from social partners, the Committee encourages governments to ensure that adequate resources are allocated to employment programmes for the attainment of labour administration objectives in this field.***

1.4.3. Human resources planning and development

1.4.3.1. Content of instruments

88. Although human resources planning and development is not referred to in Convention No. 150, Paragraph 14 of Recommendation No. 158 provides that the competent bodies within the system of labour administration should be responsible for manpower planning and Paragraph 25(2) of the Recommendation provides that there might be specific units dealing with manpower planning and human resources development.

89. With regard to the term “manpower planning” found in Recommendation No. 158, for the purposes of this General Survey and taking into consideration relevant efforts undertaken within the ILO to examine terminology of an outmoded nature,¹³⁶ the Committee considers it appropriate to refer to the term “human resources planning” as an equivalent to “manpower planning”, with reference to the process of assessing and forecasting current and future human resource needs and determining target actions aiming to match demand for skills with supply.¹³⁷

90. Historically, human resources development refers primarily to vocational guidance and training, which are included in ILO standards on training,¹³⁸ particularly Convention No. 142 and Recommendation No. 195. Recently, new standards have been adopted focusing on skills development, such as the Quality Apprenticeships Recommendation (No. 208), 2023.¹³⁹

136 In accordance with the International Labour Conference resolution concerning gender equality and the use of language in legal texts of the ILO adopted in 2011, in legal texts of the Organization the use of a term referring to one gender includes in its meaning a reference to the other gender. In this respect, the Committee has always understood the term “manpower” to include both genders (the French term *main-d’oeuvre* and the Spanish term *mano de obra* used in the Recommendation have no gender connotation). Also, at its 346th Session in 2022, the Governing Body approved the recommendations of the Standards Review Mechanism Tripartite Working Group and requested the Office to prepare a background paper on the implications of gendered and other obsolete and inappropriate terms and references in all international labour standards, to be placed on the agenda of the Governing Body for discussion at the earliest possible date with a view to deciding on appropriate follow-up actions (see [GB.346/LILS/1](#)).

137 For an analysis of the evolution of the term “manpower planning” to “human resources planning”, see: Robert E.B. Lucas, *Manpower Planning and Economic Development* (ILO, 1991); P. Richards and R. Amjad (eds) *New Approaches to Manpower Planning and Analysis* (ILO, 1994); and ILO and Asian and Pacific Project for Labour Administration (ARPLA), *Human Resource Planning*, 1986.

138 For the most recent examination of these instruments in a General Survey, see: ILO, *Human Resources Development: Vocational Guidance and Training, Paid Educational Leave*, ILC.78/III(4B), 1991 (1991 General Survey). Recommendation No. 150, examined by the 1991 General Survey, has now been superseded by the Human Resources Development Recommendation, 2004 (No. 195).

139 [Quality Apprenticeships Recommendation \(No. 208\), 2023](#). See also Andrew Stewart et al., *The Regulation of Internships: A Comparative Study*, ILO Working Paper No. 240, 2018.

1.4.3.2. Bodies and activities concerned with human resources planning and development

91. The relationship between employment and human resources planning and development has received repeated emphasis on multiple occasions by the ILO. According to the 2022 ILO resolution concerning the third recurrent discussion on employment, coherent, comprehensive and integrated employment policy frameworks should be guided, inter alia, by increasing workers' capacities, including through incentives to promote skills development, reskilling and lifelong learning to enhance employability and adaptability and ensure successful and equitable labour market transitions and access to decent work.¹⁴⁰ The Committee takes note of the extensive information provided by governments on the structure and functions of the competent bodies with regard to human resources planning and development. In most countries both human resources planning and development come under the same entity,¹⁴¹ which is usually the ministry of labour or its responsible government equivalent. In some cases, there are specific units specializing in human resources planning and development. For example, in *Israel*, the Strategy and Policy Planning Division of the Ministry of Economy and Industry is responsible for the identification of labour market trends with regard to human resources development, while the Professional Training Division is responsible for vocational guidance and vocational training programmes. In *Kuwait*, the Directorate for the Development of the National Workforce of the Public Authority of Manpower is responsible for vocational training.¹⁴² In some countries, there is a separate ministry specializing in human resources matters.¹⁴³ In this context, the Committee notes that, in some cases, entities are in charge of both employment and human resources matters.¹⁴⁴ The Committee also notes the diversity in the nomenclature employed for various entities and units. While the term "manpower" is occasionally utilized,¹⁴⁵ the more commonly used term is "human resources".

92. The Committee notes that the delivery of human resources planning and development entails the involvement of different entities, including collaboration between the above-mentioned ministries and the ministry of education or its responsible government equivalent.¹⁴⁶ In this context, the Committee notes the proactive engagement of public employment services in implementing vocational guidance and training initiatives in many countries.¹⁴⁷ Apart from employment services, the delivery of human resources planning and development may be supported through partnerships with varying degrees of autonomy, including with training institutes. For example, in *Mauritius*, the National Empowerment Foundation has been assigned the main role of promoting a better match between the demand for and supply of labour and training, through close cooperation with the Ministry of Labour.¹⁴⁸ At the same time, the ministry is supported by two attached corporate bodies, the Institute of Training and Development, and the Human Resource Development Council. In *Canada*, the Canadian Labour Congress (CLC) indicates that there are coordination challenges regarding the implementation of vocational education and training programmes in the country.¹⁴⁹

140 ILO, [Resolution concerning the third recurrent discussion on employment](#), ILC.110/Resolution IV, 2022.

141 For example, *Argentina, India, Liberia* and *Seychelles*.

142 Other examples include *Gabon, Ghana, Greece, Guatemala, Indonesia, Liberia, Morocco* and *Viet Nam*.

143 For example, *Guinea, Japan* and *India*.

144 For example, *United Arab Emirates*.

145 For example, *Ireland, Liberia, Qatar* and *Sri Lanka*.

146 For example, *Brunei Darussalam*. See also: CEACR, Convention No. 122: *Peru*, direct request, 2018; *Czechia*, direct request, 2022; *Cyprus*, observation, 2022.

147 For example, *Greece, Malaysia, Maldives, Mali* and *Türkiye*.

148 CEACR, Convention No. 150: *Mauritius*, direct request, 2021.

149 Other examples include *Brazil, Honduras, Ireland* and *Niger*.

93. The Committee recalls the importance of the involvement of social partners in the formulation and implementation of vocational guidance and vocational training policies and programmes.¹⁵⁰ In this context, some countries have indicated that the governance of human resources planning and development involves the cooperation of the social partners. For example, in *Malaysia*, the Industry Working Group makes recommendations to the Industry Skills Council on policies, strategies and actions relating to skills development in a series of priority sectors.¹⁵¹

94. A few countries provide information concerning the bodies within the system of labour administration entrusted with the coordination of human resources planning and development. In *Ireland*, the National Skills Council includes representation from all relevant state departments, enterprise development agencies, and education, training, research and qualifications agencies; these help to develop consensus and coordination across the Government on priority skills needs and the required skills development responses.¹⁵²

1.4.4. Free public employment services

1.4.4.1. Content of instruments

95. According to Paragraph 15 of Recommendation No. 158, the system of labour administration should include a free public employment service and operate such a service effectively. This is also envisaged in other ILO employment instruments.¹⁵³ Public employment services are government entities with a variety of functions that support the promotion of employment, depending on national employment policy and its legislative remit.¹⁵⁴ They play a key role in the implementation, monitoring and evaluation of employment policy and also of vocational guidance and vocational training policies and programmes, which are closely linked to employment.

1.4.4.2. Organization and activities of public employment services

96. Most labour administration systems of the governments that have reported include a free public employment service.¹⁵⁵ The Committee notes that many countries provided information on the structures responsible for these services. These bodies can take different forms and they usually have a close link with the responsible line ministry. For example, in *Jamaica*, the employment service takes the form of an internet-based system under the Ministry of Labour and Social Security, the Labour Market Information System, which is both a job-matching facility and a database of labour market information, enabling increased access to labour

150 Convention No. 142, Art. 5.

151 Other examples include *Bahamas, Benin, Suriname* and *Viet Nam*.

152 Other examples include *India* and *Indonesia*.

153 Convention No. 88 calls for the participation of a free public employment service in the exercise of labour administration activities with respect to employment. Art. 6(d) provides that the employment service shall cooperate in the administration of unemployment insurance and assistance and of other measures for the relief of the unemployed. In addition, Convention No. 142, Art. 1(1), refers to the role of public employment services in developing comprehensive and coordinated policies and programmes of vocational guidance and vocational training, closely linked with employment. See also [Private Employment Agencies Convention \(No. 181\), 1997](#), Art. 7(1); [Fee-Charging Employment Agencies Convention \(Revised\) \(No. 96\), 1949](#); [Migration for Employment Convention \(Revised\) \(No. 97\), 1949](#), Art. 7(2).

154 For definitions of public employment services, see: ILO, [ILO Support for the Role of Public Employment Services in the Labour Market](#), GB.306/ESP/3/2, 2009, para. 6; and ILO, [Practitioners' Guides on Employment Service Centres: Operating Employment Service Centres \(Volume 2\)](#), 2016, 3.

155 For example, *Benin, Canada, Ethiopia, Gambia, Georgia, Germany, Ghana, Guatemala, Indonesia, Islamic Republic of Iran, Ireland, Israel, Jamaica, Japan, Liberia, Malaysia, Namibia, Portugal, Russian Federation, Slovenia, Viet Nam* and *Zimbabwe*.

market intelligence, facilitating job opportunities and career guidance, and providing both online and offline services to jobseekers and employers.¹⁵⁶ The Committee notes that some countries have adopted a “one-stop shop” approach in this respect, where multiple services relating to guidance, counselling and labour market integration offered by several institutions are provided in a coordinated and complementary manner through specific employment and vocational training centres.¹⁵⁷

97. In many cases, the administration of employment services entails a high level of collaboration with local authorities. In *Finland*, reforms have taken place to strengthen the role of local governments in the organization of employment services, including through the application of pilot schemes until the end of 2024, involving the transfer of certain tasks of regional employment and economic development offices to local governments, and the permanent transfer of public employment and economic development services to municipalities.¹⁵⁸ In *India*, the public employment service operates through a countrywide network of employment exchanges. While the Directorate General of Employment at the Ministry of Labour and Employment is the apex organization for national development and coordination of programmes relating to national employment services, day-to-day administration and overall control of employment exchanges/career centres rest with the respective state governments/union territory administrations.¹⁵⁹

98. As emphasized in the 2010 General Survey on employment instruments, cooperation between public employment services and private agencies is essential to the functioning of the labour market.¹⁶⁰ In this respect, the Committee notes that a few countries provided information on different types of partnerships, such as the outsourcing of employment-related functions of the labour administration to private entities, including with respect to job placement, and the implementation of other active labour market policies. In *Sweden*, the Government indicates that contracting out government services, such as employment services, is a common practice and frequently used in labour market policy. Following a reform undertaken in May 2019, while the public employment service continues to be the entity responsible for labour market policy activities and for ensuring access to a wide range of labour market measures, the provision of such measures is mainly a task for contracted suppliers.¹⁶¹

99. The Committee notes that the use of new technologies by public employment services represents an opportunity for improving governance of labour matters, for example with regard to registration, vacancy advertising, job matching or training.¹⁶² Relevant initiatives have been undertaken by employment services, primarily through the creation of online portals¹⁶³ aimed at improving operational efficiency and service quality. For example, in *Kuwait*, the Public Authority of Manpower has launched the *Fakhrana* employment platform for providing jobseekers with career opportunities. The Committee notes that, in *Poland*, the Independent and Self-Governing Trade Union “Solidarity” (*Solidarność*) indicates that in terms

156 Other examples include *Brazil, Brunei Darussalam, Ireland, Japan, Liberia, South Africa* and *Trinidad and Tobago*.

157 For example, *Cuba, Ethiopia, Finland, France, Kazakhstan* and *Uruguay*.

158 CEACR, Convention No. 150: *Finland*, direct request, 2022.

159 Other examples include *Denmark, Germany, Italy, Kazakhstan* and *Slovenia*.

160 Convention No. 88, Arts 1(2) and 11; and Convention No. 181, Art. 13. See also: ILO, *General Survey concerning Employment Instruments*, ILC.99/III(1B), 2010, paras 219–234 (hereinafter “2010 General Survey”).

161 Other examples include *Argentina, Bahamas, Italy, Portugal, Togo* and *Kuwait*. The CEACR has addressed this issue on several occasions under Convention No. 181: *Finland*, direct request, 2022; *France*, direct request, 2022; *Niger*, direct request, 2022; and *Rwanda*, direct request, 2022.

162 Anna Milena Galazka, “Understanding ICT Use in Labour Administration: Taking Stock”, in *The Governance of Labour Administration*, eds Heyes and Rychly, 75–76; Anna Milena Galazka and Ludek Rychly, *Governance of Labour: Strategies for Sustainable Progress: Global Workshop Report, Prague, 27–30 June 2017* (ILO, 2018).

163 For example, *Greece, Guatemala, India, Maldives, Nigeria, Peru, Qatar* and *Trinidad and Tobago*.

of the development of public employment services, digitalization is necessary but will not replace other forms of improvement of labour offices.

100. The Committee recalls that, under Article 4 of Convention No. 88, suitable arrangements must be made through advisory committees for the cooperation of representatives of employers and workers in the organization and operation of the employment service. In this context, some countries indicate that the administration of public employment services involves partnerships with the social partners.¹⁶⁴ In *Israel*, consultation with employers' and workers' organizations takes place through the Employment Service Council, which outlines the direction of national employment service activities. In *Mali*, *Namibia* and *Serbia*, employment services have a tripartite board. In *Greece*, the Greek General Confederation of Labour (GSEE) indicates that the board of social partners established within the public employment service is a simple advisory body with limited institutional influence and no decision-making powers. Its powers are limited to the mere submission of non-binding opinions to the administrative body of the employment service regarding the allocation and management of funds.

101. *The Committee emphasizes the importance for labour administration systems to incorporate a free public employment service and ensure its operation in accordance with international labour standards through coordination of its activities. The Committee recognizes that public-private partnerships in the administration of employment services can potentially prove beneficial. The Committee emphasizes the importance of transparency in the engagement of private employment agencies and a clear distinction between the roles, responsibilities and scope of action of both public and private partners involved. The Committee also highlights the fact that the application of advances in technology by public employment services presents opportunities for enhancing their functionality.*

► 1.5. Functions relating to labour relations

102. Labour administration activities in the field of labour relations aim to encourage sound relations between employers and workers by establishing a framework in which the parties can interact effectively.¹⁶⁵ While Chapter 3 focuses on the involvement of the social partners in the governance of labour and on the different forms of such participation, the present part of the General Survey examines the functions performed by labour administrations to support industrial relations, and on the services that labour ministries put at the disposal of the social partners for enabling interaction between management and labour, and for promoting machinery for voluntary negotiation. In this context, the labour administration plays the role of the policymaker and participates in regulatory processes for creating a legal and institutional framework within which various forms of social dialogue take place. Labour administrations participate in the establishment of substantive and procedural rules and in processes in the field of labour relations. At the same time, labour ministries or their responsible government equivalents perform the functions of administrators by promoting the smooth functioning of labour relations through various kinds of services, tools and administrative mechanisms, by inspecting compliance with laws, and by guaranteeing enforcement of legal provisions.

164 For example, *Azerbaijan*.

165 Convention No. 150, Art. 6(2)(c) and Recommendation No. 158, Paras 7–10.

1.5.1. Content of the instruments

103. Considering that employers' and workers' organizations have an essential role to play in attaining the objectives of economic, social and cultural progress, the Preamble of the Convention recalls that labour administration functions shall be carried out in full respect of the autonomy of employers' and workers' organizations, emphasizing in this context the terms of Conventions Nos 87 and 98, which forbid any interference by public authorities which would restrict these rights or impede the lawful exercise thereof and require governments to promote free and voluntary collective bargaining.

104. In this context, Convention No. 150 provides that the competent authorities within the labour administration system shall make their services available to employers and workers, and their respective organizations, as may be appropriate under national laws or regulations, or national practice, with a view to the promotion – at national, regional and local levels as well as at the level of the different sectors of economic activity – of effective consultation and cooperation between public authorities and bodies and employers' and workers' organizations, as well as between such organizations (Article 6(2)(c)) and make technical advice available to employers and workers and their respective organizations on their request (Article 6(2)(d)).

105. The Recommendation further elaborates on the functions of labour administration for the promotion of harmonious labour relations by indicating that the competent bodies within the system of labour administration should: (i) participate in the determination and application of such measures as may be necessary to ensure the free exercise of employers' and workers' right of association (Paragraph 7); (ii) set up labour administration programmes aimed at the promotion, establishment and pursuit of labour relations which encourage progressively better conditions of work and working life and which respect the right to organize and bargain collectively (Paragraph 8(1)); (iii) assist in the improvement of labour relations by providing or strengthening advisory services to undertakings, employers' organizations and workers' organizations requesting such services, in accordance with programmes established on the basis of consultation with such organizations (Paragraph 8(2)); (iv) promote the full development and utilization of machinery for voluntary negotiation (Paragraph 9); and (v) provide, in agreement with the employers' and workers' organizations concerned, conciliation and mediation facilities, appropriate to national conditions, in case of collective disputes (Paragraph 10).

106. Consultations, cooperation and negotiation between the public authorities and the most representative organizations of employers and workers or, where appropriate, employers' and workers' representatives, as provided for in Article 5 of the Convention, are essential to ensure that functions pertaining to labour relations are carried out effectively.

1.5.2. Services to promote consultations and cooperation, and provision of technical advice

107. For the purposes of labour administration, in the vast majority of cases, dedicated directorates, departments or bodies have been set up for the promotion, establishment and pursuit of labour relations.¹⁶⁶ The specific functions performed by these bodies depend largely on the national industrial relations tradition of each country, but they are generally responsible for setting the relevant policies and regulatory framework and for providing services to employers and workers and their organizations in order to support social dialogue

¹⁶⁶ For example, *Algeria, Antigua and Barbuda, Bahamas, Belgium, Benin, Burundi, Chile, Costa Rica, Cyprus, Estonia, France, Guatemala, Islamic Republic of Iran, Ireland, Israel, Latvia, Liberia, Malaysia, Maldives, Mauritius, Myanmar, Namibia, Nepal, Netherlands, Nigeria, Portugal, Slovenia, Spain, Sri Lanka, United States and Viet Nam.*

and collective bargaining at various levels. In many countries, the labour inspectorate also plays a significant role in the context of industrial relations as it is responsible for advising employers and workers and their organizations on the legal and regulatory framework and for promoting social dialogue at the level of the establishment.¹⁶⁷ As noted above, in a number of countries, specialized tripartite labour inspection structures ensure information sharing on policy, legal and technical matters.¹⁶⁸

108. In many countries, the ministry of labour assumes functions in relation to the registration of trade unions and professional organizations.¹⁶⁹ In this regard, in *Argentina*, the Confederation of Workers of Argentina (CTA Autonomous) expresses its concern about the registration process for trade unions in the country. In particular, it indicates that applications for registration take many years to be processed by the National Directorate of Union Associations, a body under the Ministry of Labour, Employment and Social Security, and these delays significantly affect the unions' ability to act. It also indicates that the Government refuses to grant such registration to many trade unions by imposing requirements not contemplated in the law. This has caused trade unions to resort to judicial procedures to request registration. The Committee recalls that, according to the Committee on Freedom of Association, the founders of an organization might be required to observe procedural requirements concerning publicity or other similar formalities which may be prescribed by law. However, requiring prior authorization by a government department for the establishment of workers' and employers' organizations is incompatible with the principle of freedom of association.¹⁷⁰

109. As further analysed in Chapter 3, within the system of labour administration, forums for tripartite dialogue are established in the form of economic and social councils, with a broad mandate covering socio-economic issues, and of consultative committees or councils with an advisory mandate on labour matters. Tripartite advisory bodies on labour matters are generally created and regulated by decrees or regulations issued by the minister in charge of labour. They are often chaired by the minister of labour and the ministry is also normally responsible for providing administrative support, including, for example, making meeting rooms available, taking care of correspondence, and more generally carrying out secretarial functions.¹⁷¹ The technical departments of the ministry are also the main providers of documents and background material for these tripartite meetings.¹⁷² The financing of the operations of these bodies normally comes from the state budget. The ministry of labour or its responsible government equivalent is sometimes also responsible for providing training to the members of the tripartite committees.¹⁷³ Some countries indicate that the interaction between the ministry of labour and the social partners can also occur in a less institutionalized manner, and functions relating to the promotion of social dialogue are performed on an ad hoc basis, through meetings or exchange of information.¹⁷⁴ In these cases, the labour administration takes a proactive role in initiating these processes, and in responding to requests or input from the social partners.

167 For example, *Benin, Estonia, France, Lithuania, Mali, Mauritania, Mozambique, Poland and Spain*.

168 See section 1.3.3 above.

169 For example, *Botswana, Brazil, Cyprus, Finland, Hungary, Indonesia, Ireland, Japan, Kenya, Kiribati, South Africa, United Republic of Tanzania and United States*.

170 ILO, *Compilation of Decisions of the Committee on Freedom of Association*, paras 419–422. See also: ILO, *Giving Globalization a Human Face*, ILC.101/III(1B), 2012, paras 82–99 (hereinafter “2012 General Survey”).

171 ILO, *Tripartite Consultation: International Labour Standards*, ILC.88/III(1B), 2000, para. 214 (hereinafter “2000 General Survey”). See also: Convention No. 144, Art. 4.

172 Ludek Rychly, *Ministries of Labour: Comparative Overview – Database, Organograms, ILO Action*, Working Document No. 27, (ILO, 2013), 22.

173 Convention No. 144, Art. 4(2). See also: CEACR, Convention No. 144: *Hungary*, direct request, 2022; *Lao People's Democratic Republic*, direct request, 2019; and *Poland*, observation, 2017.

174 For example, *Austria, Cyprus, Lithuania, Poland, Serbia and Sweden*.

110. With regard to bipartite consultations and negotiations, as mentioned under section 1.4.2 of this chapter, collective bargaining, recognized by the ILO as a fundamental principle and right at work, is a key mechanism for regulating conditions of work and terms of employment. The Committee notes that collective bargaining can only fulfil this role to the extent determined within a framework of rules and procedures, typically established by the State or by agreement between the national employers' and workers' organizations. The role of the labour administration, and of the institutional and regulatory framework, is to promote effective consultations and negotiations and the full development of mechanisms for voluntary negotiation.¹⁷⁵ The Committee notes that a fine balance needs to be struck between the promotional and enabling role of the State, on the one hand, and the autonomy of the bargaining parties, on the other.¹⁷⁶

111. The involvement of labour ministries in promoting dialogue between employers and workers goes beyond the establishment of the enabling legislative frameworks. They have a particularly important role to play in providing an objective basis for collective bargaining between the parties by supplying the social partners with data and official forecasts on prices, wages, employment and labour productivity. With regard to wage bargaining for example, labour administrations can encourage informed negotiations by making relevant and reliable information available to the bargaining parties. This might include macroeconomic data, data for the sector, labour market information or specific information for rounds of negotiations (such as information about a particular branch of activity, a territory or a time period, among others).¹⁷⁷ The labour administration can also encourage the negotiating parties to share information during their negotiations, while also paying due regard to protecting commercial and personal confidentiality.¹⁷⁸ To encourage informed and meaningful negotiations, some countries set out information sharing requirements in legislation or supporting regulations.¹⁷⁹ In some cases, the ministry of labour facilitates discussion on labour market trends and their implications for negotiations, in a tripartite or bipartite setting,¹⁸⁰ or provides technical advice to employers' and workers' organizations at their request.¹⁸¹

112. The Committee notes that, in *Peru*, the CATP indicates that the Regional Directorate for Labour and Employment Promotion of Metropolitan Lima has very limited staff engaged in the facilitation of collective bargaining and in consultation services for the provision of advice to workers. In the *Republic of Korea*, the Korean Confederation of Trade Unions (KCTU) indicates that the Ministry of Employment and Labor (MOEL) has administrative guidelines which provide for the bargaining powers and practice of trade unions, but that this needs to be revised.

113. The adoption of a procedure which gives collective agreements the status of obligations applicable to third parties, or confers upon them the force of law, has imposed specific tasks on labour administration systems, requiring the setup of institutional structures and administrative procedures. In *Germany*, for example, as part of the procedure to declare a collective agreement universally binding, a joint committee is set up by the Federal Ministry for Labour and Social Affairs. In addition, in several countries, the decision to extend a collective agreement is taken by the ministry of labour or a governmental authority in accordance with the criteria

175 Convention No. 98, Art. 4.

176 ILO, *Social Dialogue Report 2022: Collective Bargaining for an Inclusive, Sustainable and Resilient Recovery*, 53.

177 For example, in *Japan*, the productivity statistics of the "[Japan Productivity Center](#)"; in the *Philippines*, the labour statistics published by the "[Philippines Statistics Authority](#)"; in *Portugal*, the Statistics Department of the Regional Directorate for Inspection Activities posts studies and analysis of statistics on labour-related matters on its website; in *South Africa*, the annual report of the "[National Economic Development and Labour Council](#)".

178 ILO, *A Review of Wage Setting through Collective Bargaining*, 2023, 27.

179 For example, *Argentina, Botswana, Chile, Kenya, United Kingdom and United Republic of Tanzania*.

180 For example, *Uruguay*.

181 For example, *Austria, Belgium, Ethiopia, France, Portugal, Slovakia and United States*.

and conditions established by law.¹⁸² Legislative provisions may also require the registration of collective agreements, for the purpose of establishing a record of applicable regulations, which can also be useful for inspection purposes. For example, in *Brazil*, the Ministry of Labour introduced the *Mediador* online system in 2007, enabling employers' organizations and trade unions to register their collective agreements electronically and thus facilitating electronic access and consultation for the parties concerned. In *Brazil*, the National Confederation of Industry (CNI) indicates that users can access the system and obtain information on registered collective agreements including the collective agreements in force, the duration of the agreement or Convention, territorial scope and other details; users can also follow the progress of current negotiations. In some cases, the registration of the collective agreement is done by the courts¹⁸³ or by the labour inspectorate.¹⁸⁴ In most cases, the legislation requires a collective agreement to be deposited with the labour administration, in order to check that its provisions do not contradict minimum standards set out in existing legislation.¹⁸⁵ The Committee recalls that the process of registration and publication of collective agreements should only involve checks on compliance with the minimum legal requirements and questions of form, such as the precise identification of the parties and beneficiaries and the duration of the agreement.¹⁸⁶

114. Labour policies and workplace strategies designed to prevent collective disputes before they erupt are an equally significant aspect of good labour relations. The labour administration can initiate a number of measures to encourage cooperative labour relations, such as through the adoption of a code of good practices in the bargaining process,¹⁸⁷ proposing training in collective bargaining techniques to employers and trade unions, supporting their efforts to develop negotiating skills,¹⁸⁸ or providing pre-conciliation services to the negotiating parties in order to build positive relationships.¹⁸⁹ As mentioned above, the labour inspectorate also performs an important task of dispute prevention within its function of providing technical advice to employers and workers on the most effective means to comply with legal provisions.

115. The response to the COVID-19 crisis demonstrated the value of coordinated mechanisms of bipartite and tripartite social dialogue and collective bargaining at different levels. The extent to which industrial relations actors contributed to these responses through collective bargaining has followed pre-existing institutional patterns. Industrial relations systems which before the pandemic had entrusted certain social policy issues to employers, employers' organizations and trade unions have tended to rely on these institutions as part of the response to the COVID-19 crisis.¹⁹⁰ In many cases, agreements between the social partners have paved the way for the management of occupational safety and health risks related to COVID-19 and provided guidelines on the application of preventive measures.¹⁹¹ At the same time, in its supervision of Convention No. 98, the Committee noted situations where the adoption of unilateral emergency measures had led to the suspension or temporary setting aside of existing collective agreements.¹⁹²

182 For example, *Albania, Burkina Faso, Cambodia, Estonia, Finland, Ghana, Morocco, Poland, Republic of Korea and Slovakia*. See also: Recommendation No. 91, Part IV, on the extension of collective agreements.

183 For example, *Eswatini, Kenya, Malaysia and Singapore*.

184 For example, *Algeria, Bulgaria, Chile, Costa Rica and Rwanda*.

185 For example, *Australia, Brazil, Poland, Sri Lanka and Zambia*.

186 ILO, *Compilation of Decisions of the Committee on Freedom of Association*, paras 1437–1445.

187 For example, *New Zealand and South Africa*. See also on the promotion of collective bargaining: 2012 General Survey, para. 98.

188 For example, *Benin, Iceland, Lithuania, United Kingdom and Viet Nam*. See also: CEACR, Convention No. 98: *Indonesia*, observation, 2022; *Morocco*, direct request, 2022; and *Paraguay*, observation, 2022.

189 For example, *Belgium, Burkina Faso, Guatemala, Iceland, Jamaica and United Kingdom*.

190 See ILO, *Social Dialogue Report 2022*, 139.

191 For example, *Argentina, Colombia, France, Germany, Ireland, Italy, Peru, Philippines, Republic of Korea and Spain*.

192 CEACR, Convention No. 98: *Brazil*, observation, 2020; and *Canada*, direct request, 2020.

116. The Committee recalls the central role played by the system of labour administration in promoting social peace through sound industrial relations. The Committee emphasizes that this function must be performed in full respect of the principles of freedom of association and collective bargaining. Efficient and coordinated labour administrations are essential to support consultations and collective bargaining, particularly in the context of recovery from the COVID-19 pandemic and in facing other socio-economic crises. The adoption of measures by labour administrations to promote social dialogue, both bipartite and tripartite, respecting the principles of freedom of association and collective bargaining, can also provide countries with the institutional means to ensure a human-centred recovery. At the same time, the Committee notes that while industrial relations remains a key function of labour administrations, the growing diversity of work arrangements, informality, the decrease in union membership and an increasingly diverse membership, challenge the coverage and effectiveness of traditional industrial relations systems and require labour administrations to adapt and redesign their policies in order to ensure that their services cover all categories of workers and adequately address their specific needs with respect to collective labour relations.

1.5.3. Mechanisms for the resolution of industrial disputes

117. Public authorities can assist employers, workers and their organizations to establish dispute resolution procedures and provide them with dispute resolution services. The bodies appointed for the settlement of disputes between the parties to collective bargaining, including for conciliation, mediation and arbitration, should be independent, and recourse to these bodies should be on a voluntary basis.¹⁹³ The Committee notes that the resolution of individual labour disputes is generally entrusted to labour courts and tribunals that form part of the judiciary and therefore do not fall within the scope of the public bodies responsible for and/or engaged in labour administration. In line with the principles established in Paragraph 10 of the Recommendation, the analysis below concerns mechanisms for the resolution of collective disputes.

118. Several ILO instruments on the promotion and protection of the right to collective bargaining contain provisions relating to labour dispute settlement.¹⁹⁴ Also, the Examination of Grievances Recommendation, 1967 (No. 130), addresses dispute resolution at the enterprise level, including rights disputes over alleged violations of collective agreements. ILO Conventions and Recommendations leave ample room for Member States to design their own dispute settlement systems, and general principles are established in the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92). In practice, the principal methods of dispute settlement used in many countries are conciliation/mediation (which may or may not be differentiated), arbitration and adjudication.¹⁹⁵

119. In terms of institutional structure, at the national level, collective labour dispute resolution is entrusted to a wide range of actors, such as public institutions or officials within the labour administration, quasi-judicial institutions, specialized labour courts or specialized divisions of general courts, and/or courts of general competence.¹⁹⁶ In some countries such functions fall within the labour administration system, with the labour ministries having permanent departments or divisions for dispute resolution¹⁹⁷ or convening ad hoc bodies or experts to resolve

¹⁹³ ILO, *Compilation of Decisions of the Committee on Freedom of Association*, paras 1322–1326.

¹⁹⁴ Convention No. 154 and Recommendation No. 163; and Labour Relations (Public Service) Convention, 1978 (No. 151).

¹⁹⁵ ILO, *Access to Labour Justice in Collective Labour Disputes: Evidence from the Updated IRLex Database*, February 2023.

¹⁹⁶ ILO, *Access to Labour Justice in Collective Labour Disputes: Evidence from the Updated IRLex Database*, 2023.

¹⁹⁷ For example, Argentina, Belgium, Brazil, Chile, Cyprus, Dominican Republic, Georgia, Ghana, Philippines and Romania.

collective disputes, which are selected from a verified list of suitably qualified independent officials maintained by the authorities.¹⁹⁸ In some countries, permanent tripartite bodies for collective labour dispute resolution are formed under the purview of the labour ministry.¹⁹⁹

The Government of *Colombia* reports that the Committee for the Handling of Conflicts before the ILO (CETCOIT) is a tripartite body for the resolution of disputes relating to freedom of association and collective bargaining. In recent years, 250 cases have been addressed, of which 230 have resulted in agreements. It has emerged as the main instrument for the interaction of the actors in conflict and the recognition of freedom of association and collective bargaining. One of the main success factors of CETCOIT is the generation of trust among all tripartite members.

120. In a number of countries, formal dispute resolution functions are assigned to labour inspectors.²⁰⁰ The Committee recalls that in its supervision of Convention No. 81 and Convention No. 129 it emphasized that, in conformity with the plain language of Article 3(2) of Convention No. 81 and Article 6(3) of Convention No. 129, any further duties which may be entrusted to labour inspectors shall not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.²⁰¹ Labour inspectors should not be involved in formal conciliation given the potential conflict of interests between the functions of enforcement and conciliation, and the fact that these are not among the primary functions of labour inspectors. The Committee also recalls that, according to Paragraph 8 of Recommendation No. 81, the functions of labour inspectors should not include that of acting as conciliator or arbitrator in proceedings concerning labour disputes.

121. In some cases, the resolution of labour disputes is entrusted to private entities. For example, in *Costa Rica*, the labour procedural reform which entered into force in 2017 provided for the establishment of “private alternative dispute resolution centres”, authorized by the Directorate of Labour Affairs at the Ministry of Labour and Social Security. In some countries labour dispute resolution is left to initiatives established by social partners. For example, in *Spain*, a range of inter-occupational agreements signed by the most representative trade union organizations and employers’ associations at state level have established a collective dispute resolution institution and the procedure for its operation. The agreement on the extra-judicial resolution of labour conflicts, concluded in 1996 and since renewed, established a national body, the Servicio Interconfederal de Mediación y Arbitraje (SIMA), to enable intervention in the case of disputes.²⁰² SIMA is a foundation of the State under the purview of the Ministry of Employment and Social Economy, so its resources are of a public nature.

122. In a number of countries, labour dispute resolution is the responsibility of quasi-judicial bodies, which are normally funded by the State but operate with a high degree of autonomy and independence. For example, in *South Africa*, the Commission for Conciliation, Mediation and Arbitration is a statutory body established in terms of section 112 of the Labour Relations Act, 1995 (as amended). The Commission is an independent public entity that is not part of or affiliated to any political party, trade union or business.²⁰³

198 For example, *Albania, Canada, Georgia, Iceland, Peru, Poland and Slovakia*.

199 For example, *Austria, Bulgaria, Canada, Lithuania, Spain and Viet Nam*.

200 For example, *Algeria, Burkina Faso, Cambodia, Chile, Guatemala, Rwanda, Slovenia, Spain, Togo and Tunisia*.

201 CEACR, Conventions Nos 81 and 129: *Guatemala*, observation, 2021; *Madagascar*, observation, 2022; *Morocco*, observation, 2022.

202 ILO and EU, *Individual and Collective Labour Dispute Settlement Systems: A Comparative Review*, July 2020, para. 123.

203 Other examples include *Ghana, Greece, Ireland, Ukraine, United Kingdom and United Republic of Tanzania*.

123. The Committee notes that, according to the preparatory work, the instruments on labour administration were not meant to deal with the responsibilities and organization of labour courts or tribunals and other judicial or quasi-judicial bodies which are considered as belonging to the judiciary and are therefore separate from the sphere of labour administration.²⁰⁴ Nevertheless, the Committee notes that a few countries report that labour courts and tribunals, which are set up to hear and rule on labour disputes, are part of their labour administration system.²⁰⁵

124. *The Committee recalls that mechanisms to address collective disputes are an essential part of any well-functioning industrial relations system that aims at securing and preserving industrial peace and cooperation between social partners. An effective labour dispute resolution mechanism should be based on the principles of freedom of association and voluntary collective bargaining and be designed in agreement with the social partners. Conciliation and mediation facilities should ensure the respect of good governance principles, in particular with regard to broad accessibility, equity and inclusiveness, rapid resolution, efficiency of institutions and effectiveness of their procedures.*

► 1.6. Functions relating to studies, research and statistics

1.6.1. Content of the instruments

125. Article 6(2)(b) of Convention No. 150 provides that the competent bodies within the labour administration system shall study and keep under review the situation of employed, unemployed and underemployed persons, taking into account national laws and regulations and national practice concerning conditions of work and working life and terms of employment. Paragraph 18 of Recommendation No. 158 indicates that for the fulfilment of its social objectives, the system of labour administration should carry out research as one of its important functions and encourage research by others. Research and studies are essential tools at the disposal of labour administrations in order to assess and review the implementation of national labour policy in accordance with the evolving labour market trends. In this regard, Paragraph 20(2) of the Recommendation further indicates that the information and reports provided by each principal service of the labour administration system should be of a technical nature, include appropriate statistics, and indicate the problems encountered and if possible the results achieved in such a manner as to permit an evaluation of present trends and foreseeable future developments in areas of major concern to the system of labour administration. The Committee notes that Convention No. 160 establishes the framework for the progressive development of national labour statistics programmes, and for the regular collection, compilation and publication of basic labour statistics on the main labour-related topics.

126. In addition, Paragraph 20(3) and (4) of the Recommendation provides that the system of labour administration should evaluate, publish and disseminate such information of general interest on labour matters as it is able to derive from its operation and that Member States, in consultation with the ILO, should seek to promote the establishment of suitable models for the publication of such information, with a view to improving its international comparability.

204 ILO, *Report of the Meeting of Experts on Labour Administration*, 1973, para. 69. At its 347th Session (March 2023), the Governing Body did not adopt the draft decision concerning the preliminary proposals for a tripartite technical meeting on access to labour justice (see [GB.347/PV\(Rev.\), para. 58](#)).

205 For example, *Bangladesh, Ireland, New Zealand, Nicaragua and Sweden*.

1.6.2. Bodies and activities concerned with research, studies and statistics

127. Research activities including data collection and fact-finding are fundamental to the functioning of the labour administration in meeting its objectives. Research and study on labour matters are concerned with the collection and analysis of data not only relating to the conditions of work and working life of employed, unemployed and underemployed persons but also relating more generally to the aim of formulating and updating labour policies and strategies. Within this function, labour administrations collect information and conduct research into labour matters, comprising for example labour market analysis and surveys, forecasts of labour market trends, publishing and disseminating information and statistics, and encouraging relevant research by other bodies.²⁰⁶

128. In the majority of cases the functions relating to studies and research are carried out by a unit or department within the ministry of labour and other ministries that have responsibility for labour and employment.²⁰⁷ These ministerial units may rely on relevant data and information coming from different sources within the labour administration system, such as inspection, employment, vocational training and social security agencies. In some countries, the labour administration system has a dedicated research agency that provides information in support of policymaking and implementation.²⁰⁸ The Committee notes that a number of countries refer to the publication of periodic labour bulletins or of specific studies on labour matters, as an outcome of this labour administration function.²⁰⁹

129. As indicated in the report prepared by the Office as the basis for the International Labour Conference general discussion on labour administration and labour inspection in 2011, research and statistics are areas in which cooperation is needed between labour administration and public and private bodies. Partnerships with outside organizations, universities, statistical offices and research institutes, both public and private, may be necessary to ensure evidence-based policymaking by labour administrations.²¹⁰ In many countries, conducting labour studies and research is also a key function of national social dialogue bodies, such as national labour councils or national economic and social councils.²¹¹ The Committee notes the value added to these studies by the adoption of a participatory approach, involving the social partners in the production, analysis and interpretation of data at all stages.²¹² For example, in *Mauritius*, the National Productivity and Competitiveness Council is a tripartite body operating under the aegis of the Ministry of Industrial Development, Small and Medium Enterprises and Cooperatives, which is tasked, inter alia, with promoting and undertaking research in all aspects of productivity, quality and competitiveness.

206 For statistics in the informal economy see also: ILO, *Women and Men in the Informal Economy: A Statistical Picture*, 2018.

207 For example, *Brunei Darussalam, Canada, China, Guinea-Bissau, Islamic Republic of Iran, Liberia, Lithuania, Mozambique, New Zealand, Oman, Panama, Portugal, Qatar, Seychelles, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Thailand, Trinidad and Tobago, Tunisia, Bolivarian Republic of Venezuela, Viet Nam, Zambia and Zimbabwe*.

208 For example, *Czechia, Greece, Mali, Niger, Philippines, Russian Federation, Sweden and Viet Nam*.

209 For example, *Brunei Darussalam, Finland, France, India, Ireland, Italy, Japan, Latvia, Mozambique, New Zealand, Oman and United States*.

210 For example, *Iceland, Liberia, United Kingdom and United States*. See also: ILO, *Report on Labour Administration and Labour Inspection*, ILC.100/V, 2011, para. 132.

211 For example, *Albania, Algeria, Argentina, Cambodia, Costa Rica, Côte d'Ivoire, Estonia, Greece, Italy, Malaysia, Namibia, Republic of Korea, Rwanda, South Africa, United Kingdom and United Republic of Tanzania*.

212 See also Convention No. 160, Art. 3.

130. As highlighted in the 1997 General Survey, the objectives pursued by labour administration bodies in charge of studies and research cannot be achieved without reliable statistical data.²¹³ In this regard, the Committee notes that the ITUC highlights the strong correlation between Convention No. 150 and Convention No. 160 and emphasizes the importance of labour administration in designing, implementing and enforcing policies, on the basis of reliable data. In this respect, it indicates that the absence of reliable, up-to-date, comprehensive statistics and of a database covering all aspects of labour, working conditions and industrial relations is a common difficulty faced by many systems of labour administration. In *Guinea-Bissau*, the UNTG-CS indicates that no study or investigation has been undertaken with regard to the situation of employed, unemployed or underemployed persons. In *Ethiopia*, the Confederation of Ethiopian Trade Unions (CETU) indicates that the system of labour administration faces challenges in ensuring the compilation of relevant, reliable and complete information for decision-making.

131. The Committee also notes that the use of information technology can greatly assist in the collection and processing of information and in generating statistical data which can be used in policymaking. Information technology can also significantly improve the dissemination of information on labour matters, making it possible to reach larger parts of the population. Many countries refer to government statistical agencies which are responsible for collecting, interpreting and disseminating up-to-date statistics on labour and on other socio-economic matters.²¹⁴ The Committee notes that, in a considerable number of countries, statistical offices are responsible for preparing, for instance, labour force surveys, which are periodic national household surveys. Labour force surveys are designed with the objective of producing official national statistics on the labour force, employment and unemployment for monitoring and planning purposes.²¹⁵

132. Some countries emphasize the importance of labour inspection services for the collection of data relating to compliance with labour legislation.²¹⁶ The Committee notes that when labour inspection reports, which are generally produced annually by the labour inspection services, are of a comprehensive nature, they are a useful source of information on the activities of the inspection bodies.²¹⁷ In addition, they are a tool which provides governments, social partners and other stakeholders with socio-economic information needed for designing and implementing policies on conditions of work and the protection of workers, and for improving the economic performance of enterprises.²¹⁸ In the *Netherlands*, for example, the Labour Authority, produces annual research which provides an overview of the health and safety situation in a large number of companies which are subject to inspection. The Government indicates that this is an important source of information for the industry and other stakeholders as it gives an indication of the situation regarding labour conditions in the country.

133. The Committee emphasizes that ministries of labour and other agencies involved in research and studies on labour matters should have the necessary financial, human and technical resources, including statistical, research and planning services, to make correct diagnoses and to contribute effectively to the formulation of clear policy options.

²¹³ 1997 General Survey, para. 113.

²¹⁴ For example, *Netherlands, Niger, Nigeria, Paraguay, Poland, Portugal, Serbia, Sierra Leone, Slovenia, United Republic of Tanzania* and *Uruguay*.

²¹⁵ See [ILOSTAT, Labour force surveys](#).

²¹⁶ For example, *Iceland, Latvia* and *Portugal*.

²¹⁷ See Convention No. 81, Art. 21, and Convention No. 129, Art. 27, for the elements that should be included in annual labour inspection reports.

²¹⁸ See also CEACR, Convention No. 81, [General observation](#), 2010.

► 1.7. Functions relating to international labour affairs

1.7.1. Content of the instruments

134. Labour administration functions in relation to international labour affairs are reflected in article 11 of the [ILO Constitution](#). This provision establishes that the government departments of any of the Member States which deal with questions of industry and employment may communicate directly with the Director-General through the representative of their government in the Governing Body of the International Labour Office or, failing any such representative, through such other qualified official as the government may nominate for the purpose. Article 8 of Convention No. 150 indicates that to the extent compatible with national laws and regulations and national practice, the competent bodies within the system of labour administration shall contribute to the preparation of national policy concerning international labour affairs, participate in the representation of the State with respect to such affairs and contribute to the preparation of measures to be taken at the national level with respect thereto.

1.7.2. Bodies and activities concerned with international labour affairs

135. Since its inception, the ILO and labour administration systems have been closely linked, as labour ministries are the main interlocutors and partners of the Organization on the government side. The participation of labour administrations in international labour affairs and their contribution to them take place in different ways. With regard to international labour standards, labour administrations, in consultation and coordination with the other relevant ministries and social partners, normally take the lead in activities related to the ratification of ILO Conventions and the provision of periodic reports to the ILO. In addition, labour ministries are generally responsible for representing the government in international labour forums such as the ILO Conference²¹⁹ and Governing Body. This participation is sometimes shared with foreign ministries.

136. Regional integration and its direct effects on the world of work, such as free movement of labour and standardization of labour legislation, has created the need to harmonize some aspects of labour regulation and to improve horizontal cooperation among national labour administrations. For example, in order to become a Member State of the EU, candidate countries are required to address numerous issues related to labour policy.²²⁰ National labour administrations are generally involved in labour matters dealt with by regional organizations such as the Arab League, the African Union, ASEAN, the EU and the Organization of American States (OAS). In a number of regions, labour ministers have established the habit of meeting at regular intervals.²²¹ Moreover, particularly for developing countries, labour administrations are involved in reviewing opportunities for the use of international or bilateral technical cooperation and drawing up government requests for projects in that field, supervising the execution thereof, and preparing project assessments. The involvement of labour ministries, together with the social partners, in the preparation and conclusion of ILO Decent Work Country Programmes is an example of labour administration activities in this field.

137. In a world of work that is increasingly interconnected and with many labour issues transcending national borders, bilateral and multilateral cooperation on labour matters has

219 Data from 2023 show the preponderance of labour ministry officials in Member States' delegations to the Conference. Of the 187 countries which attended the 111th Session of the Conference, 168 sent a minister or delegate from the ministry of labour or its responsible government equivalent such as the ministry of employment, social security, social affairs, manpower, welfare or human resources. See: ILO, [Final list of delegations, International Labour Conference, 111th Session, Geneva, 2023](#).

220 ILO, *Report on Labour Administration and Labour Inspection*, ILC.100/V, 2011, para. 79.

221 For example, the ASEAN Labour Ministers Meeting.

become progressively more important. For example, a number of countries have concluded bilateral labour migration agreements to establish a cooperation framework between countries of origin and destination to ensure that labour migration is regulated according to agreed principles and procedures.²²² Another example includes bilateral social security agreements which ensure that social security rights acquired in a particular country of employment are maintained when moving to another country.²²³ In addition, bilateral and regional trade agreements have been adopted in all regions of the world. While the negotiation and conclusion of free trade agreements is normally the responsibility of ministries of economic affairs, trade and foreign affairs, ministries of labour are sometimes involved in the process providing inputs concerning labour matters.²²⁴ In fact, an increasing number of these agreements contain labour provisions, in particular with regard to compliance with international and national labour standards, and this has induced changes in ministries' policies and practices, particularly in relation to labour inspection.²²⁵

138. Thus, the complex set of relations which every country has with other countries and international organizations to which they belong requires the careful formulation and implementation of an international labour relations policy. To accomplish this task, which involves the national labour administration system at its highest levels, many labour administrations have established dedicated units or departments dealing with international labour affairs. For example, in the *United Arab Emirates*, the Ministry of Human Resources and Emiratisation has an International Relations Department which is responsible for representing the country in international organizations such as the Arab Labor Organization and the Arab League. In *Colombia*, the Ministry of Labour has an International Relations and Cooperation Office which is responsible for representing the country in the OAS and in international labour organizations.²²⁶ EU Member States typically have a unit or department within the ministry of labour or its responsible government equivalent which is responsible for the coordination of EU labour affairs.²²⁷

139. In addition, the Committee notes that a number of regional labour administration networks have been established around the world to serve as platforms for cooperation, training and information-sharing among national labour administrations. For example, the Inter-American Network for Labor Administration is the mechanism for cooperation among the ministries of labour of the Americas that seeks to build their human and institutional capacities. All its activities and priorities are defined by the ministries of labour of the region through the OAS Inter-American Conference of Ministers of Labour.²²⁸ The African Regional Labour Administration Centre (ARLAC) was jointly formed by the ILO and the United Nations Development Programme in 1974 as a project for the development of labour administration matters. The mandate of ARLAC is to strengthen labour administration systems in English-speaking African member countries through training, research, consultancy and advisory services.²²⁹ A similar institution was also established for French-speaking African countries.²³⁰

222 See: Migration for Employment Convention (Revised), 1949 (No. 97), Art. 10; and United Nations Network on Migration, [Guidance on Bilateral Labour Migration Agreements](#), 2022.

223 ILO, "Social Security Agreements".

224 For instance, *Canada, New Zealand and United States*.

225 ILO and International Institute for Labour Studies, [Studies on Growth with Equity: Social Dimension of Free Trade Agreements](#), 2013, 69–92. See also: Marva Corley-Coulibaly, Ira Postolachi and Netsanet Tesfay, [A Multi-Faceted Typology of Labour Provisions in Trade Agreements: Overview, Methodology and Trends](#) (ILO, 2022). See also for labour provisions in trade agreements around the world: [Labour Provisions in Trade Agreements Hub](#).

226 Other examples include *Bahamas, Brunei Darussalam, Canada, Denmark, Finland, Germany, Islamic Republic of Iran, Malaysia, Maldives, New Zealand, Nicaragua, Niger, Oman, Panama, Paraguay, Philippines, Qatar, Republic of Korea, Saint Kitts and Nevis, Senegal, South Africa, Sudan, Suriname, Sweden, Thailand, Togo and United States*.

227 For example, *Denmark, Finland, Germany and Sweden*.

228 [Inter-American Network for Labor Administration \(RIAL\)](#).

229 [African Regional Labour Administration Centre \(ARLAC\)](#).

230 [Centre Régional Africain d'Administration du Travail \(CRADAT\)](#).

140. Noting the emphasis placed on the need for greater multilateral cooperation and policy coherence in the efforts to forge a broad Global Coalition for Social Justice,²³¹ the Committee highlights the central role played by labour administrations in making decent work a priority at the international and regional levels. Since many of the challenges faced by the world of work have a transnational dimension, the Committee encourages governments to ensure that, to the extent compatible with national laws and regulations and national practice, labour administrations have the capacities and mandate to contribute to the preparation of national policy relating to international labour affairs as provided for by Article 8 of the Convention.

► 1.8. Gradual extension of labour administration functions

1.8.1. Content of the instruments

141. Article 7 of Convention No. 150, which is concerned with the extension of the scope of labour administration activities, provides as follows: “When national conditions so require, with a view to meeting the needs of the largest possible number of workers, and in so far as such activities are not already covered, each Member State which ratifies the Convention shall promote the extension, by gradual stages if necessary, of the functions of the system of labour administration to include activities, to be carried out in cooperation with other competent bodies, relating to the conditions of work and working life of appropriate categories of workers who are not, in law, employed persons ...”. Article 7 also gives examples of the main categories of workers to be covered by this provision, as follows: “(a) tenants who do not engage outside help, sharecroppers and similar categories of agricultural workers; (b) self-employed workers who do not engage outside help, occupied in the informal sector as understood in national practice; (c) members of cooperatives and worker-managed undertakings; and (d) persons working under systems established by communal customs or traditions.”

142. As indicated in the 1997 General Survey, the Committee underlines the fact that this is a flexible provision which establishes an obligation to promote the extension of labour administration activities to include workers who are not, in law, employed persons only when national conditions so require and in so far as such activities are not already covered. This extension need not be immediate and, if necessary, it may be by gradual stages. The Committee emphasizes that the Convention does not require, as a condition for ratification, the existence of legislation which applies to the categories of workers referred to in Article 7.²³² In addition, the list of categories of workers who are not considered in law as employed persons is illustrative, and the extension of the functions of the system of labour administration to other categories of such workers is not excluded.

143. In 1997, the Committee already noted that the conditions of work and working life of the four categories of workers mentioned in the Convention are dealt with in other ILO Conventions and Recommendations.²³³ The Committee recalls that, with the exception of those that

231 ILO, *Advancing Social Justice*, Report of the Director-General, ILC.111/1(A)(Rev.), 2023.

232 1997 General Survey, para. 129.

233 In the 1997 General Survey, paras 132–135, the Committee listed the Conventions and Recommendations that establish rules and principles governing the conditions of work and working life of these categories of workers. This list remains valid, with the following remarks concerning the status of the instruments: [Social Policy \(Non-Metropolitan Territories\) Convention, 1947 \(No. 82\)](#) – request for information; [Social Policy \(Basic Aims and Standards\) Convention, 1962 \(No. 117\)](#) – instrument with interim status; [Indigenous and Tribal Populations Convention, 1957 \(No. 107\)](#) – outdated. In addition, the [Co-operatives \(Developing Countries\) Recommendation, 1966 \(No. 127\)](#) has been replaced by the [Recommendation No. 193](#).

are directed at specific occupations or economic sectors, ILO standards apply, in principle, to all workers. The Committee also notes that several Conventions and Recommendations specifically address the informal economy and some non-standard forms of employment or related aspects and the role of the labour administration in this regard.²³⁴ At its 347th Session (March 2023), the Governing Body decided to place on the agenda of the 113th Session (June 2025) of the Conference an item on decent work in the platform economy devoted to standard-setting with a double-discussion procedure.²³⁵

1.8.2. General remarks

144. The Committee notes that this provision of the Convention is a response to the enduring need to ensure the protection of those workers who are not engaged under formal contracts of employment and/or are not working within the regular wage economy.²³⁶ This includes in particular workers in the informal economy, who are expressly mentioned in Article 7, and those employed in non-standard forms of employment, such as temporary contracts, part-time and on-call work, temporary agency work, working from home, and multiparty employment relationships. Non-standard forms of employment feature prominently on digital labour platforms. Extending labour administration activities to these workers is necessary if labour administration is to be more viable, meaningful and credible. Ministries of labour have a decisive role to play in addressing the decent work deficits associated with these forms of employment by adapting regulations and policies to extend their coverage to all workers and in ensuring the effective functioning of labour administration structures which are responsible for the application of labour laws and regulations.

145. The Committee notes that the ITUC indicates in its observation that labour administration systems should continuously adapt to ensure that national labour and employment policies remain relevant and effective for all workers, and especially those who need the most protection. In this respect, it emphasizes the urgent need for labour administration systems to extend their services to all workers, including workers in the informal economy, self-employed workers, platform workers, workers in global supply chains and workers in non-standard and precarious employment. The ITUC also notes with concern the persistence of significant legislative and policy gaps which deprive these workers of labour protection. It particularly notes the difficulties faced by Member States with less formalized labour markets in driving decent and productive employment. At the same time, the Committee notes that the IOE points to the difficulties concerning the extension of the functioning of the national labour administration system to cover categories other than workers with employment contracts, such as self-employed persons.

146. The Committee notes that the ILO has produced a considerable body of research and publications concerning informality,²³⁷ and non-standard forms of employment²³⁸ and the related policy and regulatory challenges. ***The Committee therefore wishes to focus this part of the General Survey specifically on the actions undertaken by labour administrations and the structures that have been developed to progressively extend their services to workers***

234 For example, Termination of Employment Convention (No. 158) and Recommendation (No. 166), 1982; Part-Time Work Convention (No. 175) and Recommendation (No. 182), 1994; Convention No. 181 and Recommendation No. 188; Recommendation No. 198; Recommendation No. 202; and [Transition from the Informal to the Formal Economy Recommendation, 2015 \(No. 204\)](#).

235 [GB.347/PV\(Rev.\)](#), para. 876.

236 Traditionally, labour laws have been based on the “standard” employment relationship. This is defined as a job that is continuous, full-time, with a direct relationship between employer and employee. See: ILO, [Non-Standard Employment around the World: Understanding Challenges, Shaping Prospects – Overview](#), 2017, 1.

237 See [ILO publications on the informal economy](#).

238 See [ILO publications on non-standard forms of employment](#).

in the informal economy and in non-standard forms of employment within the context of Article 7 of the Convention. This includes an analysis of actions aimed at: (a) adapting labour administration structures, modifying or creating services and mechanisms to produce change in the areas for which they are responsible, in cooperation with other administrations, when necessary; (b) preparing laws, policies and programmes to extend protection to all workers, including those in the informal economy and increase social security coverage; (c) ensuring the application and enforcement of rights and protection with the support of more effective labour inspection systems; and (d) creating a framework which allows participation in social dialogue bodies and processes by all who lack representation.

1.8.3. Labour administration activities and structural aspects relating to the informal economy

147. In June 2015, the Conference adopted the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), the first international labour standard to focus on the informal economy in its entirety, and to point clearly in the direction of transition to the formal economy as a means for achieving decent work for all.²³⁹ According to ILO data, more than 2 billion people or more than 60 per cent of the world's employed population work informally.²⁴⁰ The term “informal economy” refers to all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements and does not cover illicit activities, in particular the provision of services or the production, sale, possession or use of goods forbidden by law, including the illicit production and trafficking of drugs, the illicit manufacturing of and trafficking in firearms, trafficking in persons, and money laundering, as defined in the relevant international treaties.²⁴¹ The growth of the informal economy can often be traced to inappropriate, ineffective, misguided or badly implemented macroeconomic and social policies, often developed without tripartite consultation; the lack of conducive legal and institutional frameworks; and the lack of good governance for proper and effective implementation of policies and laws.²⁴² While the informal economy exists everywhere, it is more prevalent in low-income countries, and informal employment is particularly prevalent in developing countries in Africa, Asia and the Pacific.²⁴³

148. The Committee notes that there is no single solution to the question of how the labour administration system can effectively reach the informal economy, as it covers so many different types of employment and affects several fundamental rights and manifests itself differently within a country or region. The root causes of informality include elements related to the economic context, legal, regulatory and policy frameworks, and other determinants such as low levels of education, discrimination and poverty, as well as lack of access to economic resources, property, financial and other business services, and markets. For this reason, the Committee emphasizes that tackling informality cannot be the sole responsibility of labour administrations but should be a broader government effort.

149. With regard to structural aspects, the Committee notes that a number of countries have created dedicated bodies or ministerial departments to address the challenges related to informality or have extended the mandate of existing bodies to cover those matters. For example, in the *Philippines*, the Bureau of Workers with Special Concerns at the Department of Labor and Employment develops policies, programmes, projects and systems to advance

239 The [Transition from the Informal to the Formal Economy Recommendation, 2015 \(No. 204\)](#), was one of the subjects of the [2020 General Survey](#).

240 ILO, [Women and Men in the Informal Economy: A Statistical Picture](#), 2018.

241 Recommendation No. 204, para. 2.

242 ILO, Resolution concerning decent work and the informal economy, para. 14.

243 ILO, [Women and Men in the Informal Economy: A Statistical Update](#), 2023.

and protect workers with special concerns, including informal workers. In *Colombia*, the Ministry of Labour has a specific unit for the formalization and protection of employment.²⁴⁴ The Committee further notes that adapting the way labour administration services are delivered can also extend the reach to workers in the informal economy and help to reduce informality.

In *Mongolia*, the Government has put in place a comprehensive set of e-governance platforms to interact with citizens on matters relating to general services, labour market and taxation. These platforms can help simplify the registration of enterprises and employment, facilitate access to social security, improve access to markets and business development services, and enhance productivity.

150. Concerning the adoption of specific laws, policies and programmes to extend protection to workers in the informal economy, the Committee notes that a few countries have adopted policy documents or action plans which comprehensively address matters relating to the informal economy and the transition to formality.²⁴⁵ In addition, some countries are in the process of adopting or have already passed legislation with the aim of preventing informality and/or extending labour protection to workers in the informal economy.

In 2017, *Azerbaijan* endorsed an action plan for the prevention of informal employment. Moreover, new regulations regarding the prevention of informal employment have been adopted and a range of bills introducing amendments to legislation are under consideration.²⁴⁶

151. The Committee notes that the extension of social security services to workers in the informal economy is an important step towards obtaining decent work.²⁴⁷ A number of countries have taken measures to ensure such an extension. For example, in *Zambia*, social security coverage has been extended to the informal economy by the National Pension Scheme Authority.²⁴⁸ Further, the Committee notes that knowledge of how informality manifests itself in specific country contexts is essential for policy development. Some countries report on their efforts to improve statistics and data collection relating to the informal economy.²⁴⁹

152. The Committee notes that where laws applicable to the informal economy are in place, there is a need to ensure compliance and enforcement.²⁵⁰ Labour inspection, principally geared to cover wage employment and a clearly identifiable employer-employee relationship, is faced with the dispersed, hidden and diverse nature of work in the informal economy. This requires the adaptation of inspection strategies and innovative approaches. A number of countries are making inroads in framing suitable responses for effective inspection of the informal economy. For example, in *Serbia*, the inter-ministerial Committee for Inspection Coordination set up 11 working groups, one of which focuses on the control of work in the informal economy. The labour inspectorate regularly reports to the Coordination Committee. The Government

244 Other examples include *Azerbaijan, Egypt, Guatemala, Ireland, Italy and Thailand*.

245 For example, *Costa Rica, Senegal, Türkiye and Viet Nam*.

246 Other examples include *Azerbaijan, Botswana, Costa Rica, Lesotho, Rwanda, Senegal, Slovenia, Thailand, Togo and Turkmenistan*.

247 ILO, *Extending Social Security to Workers in the Informal Economy: Lessons from International Experience*, 2021.

248 Other examples include *Brazil, Cabo Verde, Colombia, Ghana, Malaysia, Philippines, Rwanda and Thailand*.

249 For example, *Azerbaijan, Dominican Republic, Honduras, India, Indonesia and Panama*.

250 The Committee in its supervision of Conventions Nos 81 and 129 has often encouraged governments to ensure the transition from the informal to the formal economy, in an effort to combat undeclared work. CEACR, Convention Nos 81 and 129: *Albania*, direct request, 2020; *North Macedonia*, direct request, 2022; and *Serbia*, direct request, 2020; and CEACR, Convention No. 81: *Bahrain*, observation, 2022; and *Russian Federation*, observation, 2022.

indicates that through cooperation and exchange of information with other inspection bodies, significant results are achieved in combating illegal work and the grey economy. In *South Africa*, the Department of Employment and Labour recently established the National Labour Inspection Task Team to target the informal economy. The Task Team, which is composed of inspectors from different provinces, has been given the mandate to establish directives that will be used to conduct inspections in the informal economy.²⁵¹ The Committee also notes that ICT tools can contribute to the effectiveness of labour inspectorates in tackling the informal economy.²⁵² For example, in *Peru*, a modernized database and an electronic payroll system allow inspectors to conduct a simple cross-validation of information between the labour and tax administrations, and implementation has led to a sharp increase in formalization rates and improved compliance with labour law.²⁵³

153. The Committee notes the importance of including the social partners and intended beneficiaries in the informal economy in the formulation and implementation of policies and laws.

In *Costa Rica*, in 2016 the Government and employers' and workers' organizations adopted the "Tripartite Agreement for the Implementation of Recommendation No. 204 on the Transition from the Informal to the Formal Economy". A process of social dialogue led to the conclusion of the tripartite agreement, reflecting the convergence of the various social partners' interests with regard to the informal economy.²⁵⁴ In addition, in *Costa Rica*, the UCCAEP indicates that, as a result of an agreement reached by the board of directors of the tripartite Costa Rican Social Security Fund (CCSS), from January 2023, in order to reduce informality, employers who report to the CCSS on part-time workers under 35 years of age will be subject to a reduced minimum contribution base, so that the payment of social security contributions for these workers will be lower. The coverage will be extended to workers between 35 and 50 as of 1 January 2024, and in 2025 it will also be extended to workers over 50.

154. National social dialogue institutions or ad hoc tripartite committees also offer the potential for informal economy issues to be taken up for tripartite or broader consultation and policy formulation.²⁵⁵ At the same time, the Committee notes that, given the role of representative workers' and employers' organizations in social dialogue institutions and processes, it is important that these organizations further strengthen their relationships with workers, enterprises and their organizations in the informal economy and, where appropriate, extend their membership and services to them.²⁵⁶

155. The Committee notes that workers in the informal economy are among the most vulnerable and least protected groups and are subject to the worst forms of labour and human rights violations, with child labour, forced labour and human trafficking occurring overwhelmingly within the informal economy.²⁵⁷ **The Committee emphasizes that labour administrations, together with other government bodies, share the capacity to influence the factors responsible for informality and to eliminate the barriers to entering the formal economy. Noting**

251 Other examples include *Brazil* and *Guatemala*.

252 Michael Gallo and Hannah Thinyane, *Supporting Decent Work and the Transition towards Formalization through Technology-enhanced Labour Inspection*, ILO Working Paper 41, 2021, 8.

253 ILO, *Fortalecimiento de la inspección laboral en Perú: la Planilla Electrónica y el Plan RETO*, 2015.

254 *Costa Rica*, Ministry of Labour and Social Security, *Estrategia Nacional para la Transición a la Economía Formal*, 2016.

255 For example, *Azerbaijan* and *Italy*.

256 ILO, *Transition from the Informal to the Formal Economy – Theory of Change*, 2021.

257 ILO, OECD, IOM and UNICEF, *Ending Child Labour, Forced Labour and Human Trafficking in Global Supply Chains: Executive Summary*, 2019.

the flexibility and the progressive nature of the functions provided for in Article 7 of the Convention, the Committee encourages governments to design policies and mechanisms to produce change and to take steps to progressively extend labour administration functions to cover workers in the informal economy. The Committee notes that countries faced with a larger proportion of workers in the informal economy are often also those where labour administrations have meagre resources. Therefore, the Committee highlights the need for strong political will and commitment in order to design strategic policies and approaches for targeting the most vulnerable groups and for channelling adequate financial and human resources to promote the transition from the informal to the formal economy.

1.8.4. Labour administration activities relating to non-standard forms of employment

156. While there is no official definition of non-standard employment, this term is generally used to encompass four different employment arrangements that deviate from the standard employment relationship.²⁵⁸ These include temporary employment (casual work and fixed-term contracts); part-time work and on-call work arrangements; triangular employment relationships (temporary agency work and other forms of labour brokering or labour dispatch); and disguised employment or dependent self-employment relationships (where workers are legally classified as self-employed but someone else directs their work).²⁵⁹ Working from home, as defined in the Home Work Convention, 1996 (No. 177), does not take place at the employer's premises, but rather at the worker's home or at another location of their choosing, and it is also considered a diverse employment arrangement. Developments such as economic instability, the COVID-19 pandemic, digitalization, as well as the expansion of services' sectors have led to a wider use of non-standard employment. These forms of work are now a predominant contemporary characteristic of labour markets, especially in developing and transition countries.²⁶⁰ Although certain forms of non-standard employment may present increased flexibility as well as new opportunities to workers for entering and remaining in the labour market, they entail a series of challenges relating, for example, to income insecurity, excessive working hours, and health and safety risks. This particularly affects certain categories of workers, such as women, young people and migrants, who are more likely to be occupied under these working arrangements.

157. Non-standard employment features prominently in the digital economy,²⁶¹ which is increasingly becoming one of the most important transformations in the world of work. Digital labour platforms include web-based platforms, where work is outsourced through an open call to a geographically dispersed crowd ("crowdwork"), and location-based applications, which allocate work to individuals in a specific geographical area, typically to perform local, service-oriented tasks such as driving, running errands or cleaning houses.²⁶² Recognizing that this situation may exacerbate existing challenges related to the use of non-standard forms of work, the ILO called, in a 2021 report, for international policy dialogue and regulatory cooperation in order to ensure a coherent, consistent and coordinated approach towards platform work.²⁶³

258 See also: 2020 General Survey

259 ILO, *Non-Standard Forms of Employment: Report for Discussion at the Meeting of Experts on Non-Standard Forms of Employment*, 2015.

260 ILO, *Non-Standard Employment around the World: Understanding Challenges, Shaping Prospects*, 2016, 166–167.

261 Also referred to as the "gig economy" or platform economy. See: ILO, *Inception Report for the Global Commission on the Future of Work*, 2017, 32.

262 On the different definitions of digital labour platforms, see also: ILO, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work*, 2021, 33.

263 ILO, *World Employment and Social Outlook 2021*, 2021. As mentioned above, the Governing Body placed a stand-alone item on decent work in the platform economy on the Conference agenda for 2025.

158. The Committee notes that, in a few cases, labour administrations have taken steps to include permanent bodies or structures particularly dedicated to providing services to these forms of employment. For example, in *France*, the Government indicates that in 2021 an Employment Platform Social Relations Authority (ARPE) was set up in response to the need to rebalance labour relations between self-employed workers and job-matching platforms. ARPE, which is placed under the joint supervision of the Ministry of Labour and the Ministry of Transport, has the role of supporting and mediating between workers' representatives and digital platform workers, to encourage the emergence of a social dialogue that creates new rights for workers. The first election of representatives for self-employed workers using digital platforms was held in May 2022. In addition, the Committee notes that some of the issues raised by non-standard forms of work have been addressed by existing bodies, particularly socio-economic councils and, in some cases, subcommittees or specialized expert groups that have been created to study and advise on policy matters emerging from these developments in the world of work. For instance, in *Canada*, the Minister of Employment, Workforce Development and Labour appointed an independent Expert Panel on Modern Federal Labour Standards in February 2019, which, after consultation with stakeholders, conducted research and reported on the protection of labour standards for workers in non-standard employment, including work in the platform economy.²⁶⁴

159. In addition, the Committee notes that in view of the legal challenges faced by workers in non-standard employment relating to contractual arrangements, rights, and entitlements, labour administration bodies may provide legal support and advice to ensure that workers' rights are protected. For example, in *Brazil*, the Office of the Deputy Secretary for Labour Statistics at the Ministry of Labour and Employment is responsible for ensuring that information materials are prepared and disseminated to groups which are on an unequal footing in their efforts to enter the labour market, including workers with unstable employment.

160. Labour administrations play an important role in closing the existing regulatory gap in this area. The Committee notes that many governments have undertaken efforts in this regard by promoting equal treatment among workers regardless of their contractual arrangement, including through the extension of social protection coverage, and adoption of legislation aiming to secure better employment terms and working conditions for workers in non-standard forms of employment and preventing abuse of these employment arrangements.²⁶⁵ At the EU level, the Directive on transparent working conditions²⁶⁶ adopted in June 2019 applies to all employees, including workers in casual or short-term employment, on-demand workers and platform workers. Its aims include encouraging measures to prevent exploitation of workers engaged in new forms of work. In a few cases, in its supervision of Convention No. 122, the Committee examined measures taken to address dualism in the labour market,²⁶⁷ which refers to the division of the labour market into different segments or groups of workers, distinguished by characteristics which arise from different institutional and contractual arrangements.²⁶⁸

264 Other examples include *Denmark*, *New Zealand* and *Singapore*.

265 For example, *Austria*, *Belgium*, *Croatia*, *Czechia*, *Denmark*, *Estonia*, *Finland*, *France*, *Germany*, *Greece*, *Hungary*, *Iceland*, *India*, *Ireland*, *Israel*, *Italy*, *Japan*, *Latvia*, *Luxembourg*, *Mexico*, *Namibia*, *Netherlands*, *Norway*, *Peru*, *Poland*, *Portugal*, *Republic of Korea*, *Slovakia*, *Slovenia*, *Spain*, *Sweden* and *United Kingdom*.

266 Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union.

267 CEACR, Convention No. 122: *Republic of Korea*, observation, 2022; and *Japan*, direct request, 2020.

268 On definitions of labour market dualism, see for example: Simon Deakin, *Addressing Labour Market Segmentation: The Role of Labour Law*, ILO Working Paper No. 52, 2013; and Werner Eichhorst et al., *Mitigating Labour Market Dualism: Single Open-Ended Contracts and Other Instruments*, Study (European Parliament 2018).

161. The Committee notes that several countries have taken steps, at the central and local level, to improve the labour protection of workers in the digital platform economy. In *China*, the Ministry of Human Resources and Social Security, the Supreme People's Court and five other departments issued the "Guiding opinions on the protection of labour rights and interests of workers in new forms of employment".²⁶⁹ The guidelines clarify the labour protection responsibilities of internet-based enterprises, strengthening protection of the rights and interests of platform workers, including delivery workers and ride-hailing drivers. In the *United States*, in 2021, in New York, a legislative package was adopted with the aim of protecting the city's food delivery workers. The package introduced a method of determining minimum payments for delivery workers, the periodicity of their payment (at least weekly) and the possibility of specifying the maximum distance per trip.²⁷⁰ In *Italy*, given the urban dimension of delivery platform work, some municipalities have adopted rules and principles offering some form of protection to this category of workers. In this regard, the Municipality of Bologna adopted the "Charter of Fundamental Rights of Digital Labour in the Urban Context" in 2018 which was signed by the city's mayor, the Riders Union Bologna, the Italian General Confederation of Labour, the Italian Confederation of Workers' Trade Unions, the Italian Labour Union, and two food delivery platforms. The Charter fixes hourly rate that equals or exceeds the minimum wage in the respective sector, compensation for overtime, public holidays, bad weather compensation, and insurance (covered by the platform) for accidents and illness at work.²⁷¹ At the EU level, a proposal to improve working conditions for platform workers was presented by the European Commission in December 2021 and the Council of the EU adopted its position on the proposal in June 2023 and has begun negotiations with the European Parliament on a new directive.²⁷² Furthermore, a number of courts have reinforced the efforts of the labour administration to improve the labour protection of workers in the digital platform economy.²⁷³

162. One of the main questions that labour administrations are faced with while dealing with platform work is the classification of the employment relationship and the possible creation of new statutory definitions that would include non-standard employment. In recent years, several countries have introduced legislative measures to regulate this aspect.²⁷⁴ In its 2020 General Survey, the Committee noted that several countries amended their legislation on the scope of the employment relationship²⁷⁵ or officially interpreted their laws to be sufficiently flexible to encompass new and emerging forms of work.²⁷⁶ In *Spain*, Act 12/2021 revised the text of the Workers' Statute to guarantee the labour rights of people dedicated to distribution on digital platforms by providing a legal presumption of a dependent employment

269 CEACR, Convention No. 150: *China*, direct request, 2022.

270 See: ILO and International Social Security Association (ISSA), *Protecting Workers in New Forms of Employment*, Working Group Paper, 2022, 10.

271 European Agency for Safety and Health at Work, *Italy: A National and Local Answer to the Challenges of the Platform Economy*, 2022; Maria Mexi, *Social Dialogue and the Governance of the Digital Platform Economy: Understanding Challenges, Shaping Opportunities. Background paper for discussion at the ILO-AICESIS-CES Romania, International Conference* (Bucharest, 10– 11 October 2019). See: ILO and ISSA, *Protecting Workers in New Forms of Employment*, Working Group Paper, 2022, 10.

272 The proposal introduces two key improvements: it helps determine the correct employment status of people working for digital platforms and establishes the first EU rules on the use of artificial intelligence in the workplace. See Council of the European Union, "EU Rules on Platform Work".

273 *France*, Cour de Cassation, Civil, Social Chamber, Ruling No. 374 FP-P+B+R+I (rec. S 19-13.316), March 2020; *Spain*, judgment of the Supreme Court, Social Chamber, No. 805/2020 (rec. 4746/2019), September 2020; *United Kingdom*, Supreme Court, *Uber BV and others v. Aslam and others*, February 2021; *United States*, Supreme Court of California, *Dynamex Operations West, Inc. v. Charles Lee et al.*, April 2018.

274 ILO and ISSA, *Protecting Workers in New Forms of Employment*; and ILO, Valerio De Stefano et al., *Platform Work and the Employment Relationship*, ILO Working Paper, 2021.

275 For example, *Bangladesh, Brazil, Canada, Finland, France, Japan, Philippines* and *Qatar*.

276 For example, *Norway* and *Switzerland*.

relationship for digital platform workers in the delivery sector.²⁷⁷ The Act also recognizes the right of the workers' council to be informed by the enterprise of the parameters, rules and specifications forming the basis for the algorithms or artificial intelligence systems which affect decision-making with regard to working conditions and access to and maintenance of employment, including with respect to profiling.²⁷⁸

163. Effective and efficient labour inspection structures and policies are fundamental for addressing labour protection issues concerning non-standard workers. Labour inspectors play a substantive role in observing and addressing the conditions in which non-standard work is carried out and examining whether or not there is an employment relationship, particularly with respect to self-employed and digital platform workers. In *Argentina*, the Irregular Work Special Supervision Unit of the National Labour and Social Security Inspection Directorate at the Ministry of Labour, Employment and Social Security conducted research in 2018 with the aim of designing and implementing a supervisory strategy to monitor the registration status of workers who provide messenger, distribution and/or delivery services through digital platforms and to determine whether or not there is an employment relationship between the enterprises that manage the platforms and the workers who perform the service, consequently identifying the enterprise's level of responsibility in organizing the couriers' work.²⁷⁹ In the *Republic of Korea*, the powers of the Labour Relations Commission in addressing discrimination against non-standard workers have been strengthened. While corrective orders against discriminatory treatment would previously address only the situation of the non-standard workers raising the complaint, they are now deemed applicable to all non-standard workers who suffer such discrimination at the hands of the same employer.

164. Employment services play a crucial role in supporting workers in non-standard forms of employment, including by providing information and guidance on different working arrangements, and connecting workers with relevant support measures. For example, in *France*, temporary work agencies known as "integration" agencies have the exclusive function of facilitating the vocational integration of eligible persons within the framework of agreements with the State.²⁸⁰

165. Social dialogue is an important tool that labour administration can use in developing innovative approaches, including regulatory initiatives that enable workers in non-standard forms of employment to exercise their labour rights and enjoy the protection afforded to them under the applicable collective agreements. These initiatives should include the promotion of effective bargaining systems and mechanisms to determine the relevant employer(s) for the purpose of collective bargaining, in line with international standards, national laws and regulations.²⁸¹ The Committee welcomed the few instances in which laws and regulations have facilitated the capacity of representative workers' and employers' organizations to bargain collectively in sectors employing a high proportion of workers in non-standard forms of employment.

277 *Spain*, Additional Provision 23 of the Workers' Statute (Act 12/2021). See also a similar presumption under Act No. 45/2018 (the "Uber law") in *Portugal*.

278 *Spain*, section 64 of Royal Legislative Decree 2/2015 approving the revised text of the [Workers' Statute](#).

279 ILO, [Work on Delivery Platforms in Argentina: Analysis and Policy Recommendations](#), 2020.

280 CEACR, Convention No. 181: *France*, direct request, 2022.

281 ILO, [Conclusions of the Meeting of Experts on Non-Standard Forms of Employment](#), GB.323/POL/3, para. 7(f).

In *South Africa*, the Labour Relations Act, as amended in August 2014, provides that, in case of a dispute about a trade union's level of representativeness, the decision taken by the commissioner must, in addition to the factors already provided for in the law, also consider the extent to which there are workers engaged in non-standard forms of employment in the corresponding bargaining unit (temporary employment services employees, employees with fixed-term contracts, part-time employees, or employees in other categories of non-standard employment).²⁸² In *France*, the Labour Code has been amended to provide that platform operators have a social responsibility towards their workers, including the recognition of workers' right to unionize.²⁸³ An Ordinance on the representation of self-employed platform workers was enacted in 2021.²⁸⁴

166. In some cases, collective agreements have been effective in improving working conditions for non-standard workers. For example, in *Norway*, under the Industry Agreement 2020–2022, employees in manpower or temporary work agencies shall have the same wages and working conditions that apply in the enterprise leasing their labour.²⁸⁵ In *India*, the 11th national coal wage agreement calls for the setting up of a joint committee comprising unions and management representatives, to review wages and social security benefits for contract workers. In *France*, the first agreement in the ride-hailing sector was signed in January 2023 to set the minimum net income per journey. This agreement, which is subject to an approval process with ARPE, applies to all platforms and workers in the ride-hailing industry.²⁸⁶

167. In accordance with Article 7 of the Convention, the Committee encourages governments to adopt progressive policy and legislative measures by gradual stages if necessary to ensure that all workers, irrespective of their contractual arrangements are ensured adequate protection and to address potential decent work deficits. In this process, labour administrations should consult with social partners and with other stakeholders. The Committee also recalls the importance for labour inspectorates to be adequately resourced and to harness these resources through various strategies, including targeting specific sectors and occupations, taking into account the expansion of non-standard forms of employment with a high incidence of non-compliance with labour legislation.

282 CEACR, Convention No. 98: *South Africa*, direct request, 2015.

283 *France*, sections L7342-1 to L7342-7 of the Labour Code.

284 *France*, Ordinance No. 2021-484 of 21 April 2021 relating to the methods of representation of self-employed workers using platforms for their activity and the conditions for exercising this representation.

285 *Norway*, section 1.3.2 of Common Appendix 8 to the Industry Agreement 2020–2022 between the Confederation of Norwegian Enterprise (NHO) and the Federation of Norwegian Industries (Norsk Industri), on the one hand, and the Norwegian Confederation of Trade Unions (LO) and the Norwegian United Federation of Trade Unions (Fellesforbundet), on the other.

286 Other examples include *South Africa* and *Netherlands*.

► 1.9. Functions relating to labour protection: Occupational safety and health, minimum wage fixing, and social security

168. As noted by the Committee in the 1997 General Survey, labour administrations typically perform a number of protection functions in spheres which are not specifically mentioned in the Convention such as occupational safety and health, minimum wage fixing and social security.²⁸⁷ These matters are the subject of specific ILO instruments, and issues pertaining to compliance are generally addressed by the Committee as part of the supervision of those Conventions rather than under Convention No. 150. In addition, the Committee considers the overview of labour administration activities in these fields provided in 1997 to be still valid. Therefore, in this part the Committee wishes to focus on some recent developments in these areas.

1.9.1. Occupational safety and health

169. The COVID-19 pandemic highlighted the importance of robust occupational safety and health (OSH) responses in order to protect workers and ensure business continuity. In 2022, the Conference recognized a safe and healthy working environment as one of the ILO fundamental principles and rights at work and decided to designate the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), as fundamental Conventions. This means that all Member States, even if they have not ratified those Conventions, now have an obligation arising from the very fact of their ILO membership to respect, promote and realize, in good faith and in accordance with the ILO Constitution, the principles concerning the fundamental right to a safe and healthy working environment.²⁸⁸ In its 2017 General Survey on occupational safety and health instruments, the Committee examined in detail the national structures in support of an OSH framework.²⁸⁹ The Committee therefore refers to the 2017 General Survey as a source of further information.

170. The Committee highlights the fact that labour administrations play a central role in the creation of a national OSH system which includes: legislation and collective agreements; bodies responsible for OSH; mechanisms for ensuring compliance with national laws and regulations; and arrangements to promote cooperation between management, workers and their representatives as an essential element of workplace-related prevention measures.²⁹⁰ A recent ILO study found that nearly all ILO Member States have an authority or body responsible for OSH and that 87 per cent of these bodies are housed in the ministry of labour. In addition, the majority of Member States (79 per cent) have a national tripartite body dealing with OSH.²⁹¹

287 Recommendation No. 158, Para. 25(2), refers to minimum wage fixing and social security by indicating that “[f] or example, there might be units for such matters as [...] and, as appropriate, social security, minimum wage legislation, [...]”.

288 ILO, [Resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work](#), ILC.110/Resolution I, 2022.

289 ILO, [Working Together to Promote a Safe and Healthy Working Environment](#), ILC.106/III(1B), 2017 (hereinafter “2017 General Survey”).

290 Convention No. 187, Art. 4(2).

291 ILO, [Implementing a Safe and Healthy Working Environment: Where are we now?](#), 2023, 5–7.

171. The advancement in new technologies and the emergence of new forms of work have made it necessary for the governance of labour to adapt and respond to those developments. OSH issues related to rapid changes are, for example, work intensification and increased job demands, violence and harassment at work, and the use of emerging dangerous or unknown substances. This requires a new and broader policy approach to risk management and the strengthening of cooperation among different stakeholders within the public and private spheres. Therefore, in some instances, coordination and cooperation with health or environment ministries or with national health institutes have proved important for the regulation and management of certain OSH aspects.²⁹² In some countries, the competent authorities rely on a national committee, council or commission to provide technical advice.²⁹³ Such bodies may have been established to advise on labour matters in general or on OSH issues more specifically.

172. The Committee highlights the importance of ensuring coordination between the different actors responsible for the definition and implementation of laws and policies on occupational safety and health matters. Given the complexity and novelty of some OSH aspects of work processes, the Committee emphasizes the importance for labour administrations to undertake and support relevant research and studies and to partner with other actors to ensure that policies and regulatory measures aimed at protecting workers and workplace safety are based on the most recent technical knowledge.

1.9.2. Minimum wage fixing

173. In its 2014 General Survey on minimum wage systems, the Committee classified the methods used at the national level for fixing the minimum wage in four categories based on the degree of participation of the social partners, namely where minimum wages are fixed: (a) by the public authorities without the requirement of prior consultation of employers' and workers' organizations; (b) by the government after consultation with the social partners; (c) in a tripartite process; and (d) by collective bargaining.²⁹⁴ The 2014 General Survey provides details of the different labour administration institutions involved and the activities performed by each of these mechanisms.²⁹⁵

174. The Committee highlights the fact that the provisions of Convention No. 150 and Recommendation No. 158 concerning the establishment of an effective labour administration system are essential in a time of rising inflation which has a disproportionate impact on the most vulnerable and low-income workers. Strong labour market and social dialogue institutions, including collective bargaining, can be instrumental in achieving wage adjustments during a crisis. The prerequisite for this is adequate representation of employers' and workers' voices.²⁹⁶ **In addition, the Committee notes that, from a policymaking point of view, robust and detailed empirical evidence is required to guide the social partners and labour market institutions in the process of defining and regularly revising the minimum wage. The research and study activities of labour administrations in this field are therefore an important contribution to the functioning of sound minimum wage fixing machinery.**

²⁹² For example, *Cuba and Ecuador*.

²⁹³ For example, *Benin, Brazil, Cameroon, Kenya, Lesotho, Malaysia, Mexico, Oman, Spain and United States*.

²⁹⁴ ILO, *Minimum Wage Systems: General Survey of the reports on the Minimum Wage Fixing Convention, 1970 (No. 131), and the Minimum Wage Fixing Recommendation, 1970 (No. 135)*, ILC.103/III(1B), 2014 (hereinafter "2014 General Survey").

²⁹⁵ 2014 General Survey, paras 98–139.

²⁹⁶ ILO, *Global Wage Report 2022–23: The Impact of Inflation and COVID-19 on Wages and Purchasing Power*, 2022, 116.

1.9.3. Social security

175. Access to social security is essentially a responsibility for, and is typically provided by, public institutions, financed from either contributions or taxes or both. However, the delivery of social security can often be assigned to private entities. Moreover, many privately-run institutions exist – insurance, self-help, community-based or mutual entities – which can partially assume certain roles usually performed by social security (such as the operation of occupational pension schemes), thereby complementing or even largely replacing elements of public social security schemes.²⁹⁷

176. Although the Committee expressed some concerns in the 1997 General Survey regarding the privatization of social security management,²⁹⁸ it indicated in its subsequent supervision of Convention No. 102, in the 2011 General Survey concerning social security instruments, that the coexistence of a dual social security system, both public and private, is not in itself incompatible with Convention No. 102 as long as the principles relating to the administration, financing and functioning of social security schemes are respected.²⁹⁹ In addition, the Committee highlighted that representatives of the persons protected shall participate in the management of the social security schemes or be associated with them in all cases where the administration is not entrusted to an institution regulated by the public authorities or a government department. The State must accept general responsibility for the due provision of benefits and for the proper administration of the institutions and services concerned.³⁰⁰

177. The Committee notes that, according to the IOE, publicly financed schemes can no longer be funded in traditional ways without absorbing a disproportionate share of national economic output. While recognizing that the interests of the people protected should be taken fully into consideration and their interests be involved in the reform process, the IOE is of the view that, with growing pressure on governments to reduce public expenditure, private partnership options have been seen to make publicly financed labour administration systems more solvent and efficient.

178. In the 2011 General Survey and the 2019 General Survey, the Committee provided a detailed overview of the social security system and functions around the world. The Committee therefore refers to those General Surveys as a source of further information.

179. *The Committee recalls that, irrespective of the nature of social security schemes adopted at the national level, the main principles foreseen in Convention No. 102 should be observed and the level of benefits prescribed by the Convention should be attained in full to ensure minimum standards of social protection established by the Convention.*³⁰¹ In addition, the Committee recalls, as it did in the 2019 General Survey concerning the Social Protection Floors Recommendation, 2012 (No. 202), that while Recommendation No. 202 recognizes that social protection may be delivered and implemented using a diversity of methods and approaches (Paragraph 3(i)), the State should remain responsible for the oversight of the system.³⁰²

297 ILO, *World Social Protection Report 2020–22: Social Protection at the Crossroads – In Pursuit of a Better Future*, 2021, 228.

298 1997 General Survey, para. 83, in which the Committee “[...] noted that countries have been seeking solutions with new forms of social security system management, particularly privatization, which raise serious problems. It reiterates the view that the interests of the people protected, especially the level of social protection, should be taken fully into consideration and that the representatives of those protected continue to be involved as far as possible in the reform process.”

299 ILO, *Social Security and the Rule of Law*, ILC.100/III(1B), 2011, para. 59 (hereinafter “2011 General Survey”).

300 2011 General Survey, para. 120. Convention No. 102, Art. 71(3), also stipulates that, in order to guarantee the due provision of benefits, Member States shall take measures to this end and shall ensure that the necessary actuarial studies and calculations concerning financial equilibrium are made periodically in order to monitor the sustainability of the system. The Committee has consistently requested information from Member States in this regard in order to assess compliance with the Convention. See for example: CEACR, Convention No. 102: *Bulgaria*, direct request, 2019; *Dominican Republic*, direct request, 2020; and *Honduras*, direct request, 2019.

301 2011 General Survey, para. 59.

302 ILO, *Universal Social Protection for Human Dignity, Social Justice and Sustainable Development: General Survey concerning the Social Protection Floors Recommendation, 2012 (No. 202)* ILC.108/III(B), 2019, para. 86 (hereinafter “2019 General Survey”).

► 1.10. Challenges and opportunities in the evolution of labour administration functions

180. Labour administrations are facing new challenges which, in the context of globalization and economic and social crises, have become particularly urgent. In addition to the topics examined above relating to the informal economy and the redefinition of the employment relationship through the emergence of non-standard forms of employment, labour migration and global supply chains are some of the issues that deserve special attention from labour administrations. While the instruments do not refer specifically to these matters, Paragraph 25 of Recommendation No. 158 indicates that there might be units within the labour administration system for matters relating to specific categories of workers. In addressing these matters, labour administrations are called upon to uphold fundamental principles and rights at work and promote decent work for all.

1.10.1. International labour migration

181. Given the magnitude of the numbers and the significance of migrant workers to national economies, the role of labour administrations in managing these flows must evolve to meet the challenge. Migrant workers are particularly vulnerable to discrimination, exploitation and abuse; many of them work on the margins of safety and health protection, where labour standards, including minimum wage laws, are either not applicable or not respected. Women migrant workers and migrant workers in an irregular situation are particularly vulnerable to decent work deficits and abusive situations like trafficking, exploitation, discrimination, and other human rights violations. At the same time, through their labour, migrant workers contribute to growth and development in their countries of employment, and countries of origin greatly benefit from their remittances and the skills acquired during their migration experience.

182. In the 2016 General Survey concerning migrant workers instruments, the Committee noted that an effective interplay of international, regional, bilateral and national level governance arrangements is essential to address the topic of international migration for employment.³⁰³ Both countries of destination and countries of origin for labour migration should develop labour administration structures to deal with the matter.³⁰⁴ The overall responsibility usually rests with the ministry of labour and in some countries of origin a separate ministry has been created for overseas affairs.³⁰⁵ Ministries of interior or home affairs and ministries of foreign affairs are also generally responsible for certain aspects of labour migration, such as the issuing of relevant documents and inter-State cooperation. In order to ensure effective governance of labour migration, cooperation between all stakeholders and their active participation is essential. A few countries indicate that, under recent reforms, issues pertaining to migrant workers have been assigned to or grouped together under a single agency or body.³⁰⁶

183. The Committee already noted that the adoption of national policies allows governments to integrate the protection of migrant workers' rights into the economic and social dimensions of their governance of labour migration flows.³⁰⁷ With regard to the content of these policies, the Committee recognizes the complexity and the multidimensional aspects of labour migration and of the interventions needed for its governance. It refers to the 2016 General Survey for a detailed analysis of the labour protection measures for migrant workers adopted by labour administrations.

303 ILO, *Promoting Fair Migration*, ILC.105/III(1B), 2016, para. 129 (hereinafter "2016 General Survey"). Instruments covered are Convention No. 97 and Recommendation (Revised) (No. 86), 1949; Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and Migrant Workers Recommendation, 1975 (No. 151).

304 See also Convention No. 97, Art. 4, which provides that "[m]easures shall be taken as appropriate by each Member, within its jurisdiction, to facilitate the departure, journey and reception of migrants for employment".

305 For example, *India, Pakistan and Philippines*.

306 For example, *Malaysia and Philippines*.

307 2016 General Survey, para. 171.

184. The Committee wishes to highlight the fact that while migrant workers make important contributions to societies and economies they continue to suffer from a lack of adequate and comprehensive labour protection and they are vulnerable to serious human rights abuses. The COVID-19 pandemic exposed and exacerbated some of those challenges, such as access to social security and occupational safety and health measures. Labour administrations, together with social partners and other stakeholders, should establish integrated approaches which include migrant workers in national social protection responses, in line with international labour standards on the matter, including the principles of equality of treatment and non-discrimination. Such approaches play an important role in supporting economic and social recovery and building resilience for responding to future crises.

1.10.2. Global supply chains

185. The term “global supply chains” refers to the cross-border organization of the activities required to produce goods or services and bring them to consumers through inputs at the various stages of development, production and delivery.³⁰⁸ Global supply chains have profoundly transformed the nature of cross-border production, investment, trade and employment. While they have made important contributions to economic growth and development, as well as having a positive impact on job creation, deficits related to complex, diverse and fragmented global supply chains have contributed to governance gaps. Labour administrations need to consider the potential negative effects on decent work, including job displacement due to offshoring, poor working conditions and lack of workers’ rights, the perpetuation of gender inequalities, wage pressures resulting from decisions taken by foreign investors regarding the location of their activities, export competition, skills biases, and increased in-country inequalities.

186. With the expansion of global supply chains, an increasing number of suppliers must comply with local laws and fulfil their contractual obligations to meet order requirements and implement private standards promulgated by lead firms operating globally, which often leads to tensions.³⁰⁹ However, governments of the countries hosting these suppliers have sometimes lacked the institutional capacities or political will to fully regulate labour standards. A regulatory deficit, whether due to the national government’s weak capability or its unwillingness to enforce labour standards, can create a race to the bottom by driving down labour conditions in many developing countries.³¹⁰ Many different programmes and structures have evolved to govern particular aspects of global supply chain operations. This includes public governance, with its labour administration and inspection functions; private governance, led by enterprises, employers’ organizations or industry associations, including corporate social responsibility programmes or private compliance initiatives; social governance, encompassing social dialogue, collective bargaining and global framework agreements; and multilateral governance, which includes initiatives undertaken by international organizations such as the ILO, the World Bank, the World Trade Organization and the OECD.³¹¹

187. With regard to the role of labour administrations, in an effort to eliminate forced labour and other social and environmental abuses from the supply chain, a number of countries have undertaken regulatory initiatives aimed at improving transparency and due diligence.³¹² Regarding supervision and enforcement, the complexity of multinational enterprises and the

308 ILO, *Decent Work in Global Supply Chains*, ILC.105/IV, 2016, para. 5.

309 ILO, *Decent Work in Global Supply Chains*, para. 112.

310 Joonkoo Lee, *Global Supply Chain Dynamics and Labour Governance: Implications for Social Upgrading*, ILO Research Paper No. 14, 2016, 3.

311 ILO, *Decent Work in Global Supply Chains*, para. 116. See also: Malte Drewes, *Multilateral Approaches to Global Supply Chains: 2019 Update* (ILO, 2020).

312 For example, *Australia, Canada, France, Germany, Netherlands, Norway and United States*.

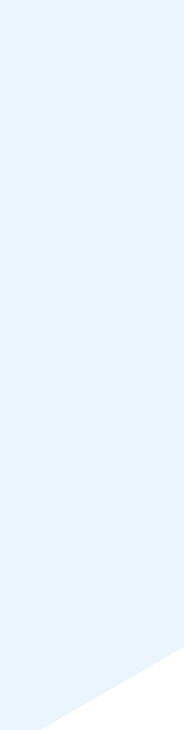
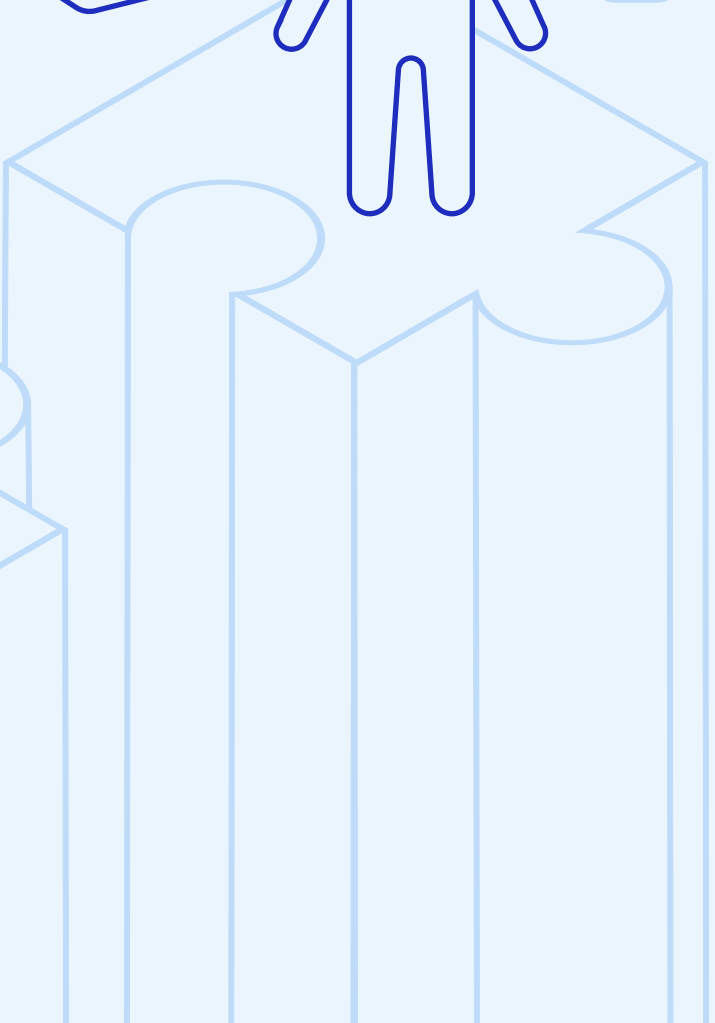
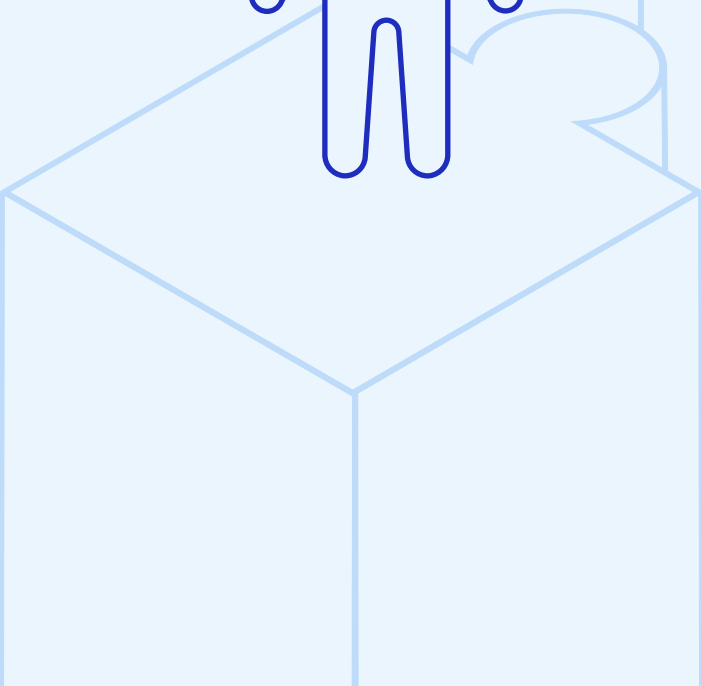
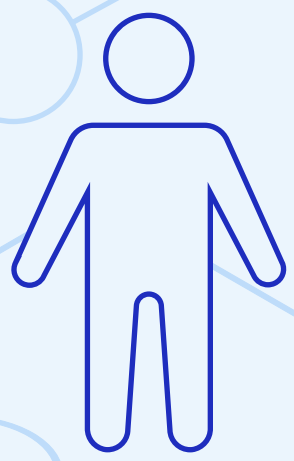
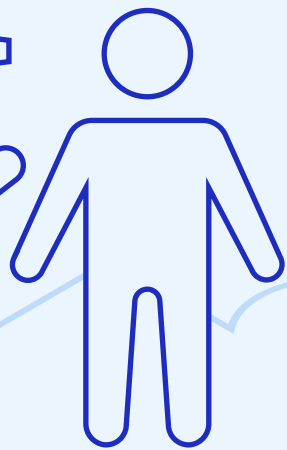
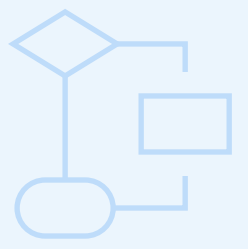
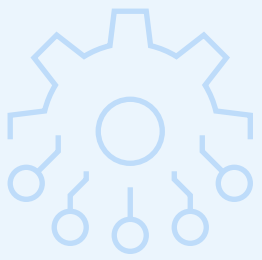
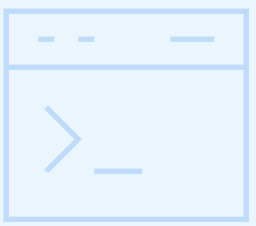
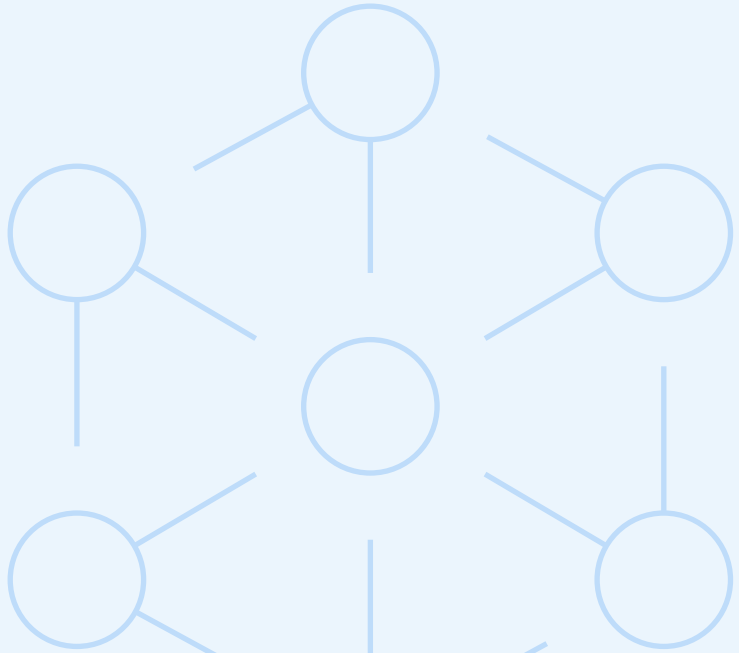
supplier and subcontractor networks make monitoring and enforcing decent working conditions particularly challenging. Each component of a global supply chain is somehow covered by the mandate of a specific national labour inspectorate. Labour inspectors therefore have a direct and essential role in protecting the rights of workers in global supply chains.³¹³ A number of other factors can influence labour law compliance in global supply chains, including the existence of private compliance initiatives. While, as noted in Chapter 1, labour inspection should remain a public function, labour inspectorates can leverage multinational enterprises' commitment to their private compliance initiatives to promote observance of the corresponding national labour laws down through their supply chain. Labour inspectorates may, for example, play an oversight role through obligations relating to private compliance initiative registration, certification or licensing, or through more informal advisory mechanisms.³¹⁴ The social partners can also participate in ensuring effective implementation and enforcement of national labour laws. However, within the global supply chains, challenges relating to social dialogue include active opposition to freedom of association and restrictive legislation.³¹⁵

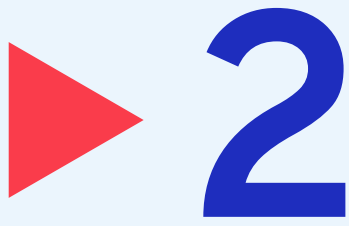
188. The Committee recalls that workplace compliance with labour regulations, based on ILO international labour standards and national legislation, is a prerequisite for decent work. Labour administrations need to promote effective governance of global supply chains based on the primary role of the State to ensure the enforcement of legislation and observance of fundamental principles and rights at work. In this task, labour administrations should ensure coordination of functions and responsibilities with all actors involved in global supply chains and ensure appropriate arrangements for consultation of and participation by social partners, in accordance with the general principles for an effective system of labour administration established in Convention No. 150 and Recommendation No. 158.

313 ILO, EU and OECD, [Labour Inspection Technical Note on Strategic Compliance Planning for Decent Work in Global Supply Chains](#), 2022.

314 ILO, [Labour Inspection and Private Compliance Initiatives: Trends and Issues – Background paper for the Meeting of Experts on Labour Inspection and the Role of Private Compliance Initiatives](#), 2013.

315 ILO, [Freedom of Association in Practice: Lessons Learned](#), Report of the Director-General, Report I(B), International Labour Conference, 97th Session, 2008, paras 139–141.





Organization and structure of the labour administration system



► 2.1. Introduction

189. Convention No. 150 and Recommendation No. 158 cover the institutional framework of labour administration and the functions of the system. While “labour administration” means public administration activities in the field of national labour policy, the term “system of labour administration” covers all public administration bodies responsible for, and/or engaged in, labour administration. This chapter examines the institutional structure of labour administration, by exploring the architecture of the public bodies responsible for labour governance as defined at the national level through legislation, policies and practice. It also looks at the field structure of labour administrations and the specific features of federal states.

190. In this chapter, the General Survey examines the coordination between the bodies of the system of labour administration as well as the mechanisms for ensuring the participation of ministries of labour or their responsible government equivalent in the definition of national socio-economic policies. Taking into consideration the impact of information and communication technologies (ICTs), this part also analyses reporting mechanisms within the labour system and information-sharing mechanisms.

191. Given the importance of allocating sufficient human and material resources in order to ensure an effective operation of the labour administration system, the chapter examines national legislation and practices relating to status, qualifications, recruitment and training of human resources for labour administration. The General Survey also analyses the information provided by governments on the availability of financial and material resources within the labour administration system, including any impact of health, social and economic crises.

192. Some of the new challenges facing the world of work, as well as cuts in public spending resulting from prolonged emergencies, require labour administrations to adapt and modernize in order to continue ensuring the effectiveness of their operations. In particular, the increase in the use of new technologies has significantly changed the way of working of some of the bodies responsible for the governance of labour matters. This chapter also includes a discussion of the way national systems have responded to these changes and provides illustrative examples of the recent reforms which have occurred.

► 2.2. Trends in public administration

193. Labour administration belongs to the executive branch, and one of the most important roles of the executive branch is the implementation of laws enacted by the legislative branch. Ministries of labour are typically at the heart of labour administration. However, because of the evolution and increase in the variety of the tasks performed by the State in the field of social and economic policy, the corresponding institutional framework and public administration machinery have developed so that certain labour policy issues can no longer be resolved only by labour ministries or their responsible government equivalent.³¹⁶

194. As highlighted in the 1997 General Survey, the socio-economic context in which labour administrations have been operating has changed significantly since the adoption of the instruments in 1978. In the past 15 years, marked by the 2008 financial crisis, several conflicts and the COVID-19 pandemic, governments have been faced with the dichotomy between responding to increasing demand for public services and deciding to reduce public spending. This has also applied to labour administrations, where the ministry of labour or their responsible government equivalents have been subject to austerity measures that have left them

³¹⁶ This was already highlighted in the preparatory work. See: ILO, *Labour Administration: Role, Functions and Organisation*, ILC.61/V(1), 1976, 5.

with the challenge of continuing to fulfil their mandate while having fewer resources to address new social and economic issues arising from crises.

195. As labour administration is part of the public administration system, understanding the general trends applicable to public administration assists in contextualizing the management and structure of the governance of labour. In the 1970s and 1980s, mainly prompted by dissatisfaction with the performance of public systems, the new public management (NPM) agenda emerged as a trend in public administration. Broadly speaking, this trend aimed at increasing the efficiency of public services by slowing down government growth in terms of public spending and staffing and shifting toward privatization and quasi-privatization of public governance.³¹⁷ Starting mainly from the paradigm of labour administrations in developed countries, this approach sought to move from a bureaucratic model of public administration to one that aimed to increase the accountability of public administrations toward citizens.³¹⁸ The NPM also meant the introduction of performance management in public administrations, including in the field of labour.³¹⁹ While policy formulation remained a prerogative of the State, the application of the NPM agenda also led to an increased tendency to outsource labour policy implementation to public or private providers through various contractual arrangements.³²⁰ In the late 1990s, there was an increase in the number of reforms seeking to improve coordination vertically between governments and other actors and horizontally in terms of inter-agency coordination. This included a series of reforms aimed at improving the steering capacity of the central administration. Related public administration reforms focused on the quality of services for citizens and businesses and on the efficiency of the administration.³²¹

196. In 2018, the UN Committee of Experts on Public Administration adopted a set of “principles of effective governance for sustainable development”.³²² These principles, which were endorsed by the Economic and Social Council (ECOSOC), highlight the need for pragmatic and ongoing improvements in national and local governance capabilities in order to achieve the goals of the 2030 Agenda. The 11 principles are linked to a variety of commonly used strategies for operationalizing responsive and effective governance. The content of these principles and their application to the labour administration is examined in Chapter 4.

197. While the COVID-19 pandemic exposed the strengths and weaknesses of public governance, it also proved that well-functioning public administration and effective governance frameworks are preconditions for responding appropriately to crises. Building on the different levels of success of COVID-19 measures adopted by governments, the crisis also highlighted the need for public administrations to be adaptive, resilient and participatory. In the area of labour, this also means the ability of the administration to maintain and strengthen the trust and involvement of the social partners in the governance of labour and to ensure that the labour administration bodies act in an organized manner in response to crises.³²³ In this context, the framework established in Convention No. 150 and Recommendation No. 158 has gained particular importance as it provides the guiding principles for effective and coordinated labour administration which ensures consultation with and participation by the social partners.

317 Lorenzo Bordogna, *Moral Hazard, Transaction Costs and the Reform of Public Service Employment Relations*, ILO Dialogue Paper No. 19, 2008. See also: Christopher Hood, “A Public Management for All Seasons”, *Public Administration* 69, No. 1 (1991): 3.

318 Bordogna, *Moral Hazard, Transaction Costs and the Reform of Public Service Employment Relations*, 3. See also: Mark Considine, *Enterprising States: The Public Management of Welfare-to-Work* (Cambridge University Press, 2001).

319 ILO, *Labour Administration and Labour Inspection*, ILC.100/V, 2011, paras 118–121.

320 ILO, *Labour Administration and Labour Inspection*, ILC.100/V, paras 36 and 37. See also: Rychly, *Ministries of Labour: Comparative Overview*, 8.

321 OECD, *Public Administration after “New Public Management”*, 2010.

322 ECOSOC, *Principles of Effective Governance for Sustainable Development*, 2018.

323 ILO, Global Call to Action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient, Part I(D).

► 2.3. Structure of the labour administration system

2.3.1. Content of the instruments

198. The public bodies involved in the administration of labour policy, together with employers, workers and their organizations, are the main actors in the system of labour administration. This derives from the definition of the system of labour administration provided in Article 1(b) of Convention No. 150 and Paragraph 1(b) of Recommendation No. 158, which includes all public administration bodies responsible for and/or engaged in labour administration and any institutional framework for the coordination of the activities of such bodies and for consultation with and participation by employers and workers and their organizations.

199. According to these provisions, the labour administration system is composed not only of those bodies that bear direct responsibility for activities in the field of labour policy but also those that are in some way involved in performing such functions. While the instruments are not prescriptive as regards the nature and structure of these public bodies, they provide some guidelines by indicating that they could consist of ministerial departments or public agencies, including parastatal and regional or local agencies or any other form of decentralized administration.

200. Article 4 of the Convention and Paragraph 4 of the Recommendation place emphasis on the need to design a labour administration structure that guarantees the effectiveness and coordination of its function and responsibilities. These provisions indicate that each Member State should, in a manner appropriate to national conditions, ensure the organization and effective operation in its territory of a system of labour administration, the functions and responsibilities of which are properly coordinated.

201. The centrality of the aspect of coordination is further highlighted in Article 9 of the Convention, which indicates that a ministry of labour or another comparable body shall have the means to ascertain whether any parastatal agencies which may be responsible for particular labour administration activities, and any regional or local agencies to which particular labour administration activities may have been delegated, are operating in accordance with national laws and regulations and are adhering to the objectives assigned to them.

202. While the Convention is concise on organizational matters, Paragraph 25 of the Recommendation provides some guiding principles as to the internal structure of the labour administration system by indicating that it should normally comprise specialized units to deal with each of the major programmes of labour administration the management of which is entrusted to it by national laws or regulations. By way of example, Paragraph 25 also indicates that there might be units for such matters as the formulation of standards relating to working conditions and terms of employment; labour inspection; labour relations; employment, manpower planning and human resources development; international labour affairs; and, as appropriate, social security, minimum wage legislation and questions relating to specific categories of workers.

203. With regard to the territorial organization of the labour administration system, Paragraph 26(1) of the Recommendation indicates that there should be appropriate arrangements for the effective organization and operation of the field services of the system of labour administration. Paragraph 26(2) indicates that these arrangements should:

- (a) ensure that the placing of field services corresponds to the needs of the various areas, the representative organizations of employers and workers concerned being consulted thereon;
- (b) provide field services with adequate staff, equipment and transport facilities for the effective performance of their duties;
- (c) ensure that field services have sufficient and clear instructions to preclude the possibility of laws and regulations being differently interpreted in different areas.

204. Lastly, Paragraph 21 of the Recommendation indicates that the structures of the national system of labour administration should be kept constantly under review, in consultation with the most representative organizations of employers and workers. The practical application of this Paragraph is particularly relevant in the context of the evolution and modernization of labour administration systems in light of the changing world of work.

205. *The Committee is of the view that the labour administration framework provided in the instruments can find application in all ILO Member States, irrespective of their level of development or the sophistication of their labour administration systems. The parameters for the definition of the structure of the system of labour administration provided by the instruments are flexible and ultimately the organizational framework of national labour administration systems is intricately linked to the national context, administrative practices and political needs of Member States.* Despite differences at the national level, it is possible to identify some main common traits. The extent to which the provisions of the instruments are reflected and applied in the national legislation and practice of different countries is analysed in the paragraphs below.

2.3.2. Bodies responsible for labour administration

206. The information provided by governments confirms that the structural organization relating to national labour policy implementation follows different architectures and varies greatly across countries. The analysis below aims at highlighting the most common organizational patterns but does not seek to be exhaustive of all possible structures. In some cases, more than one feature of organizational design can be present within the same labour administration system. In addition, the complexity of labour administration systems requires analysis that considers both the central and local levels of governance. For this reason, the Committee also examines in the following paragraphs the distribution of labour administration tasks within the central administrative structure and how the delivery of labour administration services is organized to cover the national territory.

The main public bodies responsible for labour administration

207. The Committee notes that, in the vast majority of cases, the governance of labour is headed by one or more bodies of a ministerial nature. Some countries use the term “department”³²⁴ or “secretariat”³²⁵ to refer to the first-level executive body within the government. The title given to the ministries or departments in charge of labour administration is indicative of their portfolio, but generally does not cover the full extent of their competencies. In most countries, the ministry of labour or its responsible government equivalent is the main body concerned with the implementation of labour policy.³²⁶ At the same time, in a number of countries, the labour administration structure provides for different ministries covering various areas of labour policy.³²⁷ This is the case, for instance, with countries where social security or employment matters are under the purview of different ministerial bodies. For example, in *Mali*, matters relating to the implementation of labour policy are divided between the Ministry of Labour, Civil Service and Social Dialogue, the Ministry of National Entrepreneurship, Employment and Vocational Training, and the Ministry of Health and Social Development. In *Brazil*, the 2023 reform transformed the Ministry of Labour and Welfare, which was dissolved

324 For example, *Ireland, Philippines, Switzerland, United Kingdom and United States.*

325 For example, *Mexico and Honduras.*

326 For example, *Argentina, Benin, Chile, China, Colombia, Croatia, Ecuador, Guinea-Bissau, Japan, Jordan, Liberia, Peru, Republic of Korea, Slovenia, South Sudan, Thailand, Viet Nam and Zambia.*

327 For example, *Botswana, Côte d'Ivoire, Dominica, Iceland and Namibia.*

in 2019 and then revived in 2021, into the Ministry of Labour and Employment. Functions relating to social security were assigned to the re-established Ministry of Social Welfare.³²⁸

208. In several countries, vocational training and professional development are under the responsibility of the ministry of education or its responsible government equivalent.³²⁹ In addition, in a number of countries, the implementation of labour policy with regard to specific sectors of economic activity (for instance, work in agriculture, transport or mines) may be assigned to or shared with other ministries. For example, labour inspection services relating to certain sectors of activity are sometimes placed under the ministry dealing with the specific sector.³³⁰ In *Bulgaria*, the Confederation of Independent Trade Unions (CITUB) indicates that the Maritime Administration Executive Agency, the Executive Agency “Automobile Administration” and the Directorate General “Civil Aviation Administration” are government offices and control bodies for compliance with labour legislation in those specific industries.

209. Lastly, in some countries, ministries of labour or their responsible government equivalent not only cover matters relating to the implementation of labour policy but also have more general responsibility for other portfolios such as migration, public services or health.³³¹ This is particularly the case for countries with smaller public administrations.

210. As already noted in the preparatory work,³³² there has been a long-standing trend of outsourcing the implementation of certain activities connected with national labour policy to parastatal entities. As indicated in the 1997 General Survey, the characteristic feature of parastatal bodies is their autonomy, which distinguishes them from field services or decentralized departments of ministries of labour. While territorial services represent the ministry at the regional and/or local level and are directly under the authority of the minister or senior ministry officials,³³³ parastatal agencies are normally under the delegated management of the ministry which remains responsible for the formulation and overall coordination of labour policy. Parastatal agencies are responsible for the operationalization of certain aspects of the policy, and they function with a degree of political, functional, financial and managerial autonomy. These structures can be found in the national practice of the vast majority of countries. In *Cuba*, the Ministry of Labour and Social Security has several attached and subordinated entities, including the National Institute of Social Security and the National Office of Labour Inspection. In the *Philippines*, the Department of Labour and Employment has a number of attached agencies under its administrative supervision which deal with matters such as occupational safety and health, mediation and conciliation, and labour relations.³³⁴

211. In some countries, agencies dealing with some labour administration activities report directly to the government, particularly when they are in charge of the administration of social security matters. For example, in *Costa Rica*, the National Insurance Institute is a state-owned institution dealing, among other things, with work compensation insurance. In addition, the Social Security Fund is an autonomous institution responsible for the administration of man-

328 Other examples include *Austria, Bahrain, Denmark, Finland, Indonesia, Ireland, Mauritius, New Zealand, Sweden* and *United States*.

329 For example, *Botswana, Germany* and *Switzerland*.

330 For example, *Brazil, Bulgaria, New Caledonia* and *New Zealand*.

331 For example, in *Brunei Darussalam, Dominica* and *Guinea*, the Ministry of Labour is also responsible for public service. In *Belize*, the Ministry of Labour is also responsible for rural transformation, community development and local government. In *Botswana*, the Ministry of Labour and Home Affairs is responsible for immigration, citizenship matters and civil registration.

332 ILO, *Role, Functions and Institutional Development of Labour Administration*, Working Paper for the Meeting of Experts on Labour Administration, Geneva, 15–26 October 1973, para. 94.

333 1997 General Survey, para. 187.

334 Other examples include *Algeria, Armenia, Austria, Bulgaria, China, Colombia, Croatia, Denmark, Gabon, Georgia, Japan, Latvia, Niger, Nigeria, Peru, Philippines, Trinidad and Tobago* and *Bolivarian Republic of Venezuela*.

datory social security.³³⁵ In *Israel*, the National Insurance Institute, which deals with certain aspects of social security, is a corporation reporting to the State Comptroller.³³⁶

212. The report prepared by the Office as the basis for the general discussion on labour administration and labour inspection at the Conference in 2011 notes that, given the widespread existence of these agencies in labour administration systems, questions do arise as to whether these agencies are in fact replacing the role of labour ministries, especially in cases where the ministry presents some weaknesses. Another risk associated with the proliferation of agencies is the weakening of technical capacities within the labour ministry, owing to the departure of qualified staff to those very agencies.³³⁷

213. In this context, the Committee notes that an important element in ensuring the effectiveness of the labour administration system is the coordination of the work of these agencies and their supervision by a central authority. As indicated in Article 9 of the Convention, the ministry of labour or another comparable body shall have the means to ascertain whether any parastatal agencies which may be responsible for particular labour administration activities are operating in accordance with national laws and regulations and are adhering to the objectives assigned to them. The Committee has often requested information from governments concerning the application of this Article with regard to parastatal agencies.³³⁸ ***The Committee is of the view that central coordination and oversight are essential for ensuring compliance with the requirements of the Convention. The Committee also emphasizes that these parastatal agencies possess substantial expertise as regards ensuring the practicability and effectiveness of labour policy, and so their provision of feedback to the ministry is essential for the policymaking process.*** Aspects relating to the obligations of these agencies to report to the ministry and issues of coordination and supervision by the central labour administration body are discussed in section 2.5 of this chapter.

Internal structure of ministerial bodies

214. The organization and tasks of the bodies responsible for labour administration are normally set out in law, decrees or regulations. In general, the minister or secretary of state is politically appointed by the government or the president, depending on the system of government, and has ultimate responsibility for the execution of the state mandate in the area of labour policy. The internal organizational structure of the ministry depends on its mandate. The Committee welcomes the information submitted by most countries concerning the internal structure of the ministry of labour or its responsible government equivalent, including organization charts displaying this structure.

215. In the majority of countries, the structure of the ministry reflects one or more political positions between the minister and the civil service administration. These positions, which are part of the ministerial cabinet, report directly to the minister and generally bear the title of deputy minister³³⁹ or permanent, state or principal secretary. For instance, in *Sweden*, the Ministry of Employment has two state secretaries who manage the day-to-day work, including the planning, coordination and follow-up of the ministry's activities. In *Colombia*, the Ministry of Labour includes two deputy ministers, one responsible for employment and

335 Similar entities in charge of social security can be found in *Panama* and *Nicaragua*.

336 For example, *Italy* and *Zimbabwe*.

337 ILO, [Resolution concerning labour administration and labour inspection](#), International Labour Conference, 100th Session, 2011, para. 38.

338 For example, CEACR, Convention No. 150: *Kyrgyzstan*, direct request, 2018; *Mauritius*, direct request, 2021; *Niger*, direct request, 2023; *Republic of Moldova*, direct request, 2016; *Ukraine*, direct request, 2021.

339 For example, *Guatemala*, *Malaysia*, *Paraguay*, *South Africa* and *United Republic of Tanzania*.

pensions and the other for labour relations and inspection.³⁴⁰ In a number of countries, the term permanent secretary or secretary-general refers to the highest-level civil servant in the ministry, who is responsible for policy implementation and direction as well as coordination of the ministry's activities.³⁴¹

216. In addition, the minister is normally supported by a number of advisers and deputies. They have the role of advising and assisting the minister in policy decisions or they perform tasks in specific areas such as public relations or parliamentary affairs, and their term of office is normally linked to that of the minister.³⁴² For example, in *Burkina Faso*, the cabinet of the Ministry of Public Service, Labour and Social Welfare is composed of a maximum of five technical advisers who are appointed by the Council of Ministers upon recommendation of the minister. They report directly to the minister and they are not part of the administrative hierarchy.³⁴³ In *Belgium*, a clear separation between the political level and civil service structure of the Government was introduced with the reform of the public administration from 1999 to 2003. This reform abolished the ministerial cabinets and provided all federal public services with strategic bodies including a strategy unit and a secretariat for each service. These strategic bodies are political in nature and are not part of the federal administration or public service.³⁴⁴

217. Often the structure of the ministry includes advisory councils or boards, sometimes of a tripartite nature, which are placed under or coordinated through the minister or the cabinet and provide advice on specific policy matters. In *Japan*, the Labour Policy Council, established under the Ministry of Health, Welfare and Labour, is a tripartite body tasked with investigating and deliberating on employment policy issues in response to enquiries from the ministry. In *South Africa*, the National Economic Development and Labour Council is a body under the purview of the Ministry of Employment and Labour which aims at ensuring effective public participation in the labour market and socio-economic policy and legislation, and facilitating consensus and cooperation between government, labour, business and the community in dealing with the country's socio-economic challenges.³⁴⁵

218. The operational and technical segment of the labour administration is generally organized at the central and field levels. Thematic departments or directorates within the central structure of the ministry are normally headed by a senior civil servant and they are under the direct management of the ministry of labour or its responsible government equivalent. In the organization chart of the ministry, they form part of its vertical structure. The portfolio and number of technical units under the central structure of the ministry depend on the functional areas of work assigned to the ministry itself and these can vary greatly. They are generally defined by the political and historical context of each country and can be subject to alterations with changes of government. The number and functions of directorates and departments also depend to some extent on the availability of resources, and on the size of the public administration and the population which they are meant to serve. The majority of countries have organizational units responsible for labour, employment, social security, industrial relations, labour inspection and OSH. For instance, in *Chile*, the Directorate of Labour is a technical service under the Ministry of Labour and Social Security which reports to the Under-Secretary of Labour. It is responsible, among other things, for supervising the applica-

340 For example, *Benin, France, Germany, Malawi, Norway, Portugal, Seychelles, Spain and Sri Lanka*.

341 For example, *Ireland, Nigeria and Zambia*.

342 For example, *Brazil, Côte d'Ivoire, Estonia, France, Germany, Liberia, Norway, South Africa, Sweden, Thailand, and United States*. See also: OECD, *Ministerial Advisors: Role, Influence and Management*, 2011.

343 *Burkina Faso*, Decree No. 2016-344/PRES/PM/MFPTPS of 4 May 2016 on the organization of the Ministry of Public Service, Labour and Social Security, sections 5 and 6.

344 *Belgium*, Service public fédéral "Personnel et Organisation", *Copernicus – Au centre de l'avenir: La réforme de l'Administration fédérale belge*, Brussels, 2004, 9.

345 For example, *Argentina, France, Peru, Sri Lanka and United Republic of Tanzania*. See also Chapter 3 for more details of the nature of these bodies.

tion of labour legislation, industrial relations, and preventing and settling labour disputes. In the *Republic of Korea*, the Government indicates that the Ministry of Employment and Labour is composed of four offices, which are responsible for planning and coordination, labour, employment and OSH. These offices are then structured around 16 bureaus, 49 divisions, and 8 teams. In *France*, various directorates work under the authority of the Minister of Labour, Full Employment and Integration, including the Directorate-General for Labour, the General Delegation for Employment and Vocational Training, the Directorate for Research, Studies and Statistics, the General Secretariat of the Ministries in charge of Social Affairs, including the Delegation for European and International Affairs, and the Social Security Directorate.³⁴⁶

219. The Committee notes that many countries have made efforts to institutionalize and mainstream a gender perspective in the ministry of labour, by establishing units, directorates or offices dealing with gender issues within the ministry's organizational structure.

In *Paraguay*, the Ministry of Labour, Employment, and Social Security has a General Directorate for the Promotion of Working Women. In *Cyprus*, the Department of Labour Relations of the Ministry of Labour and Social Insurance has a gender equality section. Furthermore, the Department of Labour has a Gender Equality Committee in Employment and Vocational Training which monitors the application of law in the Department of Labour and has an advisory role in policymaking with regard to equality in employment and vocational training.³⁴⁷

220. The Committee notes that, in *Greece*, the Greek General Confederation of Labour (GSEE) expresses its concern with regard to the separation of the General Secretariat for Gender Equality from the Ministry of Labour and Social Security and the transfer of its responsibilities to the newly established General Secretariat for Equality and Human Rights under the Ministry of Social Cohesion and the Family. It indicates that the separation of the entity from the Ministry of Labour will have a further negative impact on the promotion of gender equality and non-discrimination at work, because of the central role which the Ministry of Labour and the labour inspectorate play in this respect.

221. In the majority of countries, the structure of the ministry of labour or its responsible government equivalent also includes an administrative department responsible for matters relating to finance, procurement and human resources.³⁴⁸ It is also common for there to be an audit office which reports directly to the ministry.³⁴⁹ In a number of cases, the ministry is assisted by specialist divisions, departments or offices dealing with support services such as legal advice, planning, programming, research and statistics.³⁵⁰

222. The Committee recognizes the diverse array of structural arrangements adopted by ministries of labour which reflect the socio-economic and political context within which these institutions operate and observes the adaptation of these structures to current changes and trends. In this respect, the Committee welcomes the establishment in some countries of specialized departments dedicated to addressing key issues such as the informal economy and digital platform work,³⁵¹ which signals a commitment to enhance the relevance of these

346 Other examples include *Argentina, Austria, Bangladesh, Dominican Republic, Ecuador, Eritrea, Guatemala, Japan, Malaysia, Peru, Sri Lanka* and *Thailand*.

347 Other examples include *Antigua and Barbuda, Argentina, Canada, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Slovenia, Sweden, United States* and *Viet Nam*.

348 For example, *Austria, Ecuador, Indonesia, Jordan, Liberia* and *Paraguay*.

349 For example, *Argentina, Austria, Chile, Colombia, Ecuador, Germany, Jordan, Kazakhstan, Liberia, Mauritania, Oman, Paraguay* and *Bolivarian Republic of Venezuela*.

350 For example, *Argentina, Chile, Colombia, Italy* and *Republic of Korea*.

351 See paras 147 and 154 above.

matters in the formulation and implementation of the labour policy. The Committee highlights the importance for structural arrangements to ensure an effective operation of the system of labour administration, the functions and responsibilities of which are properly co-ordinated, as provided in Article 4 of the Convention. In addition, in cases where the ministries of labour do not have dedicated departments for research and studies, the Committee encourages governments to establish links with universities or research institutes in order to ensure that the labour administrations can rely on relevant data.

Territorial organization of labour administration

223. In order to bring certain services closer to their clients either at a lower cost to the State or under more direct forms of democratic control, certain specified labour administration functions may be decentralized, delegated or entrusted to local authorities. The Committee notes that field services can be an essential component in ensuring that certain labour administration activities cover the entire territory of the country and that users have equal access to labour administration services regardless of their location. Delegation of services to regional and local agencies can assume different forms and entail different degrees of delegation of responsibility at the local or regional level. In the majority of cases, while policymaking and the related preparation of labour laws are centralized, activities connected with the implementation of policies and laws – including, for instance, functions related to labour inspection, employment services, and the resolution of disputes – are decentralized to the district or regional level. In 2011, the report prepared by the Office as the basis for the general discussion on labour administration and labour inspection at the Conference noted a trend towards decentralization of labour administration activities. The report stressed that while this tendency is explained by the search for efficiency, additional savings and improved service delivery, it should not undermine the capacity of the central authority to maintain a coordinating role, as set out in Convention No. 150.³⁵²

224. On the basis of the information received, the Committee notes that labour administration bodies for the implementation of national labour policy in the field are very common.³⁵³ In *Chile*, for instance, there are a number of regional labour offices, and provincial and communal labour inspection offices. The regional offices depend hierarchically and administratively on the director of labour and are functionally related to each of the central departments of the Ministry of Labour and Social Welfare for matters within their competence. In *Côte d'Ivoire*, Decree No. 2021-803 on the organization of the Ministry of Employment and Social Protection provides that the territorial services are composed of the regional directorates, the departmental labour directorates, the regional offices for OSH and the social centres. The Government indicates that the activities of regional or local agencies are overseen by the Labour Inspectorate-General and the Labour Directorate-General.³⁵⁴ In a few cases, the degree of autonomy of the field services in the implementation of the delegated responsibilities is very broad.³⁵⁵ In some countries, owing to the existence of geographical areas that have a certain degree of administrative autonomy, there are regional or local labour administrations responsible for the governance of labour. For instance, in *Portugal*, the Government indicates that the Autonomous Regions of the Azores and Madeira have their own labour administration bodies responsible for vocational training, labour dispute resolution, employment and labour inspection.³⁵⁶

352 ILO, *Labour Administration and Labour Inspection*, ILC.100/V, vii. See also CEACR, Convention No. 81: *Rwanda*, direct request, 2022; *Uganda*, observation, 2022; and Conventions Nos 81 and 129: *Ukraine*, observation, 2021.

353 For example, *Brazil, Czechia, Denmark, Dominican Republic, Ecuador, Eritrea, Guatemala, Iceland, Iraq, Japan, Paraguay, Republic of Korea, South Africa, Sweden* and *Turkmenistan*.

354 CEACR, Convention No. 150: *Côte d'Ivoire*, direct request, 2022.

355 For example, *Poland*.

356 Other examples include *Spain*.

225. Following the trend already noted in 2011, the analysis of the reports submitted by governments highlights the fact that some recent reforms at the national level have increased or strengthened the devolution of tasks to field offices.³⁵⁷

226. The Committee notes that in some cases the workers' organizations point to the deficiencies of decentralized systems. For example, in *Peru*, the Autonomous Workers' Confederation of Peru (CATP) indicates that there is no coordination mechanism between the national Government and the regional governments. This makes it difficult to guarantee the commitment of the regional governments to the implementation of national policies and the allocation of sufficient resources for the proper functioning of labour administration services in the regions. In this regard, the trade union emphasizes the need to create coordination mechanisms so that social and labour policies are fully executed throughout the national territory and that relevant services are available in all regions of the country. In *Ethiopia*, the Confederation of Ethiopian Trade Unions (CETU) indicates that when sharing responsibilities and functions between the federal and regional governments, proper coordination, implementation deficits and disparities between regions within the labour administration system remain a challenge. The ITUC points to the risk of dispersion of responsibilities and functions when the implementation of labour policies, laws and regulations is decentralized.

227. *The Committee notes that while decentralization allows flexibility to tailor services to the regional or local context, it is important to ensure effective coordination of the various bodies operating at the local level through the application of a national labour policy, as provided for in Articles 4 and 9 of the Convention. In order to achieve coordination and the organization of an effective system of labour administration, governments should ensure the existence of mechanisms for the exchange of information between the different levels of government and involve the social partners at all levels of governance. In addition, adequate human resources, budgets and training should be made available to the labour administration structures in the field, and national planning, programming and evaluation should be undertaken in consultation with regional and local offices.*

Labour administration in federal states

228. In the case of federal states, it is important for the federal and provincial governments to coordinate their activities effectively, with a view to providing a consistent and integrated set of services. In federal states, the architecture of the bodies responsible for the implementation of labour policy may vary but as a general tendency it reflects the division of thematic competencies between the federal states and the federated entities, typically defined at the constitutional level. Bodies responsible for labour matters are often present both at the federal level and at the level of the provinces or territories, creating a framework in which a federal labour administration system and a separate governance system for each state effectively co-exist. The paragraphs below provide some examples of the existing labour administration arrangements within federal states.

229. For instance, in *Australia*, the Federal Government has the primary role in labour relations matters, while the states and territories have a supporting role in enforcing policies and labour legislation within their jurisdictions. The Fair Work Act 2009 (Cth) establishes Australia's national workplace relations system which covers the majority of private sector employees and employers in Australia. From January 2010, all states other than Western Australia referred their industrial relations powers to the Commonwealth.³⁵⁸ Concerning work health and safety (WHS), the Commonwealth, states and territories regulate and enforce WHS laws and administer workers' compensation schemes in their jurisdictions. The Commonwealth regulates

357 For example, *Costa Rica, Finland, France and Philippines*.

358 Australia Law Reform Commission, [Overview of the Fair Work Act 2009 \(Cth\)](#).

health and safety for its own employees and Safe Work Australia (SWA) is the national work health and safety policy agency. SWA is a body representing the interests of the Commonwealth, states and territories, as well as workers and employers. Each state and territory has its own workplace health and safety regulator that is responsible for promoting and enforcing workplace health and safety laws.³⁵⁹

230. In *Germany*, labour law, including co-determination at the enterprise level, OSH and employment agencies, as well as social security, is a matter under concurrent legislative powers held by the Federal Government and the governments of the federal states (*Länder*).³⁶⁰ This means that the *Länder* shall have the power to legislate so long as and to the extent that the Federation has not exercised its legislative power by enacting a law.³⁶¹ In practice, labour matters are entirely governed by federal law. The state governments nevertheless influence the adoption and amendment of labour laws because they take part in the legislative procedure.³⁶² The Federal Institute for OSH and the Federal Office for Social Security are under the purview of the Federal Ministry of Labour and Social Affairs. The Federal Ministry also oversees the Federal Employment Agency, a self-governed agency under public law, responsible for employment promotion, in particular for job placement. The enforcement and implementation of federal laws, including labour and OSH laws, falls within the ambit of the *Länder*.³⁶³ The organizational structure of labour inspection therefore varies from one federal state to another. Currently, the labour inspectorate is either part of the general administrative structure of the *Länder* or set up as an independent agency. It operates under the supervision of the competent *Land* ministry as the central authority, which is mostly the ministry responsible for labour and social affairs.

231. In *Pakistan*, following the 18th Amendment to the Constitution in 2010, the subject of labour was devolved to the provincial governments, who assumed full responsibility for labour legislation and administration. In this context, at the provincial level, the offices of the secretaries of the ministerial labour departments and mines and minerals departments play a coordinating role. At the same time, at the federal level, the Employees' Old-Age Benefits Institution and the Workers Welfare Fund are responsible for providing old age pensions, invalidity pensions, survivor pensions and other welfare benefits.

232. In *Nigeria*, the Federal Government and the state governments have a shared responsibility with regard to labour administration. While the federal government sets the minimum standards for labour laws,³⁶⁴ each state has the freedom to, as the Constitution itself may permit, enact its own labour laws and regulations as long as they do not conflict with federal laws.³⁶⁵ The central authority for labour matters is the Federal Ministry of Labour and Employment. The ministry is structured into 6 zonal labour offices and 14 departments. It operates through 36 state labour offices, the Federal Capital Territory and 23 district labour offices. While the Federal Ministry of Labour and Employment is responsible for formulating and implementing national labour policies, a number of states have their own state ministries of labour, which are responsible for implementing labour laws and regulations at the state

359 Examples of OSH regulators are: SafeWork NSW in New South Wales; the Work Health and Safety Commissioner in the Australian Capital Territory (ACT); WorkSafe in Victoria; and SafeWork SA in South Australia.

360 See [Basic Law for the Federal Republic of Germany](#), art. 74(1), point 12.

361 Basic Law of the Federal Republic of Germany, art. 72(1).

362 Arthur B. Gunlicks, "[The Länder, the Bundesrat, and the Legislative Process in Germany and Europe](#)", in *The Länder and German Federalism* (Manchester University Press, 2003), 339–59.

363 Basic Law of the Federal Republic of Germany, art. 83.

364 Under section 4(2) and the Second Schedule, Part I, to the 1999 Constitution, the National Assembly for the Federation has exclusive legislative powers for matters concerning labour, including trade unions, industrial relations; conditions, safety and welfare of labour; industrial disputes; prescribing a national minimum wage for the Federation or any part thereof; and industrial arbitration.

365 Section 4(7) and the Second Schedule, Part II, to the 1999 Constitution.

level and ensuring compliance with the national labour policies set by the Federal Ministry of Labour and Employment.³⁶⁶

233. In *Nepal*, the 2015 Constitution introduced a federal system based on a three-tier government structure consisting of federal, provincial and local governments. The Constitution has given the mandate of passing laws, formulating annual budgets, and drafting and implementing policies and plans related to labour and employment to the three levels of government.³⁶⁷ The Ministry of Labour, Employment and Social Security, at the federal level, is the principal body governing labour administration in Nepal. Provincial governments have the responsibility to develop and implement government policies and regulations while also carrying out human capacity enhancement programmes related to labour administration, employment, social security, child labour and other similar issues at the provincial level. The Local Government Operation Act, 2017 has given some powers and responsibilities to local governments to govern various aspects of labour, employment and social security, including formulation of policies and programmes on agriculture and industrialization, capacity-building for workers and local-level bureaucratic officials, maintaining employment records, disseminating information on available job opportunities, and collecting data on employed and unemployed persons.³⁶⁸

234. The Committee notes that the ITUC has expressed concern about proper coordination within labour administration systems in countries where both federal and local governments have responsibility for labour matters, citing ILO studies.

235. *Recognizing the range of approaches set forth, the Committee notes that coordination remains an important issue with respect to building an effective system of labour administration. This is particularly important as regards providing a comprehensive set of services, and ensuring optimal use of public resources. The Committee therefore highlights the importance of establishing complementary working relationships between the federal and provincial governments on matters related to labour administration.*

Labour governance in export processing zones

236. In a number of countries, export processing zones (EPZs) are areas created by government policies to promote foreign direct investment and exports. In these zones, imports and exports are exempt from tariffs so as to allow producers to access inputs at global prices to enhance their competitiveness in global markets. They may be covered by modified regulations, including labour regulations and administration, and some countries exempt EPZs from certain regulations altogether.³⁶⁹

237. EPZ administrative bodies are commonly responsible for defining and supervising the application of zone laws and regulations, in so far as they differ from national ones. This also applies to labour laws and regulatory regimes. Zone administrative bodies provide assistance to EPZ enterprises in applying the relevant labour laws and regulations. Such administrative bodies tend to report to the ministry of commerce or industry, typically with only marginal participation of the ministry of labour.³⁷⁰ The Government of *Seychelles* reports on the Seychelles

366 For example, the Enugu State Ministry of Labour and Productivity, the Lagos State Ministry of Wealth Creation and Employment, and the Kano State Ministry of Commerce, Industry, Cooperatives and Solid Minerals, which includes the Labour and Productivity Department.

367 *Nepal*, 2015 Constitution, Schedules 5–9.

368 *Nepal*, Local Government Operation Act, 2017, section 1.

369 ILO, *Promoting Decent Work and Protecting Fundamental Principles and Rights at Work in Export Processing Zones*, Report for Discussion at the Meeting of Experts to Promote Decent Work and Protection of Fundamental Principles and Rights at Work for Workers in Export Processing Zones, MEWEPZ/2017, 2017, para. 8. The Committee expressed serious concern about this state of affairs in the EPZs: See footnotes 370–374.

370 ILO, *Promoting Decent Work and Protecting Fundamental Principles and Rights at Work in Export Processing Zones*, para. 23.

International Trade Zone, which is a zone created by an Act of Parliament to allow for international trading in and through Seychelles. It is regulated by the Financial Service Authority and is covered by its own employment laws and regulations. The board of directors of the Authority is presided by a chairperson, who is appointed by the President. The members of the board are appointed for a fixed term and include representatives from both the public and private sectors.

238. Highlighting the importance of ensuring that labour inspectors are empowered to carry out their duties in EPZs, the Committee has often requested information on the measures taken to ensure that labour inspectors are empowered to freely enter establishments in EPZs without any restrictions and has requested information on the activities performed by labour inspectors in these zones.³⁷¹ In some cases, the Committee has also emphasized the importance, with respect to workers in EPZs, of observing the right to freedom of association³⁷² and collective bargaining, ensuring protection against anti-union discrimination,³⁷³ recognizing the right to timely payment of wages,³⁷⁴ and ensuring access to lasting, quality employment.³⁷⁵ ***Noting that EPZs can be areas which are prone to decent work deficits,³⁷⁶ the Committee recalls the importance for labour administrations to formulate and implement, in consultation with social partners, labour policies which cover EPZs in order to ensure that fundamental principles and rights at work are respected and decent labour protections guided by international labour standards are applied and effectively enforced in EPZs.***

► 2.4. Structural features of current labour administration systems

2.4.1. Recent trends in structural changes

239. The examination of national practices indicates that a number of factors contribute to structural changes in the labour administration system. These may include health, political and economic crises; elections and government reshuffles; changes in the social structure of a country; or reorganization of the public administration in general. The Committee notes that, in the last decade of the twentieth century and notably during the first few years of the twenty-first century, the link between trade liberalization and employment was a key policy issue and, as a result, some governments have been experimenting with merging the labour ministry (or its employment component) with the ministry of economic affairs or finance.³⁷⁷ This measure has been usually justified on the grounds that economic growth is the main precondition for job creation and that it is therefore necessary to achieve a synergy of economic and employment policy.³⁷⁸

371 For example, CEACR, Convention No. 81: *Bangladesh*, observation, 2022; *Djibouti*, direct request, 2022; *India*, observation, 2022; Conventions Nos 81 and 129: *Madagascar*, direct request, 2022.

372 For example, CEACR, Convention No. 87: *Bangladesh*, observation, 2022; *Nigeria*, observation, 2021.

373 For example, CEACR, Convention No. 98: *Bangladesh*, observation, 2020; *Pakistan*, observation, 2022; *Sri Lanka*, observation, 2022.

374 For example, CEACR, Convention No. 95: *Dominican Republic*, observation, 2011.

375 For example, CEACR, Convention No. 122: *Costa Rica*, direct request, 2018; *Nicaragua*, direct request, 2021.

376 ILO, [Conclusions to promote decent work and protection of fundamental principles and rights at work for workers in EPZs, Tripartite Meeting of Experts to Promote Decent Work and Protection of Fundamental Principles and Rights at Work for Workers in Export Processing Zones \(EPZs\)](#), 21–23 November 2017.

377 For example, *Germany* (2002–05), and *France* (2007–09).

378 Rychly, *Ministries of Labour: Comparative Overview*, 16.

240. The Committee also notes that a number of countries provided details of recent structural changes in their labour administration system. For example, in *Georgia*, in 2019 and 2020 a large-scale labour law reform was carried out in consultation with the social partners with the aim of strengthening labour market institutions. As a result, the mandate of the Labour Inspection Service was expanded and the State Employment Promotion Agency was created. In *Spain*, there was a restructuring of the areas of competence of some ministries in January 2020, so that the previous Ministry of Labour, Migrations and Social Security was abolished, and social security issues were transferred to the new Ministry of Inclusion, Social Security and Migrations. The Ministry of Labour and the Social Economy was also created, being responsible for employment, the social economy and corporate social responsibility.³⁷⁹ The Committee notes that in a number of countries there has been a tendency to expand the role of the ministry of labour or its responsible government equivalent by assigning to it more responsibilities which were previously entrusted to other government entities. This occurred, for instance, through a reallocation of portfolios that were under the purview of ministries other than the ministry of labour, or by a merger of ministerial bodies under a single labour ministry.³⁸⁰ These particular arrangements might be primarily dictated by pragmatic considerations but in some cases the combination of portfolios has a direct impact on how policies are formulated and implemented.³⁸¹ The Committee notes that in many developing countries, however, labour ministries have been facing a long-term trend towards marginalization of their role, as demonstrated by their being allocated an extremely low proportion of the state budget.³⁸²

241. The IOE notes that labour administration systems today operate in a rapidly changing economic, social and technological environment. The world of work is experiencing profound disruption, as has recently been the case through the COVID-19 pandemic, and further significant transformation is to be expected with the spread of artificial intelligence applications in the workplace. It is therefore essential that labour administrations are constantly modernized and adapted to be able to cope with such transformation. Modernization of labour administrations may require exploring new methods of governance and management, including the adoption of new policies, services and enforcing mechanisms, but also building effective public and private partnerships. The IOE indicates that, in a post-pandemic world, modernizing and strengthening the capacities of labour administrations are essential not only to address crises but also to ensure more resilient, sustainable and inclusive economies for the future.

242. Recalling the 2019 ILO Centenary Declaration for the Future of Work and the 2021 Global Call to Action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient, the ITUC indicates that robust and sound labour administration is essential to good governance of employment and labour matters, to economic and social progress, and to the overall promotion and achievement of the ILO decent work and social justice agenda, in particular, in the context of the ongoing crisis and a human-centred and rights-based approach to recovery that is inclusive, sustainable and resilient. In this regard, the ITUC indicates that the role of labour ministries and their departments or agencies as policymaker and regulator and as coordinator must be fully recognized, as provided for under Article 6(1) of Convention No. 150, and they must be provided with adequate resources to ensure that they can fulfil their responsibilities and functions adequately.

243. The Committee notes the importance of keeping the structure of the labour administration system under review, in consultation with the most representative organizations of employers and workers, as indicated in Paragraph 21 of Recommendation No. 158. This ensures that the labour administration system remains effective by responding in an adequate and

379 Other examples include *Cabo Verde, Cambodia, Israel and New Zealand*.

380 For example, *Austria, Bahrain, Brazil, Croatia, Oman and Qatar*.

381 Rychly, *Ministries of Labour: Comparative Overview*, 15-16.

382 See section 2.6.3 below.

timely fashion to emerging challenges and issues in the national context and in the world of work. Constant review of the labour administration system is also important to ensure its efficiency and effectiveness as it assists in identifying gaps and making necessary improvements. A well-functioning and efficient labour administration system is instrumental in ensuring that fundamental principles and rights at work are promoted and respected, that there is an enabling environment for sustainable enterprises to operate, that inspection and enforcement are effective and that when disputes arise, they are resolved efficiently. The Committee highlights the importance of consultations with the social partners in the process of revision of the labour administration system as this allows for enhancing democratic, transparent and accountable governance of labour which is responsive to the needs of all stakeholders.

2.4.2. The impact of COVID-19 on labour administration

244. The COVID-19 pandemic led to increased unemployment, underemployment and inactivity; losses in labour and business income, especially in the most impacted sectors; enterprise closures and bankruptcies, particularly for micro, small and medium-sized enterprises; supply chain disruptions; informality and insecurity of work and income; negative effects and new challenges to health, safety and rights at work; and exacerbated poverty and economic and social inequality.³⁸³ Confronted with this profound crisis, labour administrations had to find rapid and suitable responses to these challenges. The Committee has noted that the crisis does not suspend obligations under ratified international labour standards and that any derogations should be exercised within clearly defined limits of legality, necessity, proportionality and non-discrimination.³⁸⁴

245. The Committee notes that while the policy response in terms of measures adopted by labour administrations around the world – with regard to issues such as employment, working conditions, OSH and social dialogue – has been the subject of extensive research and analysis, particularly by the ILO,³⁸⁵ the systemic response and the overall performance of labour administrations have not been examined in detail with a view to assessing the capacity of labour governance to deal with the crisis. The Committee also notes that the information provided by governments in the context of this General Survey mostly refers to the specific measures adopted during the pandemic but offers limited elements in terms of enabling a comprehensive overview of the impact that the COVID-19 crisis has had on national labour administration systems across the world and assessing the way labour administrations have engaged as a system in the overall response to the pandemic.

246. On the basis of the information available, the Committee notes that coordination between different government entities has proved to be essential in order to ensure a comprehensive and effective response. In terms of institutional outcomes, many governments activated and set up arrangements to facilitate inter-agency cooperation to manage the crisis. This took the form of memoranda of understanding, committees, teams and task forces which were often of a multi-disciplinary nature and involved several ministries.³⁸⁶ Some countries reported that task force units were created under the purview of the ministries of labour or their responsible government equivalents. In *Jamaica*, for example, the Labour Market Task

383 ILO, Global Call to Action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient, para. 2.

384 ILO, *Addendum to the 2020 Report of the Committee of Experts on the Application of Conventions and Recommendations*, ILC.109/III/Add.(A), 2021, para. 49. See also: ILO, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, ILC.110/III(A), 2022, para. 42.

385 For example: Sean Cooney et al., *OSH and the COVID-19 Pandemic: A Legal Analysis*, ILO Working Paper 90, 2023; ILO, *ILO Monitor: COVID-19 and the World of Work. Eighth Edition – Updated Estimates and Analysis*, 2021; ILO, *World Employment and Social Outlook: Trends 2022*, 2022; ILO, *World Social Protection Report, 2020–22: Social Protection at the Crossroads – In Pursuit of a Better Future*, 2021.

386 For example, *Bahamas, Belize, Eritrea, France, Guyana, Lao People's Democratic Republic, Peru, Tuvalu and United States.*

Force was created under the Ministry of Labour and Social Security to study labour market implications, provide legislative and policy recommendations to the Labour Advisory Council, and provide recommendations to address the immediate impact of the COVID-19 pandemic.³⁸⁷

247. The Committee notes that the pandemic also created an unprecedented need for social cohesion and trust among the actors in the world of work. During the initial phase of the health crisis, through the use of social dialogue at the national and sectoral levels, joint solutions were devised to mitigate the health and socio-economic impacts of the crisis. These solutions were often tailor-made for sectors, businesses and those workers who were heavily affected by the pandemic. Crucially, social dialogue helped to shape government responses and opened space for further social dialogue at various levels (enterprise, sectoral, national and cross-border) on ways to address the impacts of the crisis and to adjust policy and regulation to the new reality.³⁸⁸ Early social dialogue responses aimed to boost the immediate resilience of the world of work, and indeed to ensure the survival and adjustment of workers, businesses and the economy in the new reality. At a later stage, countries started relying on social dialogue to devise more forward-looking responses, through longer-term policy and regulatory responses at sectoral or cross-sectoral levels. The most comprehensive outcomes are national “recovery plans” containing a wide array of economic, financial and institutional measures.³⁸⁹

248. With regard to the social dialogue bodies within the labour administration system that dealt with the crisis, the Committee notes that, according to ILO research, there had been some reluctance to engage through existing bodies, such as national tripartite labour councils, economic and social councils, and similar institutions.³⁹⁰ Such formal bodies may have displayed a certain unpreparedness for dealing with this unprecedented emergency.³⁹¹ This may relate to the fact that national tripartite social dialogue structures are often seen as bodies having a “strategic” long-term orientation rather than an “operational” short-term orientation geared to finding urgent solutions to mitigate the impacts of the crisis.³⁹² However, recovery measures were agreed mostly within such structures.³⁹³

249. In this regard, the Committee notes that some countries created temporary tripartite bodies to deal with the crisis.

In *Botswana*, the Ministry of Employment, Labour Productivity and Skills Development established an emergency tripartite committee to identify strategies to deal with the impact of COVID-19 on the world of work. The Government indicates that this was a temporary entity that did not replace the existing tripartite bodies such as the Labour Advisory Board and the Minimum Wage Advisory Board.³⁹⁴

387 Other examples include *Belgium, Kenya* and *Republic of Korea*.

388 ILO, *Peak-level Social Dialogue as a Governance Tool during the COVID-19 Pandemic: Global and Regional Trends and Policy Issues*, Research Brief, October 2020.

389 ILO, *Social Dialogue One Year after the Outbreak of the COVID-19 Pandemic: Spotlight on Outcomes*, Research Brief, June 2021, 3.

390 ILO, *Social Dialogue One Year after the Outbreak of the COVID-19 Pandemic*, 6.

391 ILO, *Social Dialogue One Year after the Outbreak of the COVID-19 Pandemic*, 6.

392 ILO, *Social Dialogue One Year after the Outbreak of the COVID-19 Pandemic*, 6.

393 ILO, *Social Dialogue One Year after the Outbreak of the COVID-19 Pandemic*, 6.

394 Other examples include *Bangladesh, Belize, Congo, Democratic Republic of the Congo, Guyana, Jamaica, Mauritania, Philippines, Sri Lanka* and *Tuvalu*.

250. The Committee notes that labour ministries and their affiliated agencies were at the forefront of the efforts made by governments to deal with the unprecedented fall in employment and with the inequalities exacerbated by the crisis. Many governments reported on the specific measures adopted to support employers and workers, including financial support, during the crisis. For example, in the *Dominican Republic*, the Government, led by the Ministry of Labour, deployed a series of employment initiatives which sought to promote formal hiring through a new comprehensive system of active labour market policies, supporting jobseekers to improve their employability, linking them not only with employment opportunities but also with new training opportunities relating to the most in-demand skills.³⁹⁵

251. The adoption of OSH measures to protect the health and safety of workers is also one of the actions highlighted by governments. For example, in *Bangladesh*, the Ministry of Labour and Employment launched the COVID-19 OSH guidelines to prevent and mitigate the spread of the virus. In *Türkiye*, the Ministry of Family, Labour and Social Services introduced guidelines for all workplaces to combat COVID-19 and for OSH experts and professionals on preventive measures against COVID-19 in workplaces.³⁹⁶

252. With regard to enforcement, the Committee notes that some countries adopted a change of inspection priorities to ensure observance of health and safety measures during the pandemic. For instance, in *France*, the Government indicates that the health situation necessitated a review of the tasks of the labour inspectorate, so that the execution of the initial action plan slowed down significantly for more than a year. The necessary measures were taken to modify operational procedures for labour inspection staff, in order to ensure their protection and redirect national priorities towards occupational health issues induced by the pandemic.³⁹⁷ As mentioned in Chapter 1, in a number of countries, the activities of the labour inspectorate during the pandemic were restricted or suspended, and inspectorate working methods were adjusted to ensure the health and safety of inspectors.³⁹⁸

253. The Committee notes that many countries reported that workers in the public and private sectors were allowed to work from home and flexible working arrangements were introduced.³⁹⁹ In most cases, these were temporary measures set up to counter the restrictions instituted to ensure business continuity during the crisis and were based on legislation adopted under emergency circumstances. However, in some countries, labour administrations undertook lasting policy shifts, for instance with the introduction of legislative changes concerning teleworking arrangements⁴⁰⁰ and, mainly in Europe, the right to disconnect.⁴⁰¹ The Committee also notes that in the post-emergency phase many labour administrations, often in collaboration with other relevant government departments and the social partners, adopted guidelines and protocols on the “return to work”, in order to effect the transition into a period where economic activities coexisted with the COVID-19 pandemic.

395 Other examples include *Ecuador, Ghana, Japan, Lithuania, Peru, Qatar, United States* and *Zimbabwe*. See also 2021 Addendum to the 2020 General Survey.

396 Other examples include *Barbados, Brazil, Ethiopia, Finland, Iceland, India, Lao People’s Democratic Republic, Liberia, Luxembourg, Malaysia, Saint Lucia, Saint Vincent and the Grenadines, Sri Lanka, United States* and *Zimbabwe*.

397 Other examples include *Albania, Belgium* and *Qatar*.

398 For example, *Ghana*. See also, CEACR, Convention No. 81: *Curaçao*, direct request, 2021; *Hungary*, observation, 2022; *Republic of Korea*, observation, 2022; *Russian Federation*, observation, 2022; *Türkiye*, observation, 2020.

399 For example, *Belgium, Colombia, Croatia, Ecuador, Greece, Israel, Kazakhstan, Malawi, Saudi Arabia, Slovenia* and *United States*. See also: 2021 Addendum to the 2020 General Survey, paras 172–173; ILO, [Working Time and Work–Life Balance Around the World](#), 2022; and ILO, [Teleworking during the COVID-19 Pandemic and Beyond: A Practical Guide](#), 2020.

400 For example, *Belgium, Mexico, Mozambique* and *Portugal*.

401 For example, *Belgium, Ireland* and *Portugal*.

In *Cambodia*, a tripartite annual meeting on the Decent Work Country Programme was held in November 2020 and the tripartite partners agreed on five priority areas to support the recovery of businesses and workers affected by the COVID-19 crisis, including the adoption of “safe return to work protocols” for workers and enterprises.⁴⁰²

254. In *Guinea-Bissau*, the National Union of Workers of Guinea-Bissau (UNTG-CS) indicates that during the period of the COVID-19 pandemic the Government did not undertake any review of the labour administration system. On the contrary, it intensified tax measures against workers and did not observe the Labour Law, including by failing to respect the requirement that workers whose employment contracts are suspended owing to force majeure are entitled to compensation.

255. ***The Committee notes that the pandemic highlighted the importance of an effective and coordinated labour administration system in order to build a solid response to the challenges posed by the crisis. The consultations with, and participation by, the social partners in policymaking and decision-making processes and the relevant institutional framework enabling such processes proved to be key in a context where social cohesion and trust in institutions were put under pressure by the impact of the crisis. As highlighted in the general discussion on labour administration and labour inspection at the Conference in 2011, labour administration is key for mitigating the employment impact of economic recession and there is an urgent need to build, foster and maintain sound labour administration and inspection systems in order to withstand financial and economic crises.⁴⁰³ Moving forward, the Committee emphasizes the importance for governments to evaluate, in consultation with the social partners, the systemic response of labour administrations during the emergency and to draw lessons learned in terms of institutional preparedness for future crises. The existence of other complex policy challenges that affect the world of work such as climate change, social injustice and inequalities, rising inflation, and economic and geopolitical crises, calls for multi-disciplinary approaches, since these issues cannot be tackled by labour administrations in isolation. Nonetheless, labour administrations have a specific and vital role to play in fostering a combination of social and economic development for balanced and sustainable growth that ensures social justice.***

2.4.3. Digitalization and technological transformation: Impact on labour administration structure

256. Digitalization includes a complex array of technologies, some of which are still at their early stages of development and use.⁴⁰⁴ As highlighted by the Global Commission for the Future of Work, the transformations under way in the world of work call for the strengthening and revitalization of the institutions governing work, including through the harnessing of technology for decent work.⁴⁰⁵ In their efforts to adapt and modernize, labour administration and labour inspection systems should take advantage of information and communication technologies (ICTs) to improve their internal working methods and expand the range and accessibility of services for employers and workers while maintaining thorough inspections. A variety of online, mobile and networking technologies have the potential to increase efficiency and reduce costs, improve transparency, facilitate the collection and analysis of labour statistics,

402 Other examples include *Argentina, Barbados, Canada, Chile, China, Costa Rica, France, Germany, Panama, Paraguay, Singapore, South Africa* and *United States*.

403 ILO, *Labour Administration and Labour Inspection*, ILC.100/V, paras 88–93.

404 ILO, *Teleworking during the COVID-19 Pandemic and Beyond*, 2020, 8.

405 ILO, *Work for a Brighter Future: Global Commission on the Future of Work*, 2019, 37.

and assist with the dissemination of accessible information about labour laws and policies.⁴⁰⁶ In 2015, the ILO undertook a study to examine the use of new technologies in labour administrations, covering both developed and developing countries. The study provided comparative statistical information on global trends in the use of ICTs in labour administration, outlined the associated benefits and challenges in technology adoption and described various uses of ICTs in labour inspectorates, public employment services and labour dispute prevention and resolution agencies. The study highlighted global trends, benefits and challenges relating to the use of digital technologies in the governance of labour, and identified priority issues on the ICT policy agenda of global labour administrations.⁴⁰⁷

257. The placement of new technologies on the public sector modernization agenda has revolutionized the way in which many labour administration institutions manage and deliver their services. In this context, new technologies have expanded to cover any mode of digital technology that exists to help public sector agencies gather, handle, transmit and use information to manage and deliver services to constituents.⁴⁰⁸ Developments that fuelled technological change in the public sector included the reform agendas of the 1990s that encouraged government institutions to build an online presence through websites and the rise of social media at the turn of the twenty-first century which facilitated a move towards electronic democracy. Today, ICTs perform a meaningful function that complements, rather than replaces, governments and governance models familiar to citizens.⁴⁰⁹ While this process had already begun, the COVID-19 pandemic has further accelerated digital transformation through the uptake and use of ICTs and the digitalization of both public and private services.⁴¹⁰

258. Technology carries with it countless opportunities to improve work. For instance, the extraction of knowledge through the use of data mining can help labour administrations to identify high-risk sectors and improve labour inspection.⁴¹¹ However, the use of ICTs in labour administration creates new challenges which require adequate responses from governments. For example, new technologies generate large amounts of data on workers, posing potential risks to workers' privacy. In addition, shortages of ICT skills among labour administration employees and system obsolescence, sometimes exacerbated by the limited availability of funds to upskill staff and upgrade the infrastructure, make it more difficult to harness the full potential of new technologies.⁴¹² At the same time, new technologies and technology-driven growth are having a profound impact on the world of work, reshaping labour relations and changing labour markets through trends such as automation and digital labour platforms.⁴¹³ Governments are faced with the challenge of adequately responding to the rapid pace of these changes and are called on to design public policies and legislation that can respond to this transformation.

259. The impact of digitalization on labour administrations is therefore twofold. On the one hand, it is one of the tools that shapes the way modern labour administrations perform their work and design their structure and service delivery; on the other hand, it is the subject of new policymaking activities which expand the scope of the governance of labour to embrace

406 ILO, Resolution concerning labour administration and labour inspection, 2011, para. 11.

407 Anna Milena Galazka, [Report on the Global Survey into the Use of Information and Communication Technologies in National Labour Administration Systems](#) (ILO, 2015) (hereinafter *Report on the Global Survey into the Use of ICTs*).

408 Galazka, *Report on the Global Survey into the Use of ICTs*, ix.

409 Anna Milena Galazka, "Understanding ICT Use in Labour Administration: Taking Stock", in *The Governance of Labour Administration*, eds Heyes and Rychly, 70.

410 United Nations Department of Economic and Social Affairs (UNDESA), [Leveraging Digital Technologies for Social Inclusion](#), Policy Brief No. 92, 2021.

411 ILO, *Work for a Brighter Future*, 43.

412 Galazka, *Report on the Global Survey into the Use of ICTs*, 79.

413 Gallo and Thinyane, [Supporting Decent Work and the Transition towards Formalization through Technology-enhanced Labour Inspection](#), 2021, 4.

the changes in the world of work. With regard to the first aspect, digital transformation in the labour administration field has often meant the creation of specific departments or offices focusing on the digital transformation of the ministry of labour or the development and introduction of e-labour governance services that can be accessed online through dedicated platforms.⁴¹⁴ These changes are generally taking place in the context of digitalization processes involving the public administration as a whole.⁴¹⁵

The Government of the *United Arab Emirates* indicates that the Ministry of Human Resources and Emiratisation views as crucial the need for digital transformation of all its services and the facilitation of procedures via innovative digital and smart channels. During 2021, the ministry implemented a new operational model for its services, which primarily depends on smart services delivered via the ministry's website, call centre services and a smart application in all languages, to facilitate the use of the services provided by the ministry to workers and employers and to monitor the performance of the labour market in the country.

260. In addition, the Committee notes that with the increase in the use of technologies, the vast majority of labour ministries have started using social media to interact with the public. These platforms can enable easier and quicker communication and increase the transparency and interactivity of the labour administration.⁴¹⁶

261. The Committee notes that artificial intelligence, including algorithms, is increasingly used in the management of work, changing the way labour administration delivers its services. For example, in the field of labour inspection, algorithms can be used for the planning and supervision of work.⁴¹⁷ In addition, artificial intelligence can help labour inspectorates overcome data poverty and implement data-driven targeted inspections. For example, in *Sweden*, the Working Environment Authority uses the analysis of previous accidents in the workplace to define the biggest risks within the work environment and identify patterns to be avoided in the future, thus applying artificial intelligence to prevent occupational accidents and fatalities.⁴¹⁸ While artificial intelligence can contribute to the enhancement of labour administration functions, the Committee notes that it also entails risks, such as the undue use of individual data⁴¹⁹ and potential discriminatory outcomes.⁴²⁰ In addition, it requires labour administration staff to be adequately trained to deal with AI generated outputs.⁴²¹ The Committee notes that labour administrations have an important role to play in the preparation and implementation of the policies and regulatory framework that govern the changing nature of work due to these technological advances.

414 For example: *Azerbaijan* (Centre for Digital Innovations of the Agency for Sustainable and Operative Social Provision of the Ministry of Labour and Social Protection of Population); *New Zealand* (Digital, Data and Insights Group of the Ministry of Business, Innovation and Employment); *Qatar* (Digital Transformation Management and Service Automation Unit of the Ministry of Labour); *Sweden* (Office for Digitalization and Information Security); and *Ukraine* (Department of Digital Transformation, Information Technology and Cybersecurity within the Ministry of Social Policy). E-services for labour administrations were also introduced, for example in the *Democratic Republic of the Congo*, *Thailand* and *Türkiye*.

415 For example, in *Botswana*, as part of the two-year Transitional National Development Plan, the Government has embarked on a robust strategy to automate services with digitalization of several projects ongoing.

416 Galazka, *Report on the Global Survey into the Use of ICTs*, 23.

417 ILO, *Guidelines on General Principles of Labour Inspection*, 2022, para. 5.2.5.

418 European Labour Authority, *Subgroup on Alert Mechanisms to Identify Undeclared Work at an Early Stage, Output Paper*, December, 2022, 9–11.

419 Valerio De Stefano, "Negotiating the Algorithm": *Automation, Artificial Intelligence and Labour Protection*, ILO Working Paper No. 246, 2018, 9.

420 ILO, *Achieving Gender Equality in the World of Work*, ILC.111/III(B), 2023, para 148.

421 Brian Lee-Archer, *Effects of Digitalization on the Human Centricity of Social Security Administration and Services*, ILO Working Paper 87, 2023, 13.

262. Owing to the COVID-19 pandemic, the use of digital solutions by public administrations has increased in order to avoid the disruption of public services during the crisis. In *El Salvador*, a web platform was established to include information on the public health measures that private and public companies had to comply with to avoid the spread of the virus, as well as a pre-screening mechanism for companies that had to halt their operations because of the pandemic in order to access state financial support. In the *United States*, the US Equal Employment Opportunity Commission provided online mediation during the pandemic.⁴²²

263. At the same time, the social partners emphasize that more work is needed in order to ensure that labour administrations harness the full potential of digitalization. In *Finland*, the Central Organization of Finnish Trade Unions (SAK) indicates that the customer information system of the employment services, which was introduced in 1997–98, is outdated and this has a negative impact on the level of service offered to customers. Although a system reform is under way, it has progressed slowly and is behind the original schedule. According to the trade union, the Ministry of Economic Affairs and Employment has recently stated that key parts of the reform will be completed by the end of 2023.

264. In order to respond to the digital transformation of the world of work, labour ministries in a number of countries have established offices or units which are responsible for designing and implementing policies relating to the impact of ICTs on the world of work and the transformation of the labour market. For example, in *Argentina*, under the aegis of the Under-Secretariat for Inclusion Policies in the World of Work at the Ministry of Labour, Employment and Social Security, there is the National Directorate for New Forms of Work, which includes an Innovation and Digital Inclusion Department.⁴²³

265. The Committee notes that the use of digital technologies can increase the efficiency of the labour administration system by streamlining administrative processes, automating repetitive tasks, and can produce cost savings. Improved data management makes for better data collection, storage, and analysis, and this can facilitate evidence-based decision-making and policy development. It can also enhance monitoring and evaluation of labour market trends, compliance with labour laws, and the effectiveness of labour administration programmes and services. The Committee further notes that the use of labour administration e-services can make information and services more accessible to workers, employers and other stakeholders. It can provide online platforms for accessing resources, filing complaints, and obtaining information about employment rights and benefits. This can help reduce barriers to accessing labour administration services. For example, in *Canada*, the Canadian Labour Congress (CLC) indicates that artificial intelligence is being used by Employment and Social Development Canada to automatically assess the relevance of comments in the record of employment forms issued by the employment insurance programme. It is also being used to reduce backlogs in employment insurance claims and to triage complaints relating to labour standards.

266. At the same time, the Committee notes that digitalization may lead to the automation of certain tasks, potentially resulting in job displacement for some labour administration employees who are responsible for manual or routine tasks, raising concerns about job security and workforce transition.⁴²⁴ The Committee also notes that not all workers, employers, or stakeholders may have access to digital technologies or the necessary digital literacy skills, which might result in a digital divide.⁴²⁵ This can create barriers to accessing labour administration services or information, particularly for vulnerable or marginalized population groups, and may further exacerbate existing inequalities. As noted in the 2011 Conference resolution

422 Other examples include *Argentina, Austria, Azerbaijan, Bulgaria, Cuba, Cyprus, Indonesia, Ireland, Lithuania, Paraguay, Qatar, Slovenia, Trinidad and Tobago, Türkiye* and United Arab Emirates.

423 Other examples include *Germany*.

424 Lorraine Charles, Shuting Xia and Adam P. Coutts, *Digitalization and Employment: A Review* (ILO, 2022).

425 Galazka, *Report on the Global Survey into the Use of ICTs*, 27.

on labour administration and labour inspection, while the adoption of new technologies is uneven between countries, developing nations can still greatly benefit from modest and cost-effective systems adapted to their own level of technological development.⁴²⁶

267. The Committee notes the benefits related to the use of digital technologies in the administration of labour such as improvements in efficiency, communication, and overall performance. At the same time, the Committee notes that digitalization typically requires significant investment in technology infrastructure, systems, and cybersecurity measures, which can pose challenges in terms of costs, implementation, and maintenance.⁴²⁷ This can especially impact smaller or resource-constrained labour administrations. For this reason, the Committee emphasizes the importance of ensuring that digitalization policies and strategies are commensurate with the human and material resources allocated for their implementation, taking into consideration national conditions. The Committee also highlights the importance of ensuring data privacy and security and non-discriminatory outcomes, and underlines the fact that protecting sensitive information, such as personal data and employment records from unauthorized access or data breaches, becomes crucial in digitalized labour administrations. The Committee is of the view that new technologies cannot replace sound policymaking, and while various internet forums or surveys are a useful source of feedback, they can only complement traditional exchanges of information, consultation and negotiation between the government and representative employers' and workers' organizations.

► 2.5. Coordination

2.5.1. Content of the instruments

268. Coordination is central to the effective functioning of labour administrations, as it relates to how the whole structure works as a system. The definition of the labour administration system provided in Article 1(b) of Convention No. 150 and Paragraph 1(b) of Recommendation No. 158 covers the institutional framework for coordination between the public bodies which are responsible for and/or engaged in labour administration and the implementation of the labour policy.

269. As noted in the first part of this chapter, the structure of labour administrations is often complex and provides for the existence of a number of public, parastatal or private bodies as well as the presence of multiple layers of governance distributed at the central, local or regional level. Article 4 of Convention No. 150 and Paragraph 4 of Recommendation No. 158 provide that Member States should ensure, in a manner appropriate to national conditions, the organization and effective operation in their territory of a system of labour administration, the functions and responsibilities of which are properly coordinated. In addition, under Article 6 of the Convention, the competent bodies within the system of labour administration shall be responsible for or contribute to the coordination of the national labour policy.

270. With a view to the proper coordination of the functions and responsibilities of the system of labour administration, Article 9 of Convention No. 150 requires that, in a manner determined by national laws or regulations, or national practice, a ministry of labour or another comparable body shall have the means to ascertain whether any parastatal agencies which may be responsible for particular labour administration activities, and any regional or local agencies to which particular labour administration activities may have been delegated,

⁴²⁶ ILO, [Resolution concerning labour administration and labour inspection](#), 2011, para. 11.

⁴²⁷ Galazka, *Report on the Global Survey into the Use of ICTs*, 60.

are operating in accordance with national laws and regulations and are adhering to the objectives assigned to them.

271. The instruments are not prescriptive as to the manner in which coordination should be ensured. Paragraph 20 of the Recommendation indicates that each of the principal labour administration services should provide periodic information or reports on its activities to the ministry of labour or the other comparable body, as well as to employers' and workers' organizations. Such information or reports should be of a technical nature, include appropriate statistics, and indicate the problems encountered and, if possible, the results achieved, in such a manner as to permit an evaluation of present trends and foreseeable future developments in areas of major concern to the system of labour administration. The system of labour administration should evaluate, publish and disseminate such information of general interest on labour matters as it is able to derive from its operation. In addition, Member States should seek to promote the establishment of suitable models for the publication of such information, with a view to improving its international comparability.

272. In addition to the internal coordination of the system of labour administration, Paragraph 19 of the Recommendation highlights the importance of inter-institutional coordination with respect to the design of socio-economic policies. These aspects of coordination aim at ensuring the representation of the labour administration system in the administrative and consultative bodies in which information is collected, opinions are considered, decisions are prepared and taken and measures of implementation are devised with respect to social and economic policies.

273. The further dimension of coordination between the public bodies and the representative organizations of employers and workers, or employers' and workers' representatives, through the mechanisms that ensure their consultation and participation, is examined in Chapter 3.

2.5.2. Coordination within the labour administration system

274. Inter-institutional relations are extremely important in the design and implementation of the national labour policy as they ensure that all bodies responsible for or involved in labour administration function as a whole, avoiding duplication or different interpretations of the rules and ensuring efficient use of resources. Given its socio-economic consequences, the COVID-19 pandemic further highlighted the vital importance of coordination for effective local crisis management and for finding appropriate policy responses across sectors and institutions. As noted above, while there is generally a main ministry responsible for labour matters, in nearly all cases several other bodies or agencies are responsible for specific aspects of labour policy and often two or more ministries might have a role in the design and implementation of certain policy aspects. In the case of decentralized systems, service delivery is delegated to sub-national bodies with which ministries need to coordinate. With regard to labour inspection, in its supervision of Conventions Nos 81 and 129, the Committee has often emphasized that coordination among national inspection and government agencies and public or private institutions engaged in similar activities can help to improve the overall effectiveness of labour inspection in a country.⁴²⁸ In addition, as noted above, in federal countries there is typically a need for cooperation and coordination between national ministries and local bodies which have varying degrees of responsibility in relation to the administration of services. Inter-organizational relations are further enriched by the existence of actors from the private sector who are involved in the delivery of specific labour administration services. The instruments emphasize that such coordination should be ensured in a manner that is appropriate to national

⁴²⁸ For example, CEACR, Convention No. 81: *Benin*, direct request, 2022; *Bulgaria*, direct request, 2022; *Peru*, direct request, 2020; *Uganda*, direct request, 2021; Conventions Nos 81 and 129: *Iceland*, direct request, 2021.

conditions, thus leaving flexibility regarding the means to achieve this goal.⁴²⁹ In certain cases, cooperation agreements have also been concluded between labour inspectorates and equality bodies in order to strengthen the capacity of labour inspection services to address issues of discrimination, disseminate information and raise awareness on equality issues.⁴³⁰

275. In practice, operational coordination and coherence within the labour administration system can be ensured through a variety of mechanisms, as illustrated below. The Committee notes that ILO labour administration audits regularly identify cases of strong “departmentalization” even within one ministry when units with interconnected tasks do not cooperate, do not exchange data, do not consult on their legislative drafts, or do not share existing human and material resources just because they implement different laws, because of lack of appropriate governance mechanisms or as a result of a too formal administrative culture which does not promote horizontal cooperation.⁴³¹

276. In its supervision of Convention No. 150, the Committee emphasized the importance for the ministry of labour to have the means to ascertain whether any parastatal agencies which may be responsible for particular labour administration activities, and any regional or local agencies to which particular labour administration activities may have been delegated, are operating in accordance with national laws and regulations and are adhering to the objectives assigned to them, in accordance with Article 9 of the Convention.⁴³² At the same time, highlighting the importance of coordination for an effective operation of the system of labour administration in accordance with Article 4 of the Convention, the Committee has often requested governments to provide information on how internal coordination between ministerial departments is ensured.⁴³³ The ITUC indicates that, in line with Article 4, the Committee has often pointed out the need to ensure policy coherence, regardless of the structure of the labour administration system.

277. In the majority of cases, governments indicate that the ministry responsible for labour matters is in charge of formulating policies, plans and programmes that guide the work of all the units, departments and bodies that fall under its supervision. In the *Russian Federation*, the Ministry of Labour and Social Protection is in charge of the supervision and coordination of all labour-related matters and ensures the uniform application of legislation and implementation of state policy in its area of responsibility.⁴³⁴ In *Brazil*, the Office of the Executive Secretary at the Ministry of Labour and Employment is the unit responsible for handling internal coordination among the ministry’s bodies.⁴³⁵

278. The Committee notes that coordination is also ensured through comprehensive policy agendas, strategies and plans which are prepared and adopted at the central level and shared with the operational level of the labour administration. The Committee notes that the design of a common strategic framework for the ministry of labour and the definition of overall strategic objectives is important in order to ensure coherent and uniform implementation of labour policy by the various units and departments at the central, regional and local levels and by

429 Convention No. 150, Art. 4, and Recommendation No. 158, Para. 4.

430 For example, *France*.

431 Rychly, *Ministries of Labour: Comparative Overview*, 9. See for example: ILO, [Namibia Labour Administration and Inspection Needs Assessment](#), Technical Memorandum, 2013; ILO, [Kenya Labour Administration and Inspection Needs Assessment](#), Technical Memorandum, 2010.

432 For example, CEACR, Convention No. 150: *Armenia*, direct request, 2015; *Iraq*, direct request, 2015; *Trinidad and Tobago*, direct request, 2020; *Ukraine*, direct request, 2020.

433 For example, CEACR, Convention No. 150: *Australia*, direct request, 2014; *Czechia*, direct request, 2014; *El Salvador*, direct request, 2014; *Finland*, direct request, 2022; *Rwanda*, direct request, 2022; *United Kingdom – Isle of Man*, direct request, 2020.

434 *Russian Federation*, Decree of the President of the Russian Federation on the Structure of Federal Executive Authorities No. 636 of 21 May 2012; and Regulations of the Ministry of Labour and Social Protection of the Russian Federation approved by Government Resolution No. 610 of 19 June 2012.

435 Other examples, using different appellations, include *Nigeria*, *Panama*, *Seychelles*, *Sri Lanka* and *Trinidad and Tobago*.

parastatal agencies. The existence of strategic plans or outlines for the work of the ministry of labour has been reported by a number of countries. In *Croatia*, the annual reports of the Ministry of Labour, Pension, Family and Social Policy are based on the annual work plan of the ministry and relate to the 2030 National Development Strategy. The Ministry also draws up a National Plan for Labour, Safety at Work and Employment every six years and an action plan for the implementation of the National Plan every two years.⁴³⁶

279. The Committee also notes the importance of ensuring that strategic objectives leading the work of labour administrations are coordinated among the different labour administration services. These objectives should also be measurable or time-bound so that they can be evaluated against specific indicators to allow labour administrations to assess their results and be accountable for the achievement of set goals.⁴³⁷

In *Cabo Verde*, the bodies and services of the ministry must collaborate and coordinate their respective activities in order to ensure an integrated performance in the implementation of public policies defined by the ministry. The bodies and services of the Ministry operate according to objectives established in duly approved annual or multi-annual activity plans, and follow-up and monitoring are carried out through the evaluation of performance indicators set annually by the minister. The General Directorate for Planning, Budget and Management at the ministry has the task of studying, coordinating and providing technical support in the preparation of the tri-annual plans and liaison with the central planning services in the process of preparing the National Development Plans and monitoring their execution.⁴³⁸

280. Reporting is an important tool for ensuring coordination. A considerable number of countries indicate that bodies under the direct, delegated or indirect management of the ministry, such as departments, directorates, decentralized units or public and parastatal agencies, have an obligation to submit periodic reports to the ministry. For example, in *Germany*, the Federal Ministry of Labour and Social Affairs oversees the Federal Employment Agency. The Government indicates that the ministry performs regulatory oversight aimed at ensuring that laws and regulations are observed. In addition, the agency must submit an annual report to the ministry, which must be presented to the board of directors and approved by the administrative council. In the *Dominican Republic*, each directorate under the Ministry of Labour sends its quarterly report on the activities carried out to the Directorate of Planning and Development at the ministry for review, consolidation and preparation of the annual report.⁴³⁹

281. Some countries report the existence of a specific unit, department or bodies responsible for ensuring coordination within the various ministerial departments. In *Argentina*, for example, coordination units are sometimes activated in the context of specific policies, such as the Coordination Unit on Policies for the Eradication of Child Labour and Protection of Adolescent Labour, which reports to the Under-Secretariat for Inclusion Policies in the World of Work at the Ministry of Labour, Employment and Social Security. In *Sudan*, the Government indicates that coordination with relevant bodies within the labour administration system is accomplished through the Directorate for Coordination and Monitoring at the Ministry of Labour and Administrative Reform. In *Canada*, the Strategic Integration Governance Directorate enables the Labour Program to function well and successfully fulfil its mandate by ensuring, inter alia, strategic alignment and integration of activities within the Program.

436 Other examples include *Bangladesh, Canada, Mexico and United States*.

437 For example, *Austria, Canada, Jordan and Latvia*.

438 *Cabo Verde* (sections 8 and 16 of Legislative Decree No. 63/2021 of 29 September 2021).

439 Other examples include *Botswana, Cabo Verde, Croatia, Cuba, Czechia, Ethiopia, Latvia, Malaysia, Niger, United States and Bolivarian Republic of Venezuela*.

282. With regard to the coordination of activities performed by parastatal agencies, some countries report that coordination also occurs through mechanisms enabling the participation of the ministry of labour in the management board of the agency.

The Government of *Sierra Leone* indicates that the Ministry of Labour and Social Security participates in the board of trustees of the National Social Security and Insurance Trust and can thus ascertain that trust activities are carried out in accordance with the relevant laws and regulations.⁴⁴⁰

283. In *Brazil*, the CNI indicates that the Ministry of Labour and Employment can use inspections to verify compliance by parastatal agencies with the labour legislation. It can also hold joint meetings and forums with these bodies to discuss labour issues, share information, and ensure that objectives are understood and respected.

284. Coordination can also be achieved through guidelines, circulars or instructions issued by the ministry or by a department within the ministry in order to ensure that laws, regulations or policy documents are implemented uniformly by the various bodies of the labour administration system. For example, in *France*, when a legislative text is published, the minister or prefect issues a circular to the departments under his/her hierarchical authority, to inform them of new legislation or regulations. Circulars make it possible to present the legislation to the bodies who will have the task of applying it and ensure the dissemination of information from the Ministry of Labour to its decentralized departments. Inter-agency coordination is sometimes achieved through memoranda of understanding (MoUs).

In the *United States*, the National Labor Relations Board has long collaborated with other federal agencies to advance its mission and strengthen its enforcement efforts. Such collaboration sometimes involves MoUs, which establish ground rules for collaboration and cooperation. MoUs often include provisions on inter-agency information-sharing, investigation, enforcement, training and outreach. In the fiscal year 2022, the Board General Counsel entered into new MoUs with other agencies, such as the Antitrust Division at the Department of Justice, the Federal Trade Commission, and the Wage and Hour Division at the Department of Labour.⁴⁴¹

285. The Committee notes that ICTs can facilitate vertical coordination by improving communication between officials. For example, in *France*, labour inspection officers internally share data relating to inspections through the “WikiT” platform. The application allows the labour inspectorate to access information on the follow-up to operations and thus have an overview of all events, reports, conflicts and actions carried out with regard to a company or a site.⁴⁴²

286. A number of countries report that there is no established coordination mechanism but that coordination still takes place on an ad hoc basis. For example, in *Burkina Faso*, the Government indicates that there is no single institutional structure established to coordinate the different bodies of the labour administration system. However, these bodies are organized around a general secretariat which coordinates the internal activities of each structure and provides guidance based on relevant labour policies. In *Estonia*, the different bodies within the labour administration system cooperate through, for example, regular meetings, shared overviews of activities, collaboration in the preparation of legislative changes, and specific discussions on an ad hoc basis.

440 Other examples include *Belgium, Guinea, Nigeria, Slovakia, Trinidad and Tobago* and *Zambia*.

441 Other examples include *Costa Rica, Czechia* and *Mali*.

442 Other examples include *United States*. See also: Galazka, *Report on the Global Survey into the Use of ICTs*, 15.

287. In some cases, the Committee notes that there is either a lack of coordination or that the coordination mechanisms in place are not adequate for ensuring the harmonious operation of the labour administration system.⁴⁴³ For instance, in *Mali*, the Government indicates that coordination does not take place through a central body and the various bodies of the labour administration system act according to their assigned areas of responsibility without any particular synergy among them. In *Namibia*, the Government indicates that coordination of employment matters is currently under the Ministry of Labour, Industrial Relations and Employment Creation, but is not functioning at an optimum level. The Government is giving consideration to establishing the Employment Creation Commission, which will centralize the coordination of activities concerned with aspects of employment.

288. The social partners point to areas where challenges persist and improvements are needed. The ITUC indicates that the variety of organizational schemes poses challenges to the overall good governance of labour matters and labour policy coordination and coherence and calls into question the central role of labour ministries and departments in labour administration systems, as stated in Article 9 of Convention No. 150. It also emphasizes that the importance of an effective system of labour administration as the nerve centre for guiding, coordinating and achieving economic and social progress through employment and labour policies and standards cannot be overstated, including the pivotal role played by labour ministries and highly competent, well-resourced and experienced labour officials, as the central authorities in charge of policy coherence, coordination and delivery in attaining economic and social progress. In *Portugal*, the General Workers' Union (UGT) indicates that while labour administration services are becoming increasingly centralized with a view to effective intervention, the situation concerning coordination is far from ideal. It also indicates that joint operations, including inspections, carried out by the Employment and Vocational Training Institute, the Social Security Service and the Labour Inspectorate should be replicated in other areas, including through exchanges between their respective databases with due regard for the need to safeguard personal data. In *Guinea-Bissau*, the UNTG-CS indicates that no department at the Ministry of Civil Service, Labour, Employment and Social Security has presented any strategic plan to ensure the proper functioning of the labour administration system, and this is reflected in the poor functioning of public services. In addition, there is no structured coordination of the tasks and responsibilities of the various labour administration bodies or with related external services. In *Ethiopia*, the CETU indicates that there are some existing gaps in coordination and policy coherence. For example, although the Ministry of Labour and Skills is responsible for labour matters, skills development and job creation, it seems to prioritize its job creation responsibilities over the rest of its portfolio.

289. The Committee notes that coordination in federal states is of particular relevance as differences in resources available and in policy approaches between federal entities can inhibit common responses to matters such as undeclared work, unemployment, occupational health and safety issues and violations of labour standards. In *Belgium*, the Consultative Committee brings together federal, regional and community ministers in an attempt to prevent or resolve conflicts of interest and some of the conflicts of competence that arise between the components of the Belgian federal State. The above-mentioned Committee deliberates in a consensual manner. In addition, the federal, community and regional authorities have concluded cooperation agreements concerning the joint exercise of competences and the creation and management of common services. In *Australia*, with regard to OSH policies, coherence has been achieved across multiple subnational jurisdictions by enacting common laws and regulations agreed between the various governments.⁴⁴⁴ In *Argentina*, the Under-Secretariat for Territorial Coordination coordinates the implementation of all actions that the Ministry of Labour, Employment and Social Security decides to carry out in the Autonomous City of

443 CEACR, Convention No. 150: *Armenia*, direct request, 2015.

444 See also: Cooney et al., *OSH and the COVID-19 Pandemic: A Legal Analysis*, 27.

Buenos Aires and in the provinces, providing them with the necessary administrative and service support through the organizational units distributed throughout the national territory, procuring and managing the respective resources.

290. *The Committee emphasizes once again the importance of ensuring that, when several agencies or bodies of the labour administration system are engaged in similar functions, these bodies are effectively coordinated in their actions in order to avoid duplication and different interpretations of laws and regulations and to ensure coherent implementation of national labour policy.*

2.5.3. Coordination on socio-economic policies

291. The Committee notes that, in addition to the need to ensure coordination within the labour administration system, issues of horizontal coordination also need to be addressed so as to ensure that objectives in one sphere of policy (e.g. labour and employment) are consistent with, and supportive of, objectives in other policy areas. New labour policies often have implications for the programmes of ministries which are not primarily responsible for labour matters; it is therefore vital that all ministries are informed of new policy proposals at an early stage and that they have an opportunity to provide comments.⁴⁴⁵ In addition, coordination between the ministry of labour and the ministry responsible for economic and financial matters is of particular importance as finance ministries typically determine departmental budgets. In many countries, budgets available for active labour market policies result from negotiations between labour and finance ministries. In view of the labour ministry's everyday contact with the world of work through field offices, labour inspectorates and job centres, and their interaction with employers' and workers' representatives, they have a unique perspective and a voice that needs to be heard.⁴⁴⁶

292. The central labour administration body should be a link between the whole labour administration system and the rest of the public administration, and should ensure in particular its representation at all appropriate levels of the administrative and advisory bodies in which information is collected, decisions are prepared and taken, options are defined, and implementation measures are devised in the field of social and economic policies.⁴⁴⁷ This principle, which is also reflected in Paragraph 19 of Recommendation No. 158, aims at ensuring the involvement of labour administrations in all aspects related to the labour policy and at avoiding its marginalization in those decision-making processes. The increasing complexity of modern systems of government, with ramifications extending to virtually all fields of human activity and to all sectors of the national economy, has caused the development of more institutional links knitting together the whole framework of public administration.⁴⁴⁸ The Committee notes that the State's role in labour, employment, social security, and workforce planning, including the provision of services in this field, requires constant liaison between the labour ministry, the highest national authorities, and numerous other ministries and national public bodies.

293. The Committee notes that an important part of socio-economic policies is often defined in tripartite bodies such as socio-economic councils or sectoral bodies. Therefore, the participation of the labour administration in these bodies is essential to ensure its representation at all appropriate levels of the administrative and advisory bodies. These aspects of coordination with the social partners are dealt with in Chapter 3.

294. The Committee notes that some countries report on the coordination of labour administration systems with bodies responsible for defining social and economic policies. In practice,

445 Thomas Hastings and Jason Heyes, *Comparative Developments in Labour Administration* (ILO, 2016), 20.

446 ILO, *Labour Administration and Labour Inspection*, ILC.100/V, paras 98 and 99.

447 ILO, *Report of the Meeting of Experts on Labour Administration*, 1973, para. 40.

448 ILO, *Labour Administration: Role, Functions and Organisation*, 1976, 119.

this coordination can be ensured through regular meetings of the cabinet of ministers, the existence of coordination committees or specific thematic mechanisms, and through plans or strategies. In *Azerbaijan*, for the purpose of ensuring coordinated policies among government agencies, improvement of the OSH monitoring system and effective protection of employment rights, the Committee for Labour Coordination and Administration was established by presidential decree in 2017. This body includes representatives of the government and social partners. In *Cuba*, the Ministry of the Economy and Planning, as the body in charge of directing, executing and controlling the implementation of state and government policy in the economic sphere, issues policy documents for the preparation of medium and long-term plans as well as their implementation in different sectors of the economy. These documents detail the organization of the work processes to be completed by the different levels of the state administration for achieving the goals set in the plans.⁴⁴⁹ In the *Republic of Korea*, the Government indicates that, since the number of complex tasks that cannot be dealt with by a single ministry is increasing, a system of staff quotas has been designated for inter-ministerial collaboration with a view to eliminating “invisible walls” between ministries. According to this system, when a field of policy requires inter-ministerial cooperation, the responsible ministry can file a request for the secondment of staff from other relevant ministries. In *Latvia*, the Council of Three Ministers on Employment, composed of the ministers for economic affairs, education and science, and welfare, meets regularly to ensure the implementation of balanced and mutually agreed policies in the fields of economics, welfare, employment, education and science.

2.5.4. Coordination with actors in the private sector

295. The Committee notes that the participation of the private sector in the governance of labour has expanded in recent years. The report prepared by the Office as the basis for the general discussion on labour administration and labour inspection at the Conference in 2011 acknowledges that in order to cope with increased demands and changes in the labour market, labour administrations should consider ways of working more closely with the private sector. The report also indicates that public-private partnerships can yield several benefits, such as improved delivery and access to high-quality expertise and new technology but they also require regular monitoring and strict evaluation of their effectiveness and cost.⁴⁵⁰ In addition, the ILO Global Commission on the Future of Work highlighted that, with careful design, private governance can play a positive role in contributing to the reinforcement of public governance institutions and outcomes.⁴⁵¹

296. The role of the private sector in achieving decent work is also recognized at the wider UN level. The 2030 Agenda for Sustainable Development calls for an enhanced global partnership bringing together governments, the private sector, civil society, the United Nations system and other actors.⁴⁵² The 2030 Agenda specifically highlights the importance of partnerships to ensure its implementation and fully recognizes the role played by the private sector, ranging from microenterprises to cooperatives to multinational enterprises (MNEs) in meeting its goals and targets.⁴⁵³ The UN Global Compact provides guidance and support to strengthen business respect for labour standards by embedding and implementing its labour principles (principles 3, 4, 5 and 6) within all aspects of business operations to provide and promote decent work for all workers.⁴⁵⁴

449 *Cuba*, Ministry of the Economy and Planning, *Indicaciones para la elaboración del Plan 2023. Empleo, Salarios y Prevención Social*.

450 ILO, *Labour Administration and Labour Inspection*, ILC.100/V, vii.

451 ILO, *Inception Report for the Global Commission on the Future of Work*, 2017, 41.

452 UN General Assembly, resolution 70/1, *Transforming our world: the 2030 Agenda for Sustainable Development*, A/RES/70/1 (2015), para. 39.

453 UN, 2030 Agenda for Sustainable Development, para. 67.

454 UN, Global Compact Initiative, “[The Ten Principles of the UN Global Compact](#)”.

297. The outsourcing of core labour administration functions to the private sector has traditionally been limited to a few technical areas. Typically, labour administrations use private consulting services or private-sector providers to deliver vocational training, prepare studies, provide staff training or design computerized information systems. This is often done through tailor-made contractual arrangements. More recently, there has also been a tendency to turn to the private sector for matters traditionally considered as core labour administration functions, such as labour relations (private conciliators or arbitrators), employment (private providers of placement services and training institutions), social services and social care.⁴⁵⁵ Some countries provide examples of the involvement of private actors in the governance of employment matters. In *Thailand*, for example, the Department of Employment at the Ministry of Labour has authorized a private recruitment company to act as a dispatcher of Thai workers to overseas employment and to bring foreign workers to work in the country. In addition, the Department of Skill Development has authorized private companies to engage in skill standards-testing activities.

298. Concerning specifically the provision of employment services by private agencies, Convention No. 88 and Convention No. 181 state the need to secure effective cooperation between the public employment service and private employment agencies.⁴⁵⁶ Regulating and monitoring the activities of private employment agencies requires the existence of an administrative authority responsible for the enforcement of the legislation. In most countries, the authority lies with a specifically designated department within the ministry of labour or an agency under the ministry's purview.⁴⁵⁷ The aggregation and analysis of information on the activities of private employment agencies should be presented periodically to the leadership of the responsible ministry, as well as other responsible authorities, as appropriate.⁴⁵⁸

299. Moreover, the Committee notes the expansion of private compliance initiatives,⁴⁵⁹ which include the adoption of corporate social responsibility policies by private companies to improve labour conditions in their operations or to participate in multi-stakeholder initiatives to improve labour conditions in production.⁴⁶⁰ In the field of labour inspection, the Committee has noted that self-assessment compliance tools have been introduced in certain countries to foster compliance with labour standards.⁴⁶¹ Over the last decades, auditing, monitoring and certification systems for labour standards have grown, particularly in the garment sector, alongside existing national inspection programmes.

300. The Committee notes that the IOE recalls that Convention No. 150 and Recommendation No. 158 do not specify or require any particular structure for labour administration systems. Depending on the national context, such systems may arrange for the outsourcing of certain services, including to private providers, as well as the building of public-private partnerships. According to the IOE, such collaboration may help promote employment creation and may include, among others, partnerships with universities, management and business schools, as well as training organizations. The IOE adds that due to the costs incurred for comprehensive labour administration systems, discouraging privatization options in labour administration

455 ILO, *Labour Administration and Labour Inspection*, ILC.100/V, paras 130-135.

456 Convention No. 88, Art. 11, and Convention No. 181, Art. 13.

457 For example, *Germany, Jamaica, Singapore and Switzerland*.

458 ILO, *Guide to Private Employment Agencies: Regulation, Monitoring and Enforcement*, 2007, 9.

459 ILO, *Final Report: Meeting of Experts on Labour Inspection and the Role of Private Compliance Initiatives*, MEPCI/2013/7, 2013.

460 ILO, *Labour Administration and Labour Inspection*, ILC.100/V, para. 231. See also: Frank G.A. de Bakke, Andreas Rasche and Stefano Ponte, "Multi-Stakeholder Initiatives on Sustainability: A Cross-Disciplinary Review and Research Agenda for Business Ethics", *Business Ethics Quarterly*, 29:3 (2019), 343–383. Examples include certification-based MSIs such as the Roundtable on Sustainable Palm Oil, the Forest Stewardship Council, and Fairtrade.

461 For example, CEACR, Convention No. 81: *India*, direct request, 2022; *Republic of Korea*, direct request, 2022; and *Viet Nam*, observation, 2020. See also: 2017 General Survey, paras 492–495.

may also have a dissuasive effect on Member States as regards ratifying Convention No. 150 or effectively implementing the provisions. The IOE emphasizes that, while partnering with the private sector for certain segments of labour administration should be considered as a viable option, labour administration must retain its policymaking function, oversight and monitoring with regard to private service providers, as well as ensuring proper coordination, as required under Articles 4 and 5 of Convention No. 150. Mechanisms for good governance such as benchmarking and auditing structures must be set up to ensure that private providers operate in accordance with policy, laws and ethics. These mechanisms should be consistently applied at all levels. For the IOE, this is best achieved by tripartite consultations including with the most representative employers' and workers' organizations at the national level.

301. The Committee notes that the ITUC points to some concerns over the increasing recourse to outsourcing of what are considered core labour governance matters. The ITUC indicates that whereas the Convention contemplates situations where Member States may delegate or entrust certain activities of labour administration to non-governmental organizations, the overall organization and effective operation of a system of labour administration remains the obligation and responsibility of the government. Outsourcing should therefore not be a default approach in labour administration systems. The ITUC indicates that in situations of necessity, in consultation with genuine and independent workers' and employers' organizations, outsourcing should be used only if the government can: guarantee the promotion of, and respect for, the enabling rights of freedom of association and the effective recognition of collective bargaining and other fundamental principles and rights at work; maintain its ultimate policymaking role; and properly and effectively oversee the performance of such providers and the quality-of-service delivery through a mechanism that ensures transparency and accountability so as to realize the objectives of the Convention. It further indicates that governments should therefore exercise caution when contemplating the use of non-governmental organizations, including in the context of public-private partnerships.

302. *The Committee notes that while the instruments recognize the possibility of delegating or entrusting certain labour administration activities to non-governmental organizations, the role of private actors described above in the governance of labour is a relatively new development. The definition of the labour administration system reflects the centrality of the public sector as one of the main actors, together with employers and workers and their organizations, in the administration of labour policy. The Committee is of the view that public-private partnerships can be an efficient support for implementing the delivery of certain labour administration services. At the same time, the Committee emphasizes the importance of ensuring that labour administration maintains coordination and control of these initiatives and that the most representative organizations of employers and workers are involved and consulted in the design and application of these partnerships. Furthermore, the Committee emphasizes that these initiatives are meant to supplement and not substitute the role of governments, collective bargaining and industrial relations in the governance of labour as outlined in international labour standards, particularly in Convention No. 150 and Recommendation No. 158. As recalled in its 2017 General Survey on OSH instruments,⁴⁶² the Committee emphasizes once more that forms of self-regulation, including auditing, monitoring and other compliance initiatives, can assist in improving compliance but they are not meant to replace public labour inspection and should not exempt governments from taking the necessary measures in this regard, nor should they take the place or be taken as a justification or an excuse for reducing the capacity and frequency of labour inspection visits.⁴⁶³*

⁴⁶² 2017 General Survey, para. 495. See also: ILO, Resolution concerning labour administration and labour inspection, 2011, para. 16.

⁴⁶³ ILO, *Guidelines on General Principles of Labour Inspection*, 2022, para. 2.2.11. See also: CEACR, Convention No. 81: *United Kingdom*, observation, 2016; *Viet Nam*, direct request, 2012.

► 2.6. Resources and staff of the labour administration

2.6.1. Content of the instruments

303. Labour administration cannot satisfactorily fulfil its objectives and wield sufficient influence without appropriate material means and financial resources, suitably qualified and trained staff, and a status that guarantees its independence from external influence. This is recognized in [Article 10\(1\)](#) and [\(2\)](#) of Convention No. 150, which provides that the staff of the labour administration system shall be composed of persons who are suitably qualified for the activities to which they are assigned, who have access to training necessary for such activities and who are independent of improper external influences. Such staff shall have the status, the material means and the financial resources necessary for the effective performance of their duties.

304. [Paragraph 22](#) of Recommendation No. 158 goes further and indicates that appropriate arrangements should be made to provide the system of labour administration with the necessary financial resources and an adequate number of suitably qualified staff to promote its effectiveness. In this connection, due account should be taken of: (a) the importance of the duties to be performed; (b) the material means placed at the disposal of the staff; and (c) the practical conditions under which the various functions must be carried out in order to be effective. With regard to field services, [Paragraph 26\(2\)\(b\)](#) indicates that these offices should have adequate staff, equipment and transport facilities for the effective performance of their duties.

305. [Paragraph 23](#) of the Recommendation elaborates on the importance of training by providing that the staff of the labour administration system should receive initial and further training at levels suitable for their work and that there should be permanent arrangements to ensure that such training is available to them throughout their careers. This Paragraph also indicates that staff in particular services should have the special qualifications required for such services, ascertained in a manner determined by the appropriate body. The Recommendation also takes stock of the fact that certain labour administrations, especially in developing countries, are unable to provide all the training needed for the staff of the labour administration system.⁴⁶⁴ [Paragraph 24](#) of the Recommendation indicates that consideration should be given to supplementing national programmes and facilities for the training envisaged in Paragraph 23 by international cooperation in the form of exchanges of experience and information and of common initial and further training programmes and facilities, particularly at the regional level. Networks of international arrangements have thus been developed for the training of public officials and other personnel engaged in labour administration activities.⁴⁶⁵

2.6.2. Human resources

Administration

306. As highlighted in the resolution on labour administration and labour inspection adopted at the Conference in 2011, the focus of governments should be on developing and retaining skilled human resources, since no labour administration can work without specifically dedicated staff who are qualified and adequately trained and equipped.⁴⁶⁶ Recognizing the importance of ensuring adequate human resources for an effective labour administration

⁴⁶⁴ ILO, *Labour Administration: Role, Functions and Organisation*, 1976, 149.

⁴⁶⁵ See Ch. 1, Functions relating to international labour affairs.

⁴⁶⁶ ILO, Resolution concerning labour administration and labour inspection, 2011, para. 7.

system, the Committee has requested information on several occasions concerning the status of labour administration staff and the measures adopted in order to guarantee independence from improper external influence.⁴⁶⁷

307. The Committee notes that while in most cases responsibility for the administration of the civil service staff falls within the competence of other ministries, such as the ministry of public administration, some labour administrations have specialized units which provide administrative services for managing the ministry's human, material and financial resources, including recruitment and training, as well as the relevant budget. For example, in *El Salvador*, the Department of Human Resources at the Ministry of Labour and Social Security has a specific unit dealing with skills development for the ministry's staff.⁴⁶⁸

Recruitment and conditions of service

308. The importance of guaranteeing stability of employment for public officials in labour administration was unanimously emphasized during the preparatory work for the instruments.⁴⁶⁹ Most countries report that employees of the labour administration are civil servants and that their status, selection, recruitment and conditions of service are regulated by the legislation relating to the civil service. The Committee notes that in a number of countries some labour administration staff are employed under other types of contractual arrangements, such as temporary or fixed-term contracts.⁴⁷⁰ In addition, ministerial advisers are generally appointed on the basis of personal trust and their employment depends on the discretion of the minister.⁴⁷¹ In *Belgium*, the staff of the labour administration system are either covered by the regulations governing state employees and recruited by open competition, or are hired on ordinary employment contracts following assessment by a panel. While the trend is towards progressively eliminating the disparities between these two categories of staff, some differences remain with regard to duration of the appointment, prospects of pay increases and mobility.⁴⁷²

309. The Committee notes that Article 6 of Convention No. 81 and Article 8(1) of Convention No. 129 give special consideration to labour inspection staff by requiring labour inspectors to have the status of public officials. As highlighted in the 2006 General Survey on labour inspection, the Committee notes that labour inspection staff cannot act in full independence if their service or their career prospects depend on political considerations.⁴⁷³ The Committee notes that long and stable civil service careers, with adequate career planning and opportunities for professional progression, contribute to the professionalization of labour inspectors, employment officers and other labour specialists. Civil service status guarantees that officers are appointed on a permanent basis and can only be dismissed for serious professional misconduct, which should be defined in terms that are as precise as possible to avoid arbitrary or improper interpretations.⁴⁷⁴

467 For example, CEACR, Convention No. 150: *Benin*, direct request, 2014; *Gabon*, direct request, 2014; *Greece*, direct request, 2015; *Guinea*, direct request, 2015; *Jamaica*, direct request, 2015; *Lesotho*, direct request, 2021; *Republic of Moldova*, direct request, 2021; *Spain*, direct request, 2015. This point has also been highlighted several times by the Committee in its supervision of Convention No. 81 with regard to the status and conditions of service of labour inspectors (Art. 6).

468 Other examples include *Ecuador*, *Guinea-Bissau* and *Qatar*.

469 ILO, *Report of the Meeting of Experts on Labour Administration*, para. 58.

470 For example, *Austria*, *Benin*, *Dominican Republic*, *El Salvador*, *Greece*, *Lithuania*, *Luxembourg*, *Peru*, *Republic of Korea*, *Senegal*, *Togo*, *Trinidad and Tobago* and *Türkiye*.

471 OECD, *Ministerial Advisors: Role, Influence and Management*, 2011, 37.

472 CEACR, Convention No. 150: *Belgium*, direct request, 2015.

473 CEACR, Convention No. 150: *Benin*, direct request, 2014. See also: 2006 General Survey, para. 202.

474 2006 General Survey, para. 203.

310. Many governments indicate that qualifications for recruitment to the labour administration are generally specified in civil service legislation⁴⁷⁵ and that a variety of specializations are required in order to cover the scope of the services delivered by the labour administration system. In general, conditions for admission to the civil service refer to a series of recruitment criteria, such as an appropriate level of education, adequate professional knowledge and work experience. Other criteria may refer to physical aptitude, citizenship, civil rights and absence of criminal records.⁴⁷⁶ Many countries have provided a list of the requirements or referred to the relevant provisions of the civil service legislation. In the *Russian Federation*, the Government indicates that with a view to increasing the qualifications of civil servants in the state and municipal administrations, the Ministry of Labour and Social Protection has prepared methodological guidelines for establishing eligibility requirements for posts in the state civil service. The guidelines include recommendations for state bodies on how to draw up a system of detailed qualifications for civil service posts based on a competency approach and include both basic eligibility requirements and those applicable to specific posts.⁴⁷⁷

311. As noted in the 2006 General Survey on labour inspection, the Committee is of the view that appropriate in-depth interviews of applicants, conducted in accordance with the principles of fairness and objectivity, are the best way for the competent authority to select the most suitable candidates for labour administration generally as well as labour inspection.⁴⁷⁸ The Committee also considers that in order to achieve an effective labour administration system composed of staff who perform their duties in an independent manner, qualifications should include not only technical skills but also personal qualities such as integrity and impartiality.

312. A number of countries provided information concerning salaries, salary scales and incentives offered to labour administration staff.⁴⁷⁹ In some cases, the Committee noted that salaries of labour administration staff were inadequate for ensuring an effective discharge of their duties.⁴⁸⁰ Labour administration and inspection needs assessments conducted by the ILO have highlighted the fact that in some cases labour officers are paid very low salaries which are often barely adequate for meeting cost of living requirements.⁴⁸¹ The Committee highlights the importance of ensuring that the remuneration of labour administration staff is comparable to that of officials in other areas of public administration. The Committee notes that, apart from the effect that poor salaries can have on motivation and performance, low remuneration does not contribute to enhancing the career prospects of civil servants and also heightens the risk that officials might be swayed by improper external influences in the performance of their duties.⁴⁸²

313. The Committee notes that some Member States have been working to improve labour administration efficiency, for example through the introduction of modern management methods which emphasize accountability by measuring the performance of public institutions. Some countries have therefore established a system of performance assessment for civil servants, sometimes linked to a system of staff promotion. In *Azerbaijan*, on the basis

475 For example, *Algeria, Bulgaria, Croatia, Ecuador, Eritrea, Gambia, Georgia, Kazakhstan, Lithuania, Mozambique, Myanmar, Nepal, Nigeria, Qatar* and *Viet Nam*.

476 For a study of recruitment criteria for labour inspectors, see: Arsenio Fernández Rodríguez, *A Study on Labour Inspectors' Careers* (ILO, 2020), Ch. 3.

477 Other examples include *Algeria, Bosnia and Herzegovina, Croatia, France, Georgia, Kazakhstan, New Zealand, Poland* and *Slovenia*.

478 2006 General Survey, para. 183. The Committee also noted that in most countries labour inspectors, like other public officials, need to sit in competitive examinations.

479 For example, *Azerbaijan, Ecuador, Latvia, Philippines* and *United Arab Emirates*.

480 CEACR, Convention No. 150: *Romania*, direct request, 2015; with regard to inspectors, see CEACR, Convention No. 81: *Bolivarian Republic of Venezuela*, direct request, 2020.

481 For example, ILO, *Lebanon Labour Inspection Audit: Joint outcome on Labour Inspection*, 2010, 22; *Kenya Labour Administration and Inspection Needs Assessment*, 28.

482 ILO, *Kenya Labour Administration and Inspection Needs Assessment*, 28.

of performance assessment results, the head of a government body may issue a decision to grant a personal promotion to a civil servant for the results of their work. A promotion may be granted at the recommendation of the head of a subdivision or the head of the higher government body.⁴⁸³ In *Trinidad and Tobago*, the “Guidelines for Contract Employment” issued by the personnel department of the Ministry of Labour and Small Enterprise Development address performance management matters and the ministry implements a performance appraisal procedure, which contributes to ensuring that staff are properly remunerated.⁴⁸⁴ In *South Africa*, the Public Administration Management Act, 2014 established a framework for a unified system of public administration including all three spheres of government which enables employee mobility through transfers and secondments.⁴⁸⁵

314. The Committee notes that the IOE emphasizes, in light of the recent economic upheavals at both the national and international levels, that improving the performance and efficiency of labour administration is a greater priority than ever. It further indicates that specific management techniques, such as performance contracts, have already been implemented by certain States and have proved to generate better results as well as swifter and more effective labour administration. At the same time, the Committee notes that the ITUC raises some concerns regarding the use of private management methods to evaluate the performance of labour administration services and staff. It indicates that evaluation in this context must be based on broad qualitative indicators, and it expresses doubts regarding the compatibility of private sector evaluation methods, focused on profit, with aims related to the public interest.

315. In some cases, the conditions of service offered by labour administration institutions are not attractive to qualified workers, especially highly trained technical specialists, and this also creates a high turnover of staff or difficulties in retention of qualified staff.⁴⁸⁶ In *Peru*, the CATP indicates that there is currently no general labour regime that guarantees career progression so that workers in public administration can improve their employment conditions over time. In the *Dominican Republic*, the National Confederation of Trade Union Unity (CNUS) raises issues relating to the independence of labour administration staff, indicating that workers in the public administration are at risk of losing their jobs due to the elections. In addition, the CNUS indicates that salaries in the public administration are inadequate. In *Argentina*, the Confederation of Workers of Argentina (CTA Autonomo) indicates that many labour inspectors are employed under civil law service contracts and argues that the lack of stability that this form of employment entails has a negative impact on the effective discharge of their duties. The Committee notes that in some cases governments highlight the lack of specialists to meet the requirements of the service.⁴⁸⁷

316. The Committee notes that, in the context of high turnover levels among labour administration staff, there are significant costs associated with the time taken to recruit and train new staff as well as with the loss of institutional knowledge and continuity. The Committee also considers that staff stability can have beneficial effects on policy development and continuity and therefore impact the overall efficiency of the labour administration system. In addition, the Committee notes that in order to attract qualified candidates and to ensure the retention of competent and motivated staff, the conditions of service should be adequate,

483 *Azerbaijan*, Presidential Decree No. 774 of 24 August 2002 on provisions concerning forms of promotion for civil servants and the associated regulations, para. 10.

484 CEACR, Convention No. 150: *Trinidad and Tobago*, direct request, 2020.

485 Other examples include *Belgium, Brazil, Canada, Kenya, Lesotho, Netherlands, United Kingdom* and *United States*.

486 For example, ILO, *Namibia Labour Administration and Inspection Needs Assessment*, 29. See also: CEACR, Convention No. 150: *Latvia*, direct request, 2021. For information specifically concerning labour inspectors, see: CEACR, Convention No. 81: *Liberia*, direct request, 2021; *United Kingdom*, observation, 2020; *Zimbabwe*, direct request, 2020. See also: Rychly, “The Changing Fortunes of Labour Administration”, 36.

487 CEACR, Convention No. 150: *Gabon*, direct request, 2014; *Ghana*, direct request, 2016; *Latvia*, direct request, 2021; and Convention No. 81: *South Africa*, direct request, 2020.

taking into consideration the socio-economic conditions of the country, should be commensurate with levels of responsibility, and should be comparable in pay as well as supporting resources to those of other public servants performing similar functions.

Training

317. Most countries report that they provide some kind of training to labour administration staff. In some cases, the training is provided by a centralized civil service training institution responsible for delivering training to senior administrators and managers in the public administration. For example, in *Bulgaria*, all new entrants to the civil service occupying expert and managerial positions undergo mandatory training organized by the Institute of Public Administration.⁴⁸⁸ Some countries indicate that labour administrations have a dedicated training department or institution within the labour administration structure. For example, in *Germany*, the state-recognized University of Applied Labour Studies attached to the Federal Employment Agency was established in 2006. The university offers bachelor's degrees in labour market management, careers guidance and case management programmes, and equips future specialists and management staff with the necessary qualifications for their work in the Federal Employment Agency.⁴⁸⁹ Some countries report that they have adopted plans or strategies for human resources training in the labour administration. For example, in *Sri Lanka*, the Department of Labour prepared a human resources development plan for the department for 2021 and 2022 to ensure that each employee receives at least 12 hours of training per year. In *Colombia*, the Ministry of Labour has a "Strategic Human Resources Plan 2023" which aims at defining the lines of action with regard to training throughout the different stages of employees' careers.⁴⁹⁰

318. In addition, a number of countries provide information on initial training, which sometimes corresponds to the probationary period, and aims to familiarize newly recruited civil servants with, inter alia, the working environment and the relevant legal framework. For example, in *Cabo Verde*, successful candidates for civil servant positions undergo a year of probationary training, and those who successfully complete this phase are appointed as career inspectors or experts.⁴⁹¹ Some countries report on subsequent training for civil servants in the labour administration. In *Ireland*, all adjudication officers at the Workplace Relations Commission are required to complete a workplace adjudication programme before being in a position to carry out their functions. In addition, they are required to attend continuous improvement sessions held twice a year by the Commission. Furthermore, when labour inspectorate staff are appointed, they receive intensive structured training with regard to employment law and their inspection duties, and also regular ongoing improvement training.⁴⁹²

319. In this regard, the Committee notes that the digitalization of labour administrations and the switch to online services and teleworking arrangements during the COVID-19 pandemic have highlighted the need for the human resources of the labour administration to receive adequate digital skills training in order to provide them with the competencies that are necessary to operate in an increasingly digital world. Sometimes, digital training initiatives cover the public sector as a whole.⁴⁹³ In *Honduras*, the Government indicates that one of the factors which hampered teleworking for labour administration employees during the COVID-19 pandemic

488 Other examples include *Bosnia and Herzegovina, Brunei Darussalam, Samoa, Slovenia, United States* and *Viet Nam*.

489 Other examples include *Argentina* and *Cuba*.

490 Other examples include *Argentina, Iceland, Netherlands, Portugal* and *Seychelles*.

491 Other examples include *Bosnia and Herzegovina, Bulgaria, China, Iceland, Maldives, Mozambique, Nigeria, Norway, Portugal, Sri Lanka* and *Togo*.

492 Other examples include *Bulgaria, Greece, Lithuania, Nigeria, Serbia, Sudan* and *United States*.

493 OECD, *The OECD Framework for Digital Talent and Skills in the Public Sector*, OECD Working Papers on Public Governance No. 45, June 2021, 27–28.

was the lack of training in remote working procedures. Here, a minority of officials reported having received guidelines for teleworking from their administration and less than 30 per cent acknowledged having received training in the use of technological tools for teleworking.

320. The Committee emphasizes the benefits of comprehensive training programmes, plans and strategies which include induction training and lifelong learning⁴⁹⁴, based on the specific sets of skills required by the staff for the performance of their duties. These plans can assist with the professional development of staff, increase motivation and commitment, and ensure that labour administrations are equipped to meet future needs.

Scale of human resources

321. With regard to labour administration staff numbers, the Committee welcomes the efforts made by some countries in providing information on the total number of employees at the ministry of labour or its responsible government equivalent,⁴⁹⁵ or on certain bodies in the labour administration system.⁴⁹⁶ The Committee notes that most countries reported that there was no impact on the number of staff allocated to the labour administration system during and in the aftermath of the COVID-19 pandemic.⁴⁹⁷ In some cases, the Committee noted a decrease in the number of inspectors or a halt in the recruitment of new inspectors as a direct result of the difficulties arising from the COVID-19 pandemic.⁴⁹⁸

322. Some countries indicate having taken measures to increase or reallocate staff working in the labour administration system in order to respond to the needs created by the pandemic.⁴⁹⁹ For example, in *Portugal*, the health crisis made it necessary to increase the capacity of the Working Conditions Authority (ACT) in areas such as the preparation and dissemination of information on the prevention of biological risks in the workplace. In light of the shortage of labour inspectors, 150 inspectors, senior experts and other inspection staff members were requisitioned from other labour administration services in order to temporarily expand the powers and resources of the ACT.⁵⁰⁰ According to the UGT in *Portugal*, the lack of staff in inspection activity has been repeatedly denounced and it was only recently, as a result of the pressure caused by the pandemic, that the issue was seriously addressed by the Government.

323. In a number of cases, the Committee noted concerns over staff reductions due to budgetary constraints,⁵⁰¹ particularly in the aftermath of the 2008 economic crisis,⁵⁰² and observed that the issue of understaffing primarily affects developing countries and often concerns the staff in the labour inspection service.⁵⁰³ For example, in *Sierra Leone*, the number

494 See the [Quality Apprenticeships Recommendation, 2023 \(No. 208\)](#). See also, ILO, [The ILO Strategy on Skills and Lifelong Learning 2030](#), 2023.

495 For example, *Argentina, Cameroon, Gambia, Georgia, Guatemala, India, Ireland, Liberia, Nepal, New Zealand, Poland, Senegal, Seychelles, Spain, Sweden, Türkiye* and *United Arab Emirates*.

496 For example, *Brunei Darussalam, Costa Rica, Czechia, Iceland, Italy, Norway* and *Sweden*.

497 For example, *Botswana, Bulgaria, Mozambique, Oman* and *United Arab Emirates*.

498 CEACR, Convention No. 81: *Ecuador*, observation, 2022; Conventions Nos 81 and 129: *Hungary*, observation, 2022.

499 For example, *Australia, Lithuania, Spain* and *United Kingdom*.

500 The matter was the subject of a representation submitted under article 24 of the ILO Constitution by the Union of Labour Inspectors (SIT) alleging non-observance by Portugal of Conventions Nos 81, 129 and 155. The recommendations of the Tripartite Committee set up to examine the representation were adopted by the Governing Body in June 2022. See [GB.345/INS/5/5](#).

501 CEACR, Convention No. 150: *Gabon*, direct request, 2014; *Ghana*, direct request, 2016; *Lesotho*, direct request, 2021.

502 CEACR, Convention No. 150: *Portugal*, direct request, 2016; *Romania*, direct request, 2015; *Spain*, direct request, 2015.

503 CEACR, Convention No. 81: *Antigua and Barbuda*, direct request, 2020; *Austria*, direct request, 2022; *Bangladesh*, observation, 2022; *Russian Federation*, observation, 2022; *Uzbekistan*, direct request, 2022; Conventions Nos 81 and 129: *Albania*, observation, 2020; *Argentina*, direct request, 2016; *Croatia*, observation, 2018. See also: Decent Work Country Programmes (DWCPs) for [Jordan, Nepal](#) and [Suriname](#).

of employees at the Ministry of Labour and Social Security in comparison to other ministries is low, and the ministry has not received approval to recruit staff despite there being more than 50 vacancies. Observations received from the social partners also highlight deficiencies in the scale of human resources of the labour administration. For example, in the *Dominican Republic*, the CNUS indicates that the human resources of the labour administration are scarce. In *Canada*, the CLC indicates that it has repeatedly raised concerns with the Government regarding insufficient staffing and resources to support an effective labour administration. In *Trinidad and Tobago*, the Employers' Consultative Association of Trinidad and Tobago (ECA) indicates that of the 14 approved positions for the Department of Labour of the Tobago House of Assembly, more than 50 per cent remain vacant. In *Ethiopia*, the CETU indicates that there are continuous gaps in the institutional capacities of the labour administration, including understaffing, low number of labour inspectors and a skills deficit. In the *Republic of Korea*, the Korean Confederation of Trade Unions (KCTU) indicates that, although the number of labour inspectors has increased since 2017, the inspectorate remains unable to ensure substantial and adequate oversight of occupational hazards and accidents.

324. The Committee notes that the assessment concerning an adequate number of staff in the labour administration system depends on various factors related to specific national conditions. The Committee recalls that, even with the most efficient use of resources, an insufficient number of staff jeopardizes the effective functioning of the labour administration system, with a likely adverse effect on the quality and quantity of services delivered. The Committee therefore encourages governments to take the necessary measures to ensure that the labour administration has a sufficient number of staff, that vacant posts are filled without undue delay, and that adequate budgetary resources are allocated to that effect.

2.6.3. Material means and financial resources

325. The centrality of the material and financial resources allocated to the labour administration system emerges from the preparatory work on the instruments. The issue of financial resources is key to the effectiveness of the labour administration system. Governments' political will to improve labour administration systems should therefore be translated into adequate financial provision, which is progressively updated.⁵⁰⁴

326. The Committee welcomes the detailed information provided by some countries on the budget allocated to the labour administration system or to some of its branches.⁵⁰⁵ The Committee notes that some countries indicate the percentage of the state budget allocated to the labour administration. For example, in *Sri Lanka*, the budget allocated to the Department of Labour is less than 1 per cent of the state budget and this amount has been almost halved in the last five years. In *Suriname*, the budget allocated to the labour administration system between 2019 and 2022 was between 2.5 and 4.1 per cent of the state budget. In *Zambia*, the percentage of the national budget allocated to the labour administration was 0.03 per cent both in 2021 and 2022. In *Sierra Leone*, less than 1 per cent of the national budget has been allocated to the Ministry of Labour and Social Security in 2023. In *Seychelles*, for 2022, the Employment Department received a total budget representing 0.52 per cent of the overall government budget. The budget share allocated to this department for the 2017–21 period increased from 0.3 to 0.5 per cent. In *Liberia*, the budget allocated to the Ministry of Labour is about 0.3 per cent of the national budget. Furthermore, according to publicly available information, in the *United States*, 0.5 per cent of the federal budget has been allocated to

⁵⁰⁴ ILO, *Report of the Meeting of Experts on Labour Administration*, para. 56.

⁵⁰⁵ For example, *Argentina, Australia, Cameroon, Croatia, Cuba, Cyprus, Estonia, France, Guatemala, Ireland, Israel, Japan, Kazakhstan, Liberia, Lithuania, Maldives, New Zealand, Panama, Philippines, Slovenia, Spain, Suriname, Thailand, Togo, Türkiye, United Arab Emirates, United States and Zimbabwe*.

the Department of Labor in 2023.⁵⁰⁶ In addition, in *France*, 2.58 per cent of the state budget has been allocated to the Ministry of Labour, Full Employment and Integration in 2023.⁵⁰⁷ In *Peru*, the CATP indicates that the total amounts allocated to labour administration represent a minor portion of the general budget, with less than 0.5 per cent for 2011–19 and under 0.4 per cent for 2023.

327. Although it is difficult for the Committee to provide an overview and examination of the budgetary fluctuations relating to labour administrations in recent years because of limited samples, different trends concerning specific labour administration services, and different reporting methods, the Committee notes that, for those countries that provided figures, budgetary allocations have remained fairly constant in the last few years, generally with an increase in resources during the years affected by the COVID-19 pandemic and a return to pre-pandemic levels in 2022.⁵⁰⁸ In *Peru*, the CATP indicates that although there were substantial increases in 2020 and 2021 in the budget assigned to the labour sector, these corresponded to the payment of financial bonuses and to social security measures aimed at addressing the emergency caused by the pandemic. The trade union indicates that after this period the labour administration budget displayed the trend observed before the pandemic, namely an increase in the amounts assigned but a decrease in the percentage of the total state budget. The Committee notes that in a few countries there was a decrease in budgetary allocations during the pandemic.⁵⁰⁹

328. In relation to the specific budgetary measures adopted during the pandemic, a number of countries provide details as to the destination of the increased funds. In *Germany*, for example, as a result of the COVID-19 pandemic, the Federal Employment Agency's expenditure increased significantly, in particular for short-time work, in order to handle the additional workload. This included the use of temporary and short-term employment options to enable flexibility in responding to the challenges arising from the crisis. In *Indonesia*, the use of resources was optimized through teleworking arrangements and additional resources were allocated in order to protect the health of workers in the labour administration system. In *Estonia*, an additional budget related to the pandemic was mainly assigned to the Unemployment Insurance Fund, which paid wage subsidies to companies and the labour inspectorate, in connection with inspectors' additional work. In *Finland*, employment and economic development offices were allocated considerable additional funding in 2020 as the number of customers increased owing to the COVID-19 pandemic. The increased budget was used to strengthen customer services and reinforce the capacity of the immigration service. In *Bangladesh*, an additional budget was allocated during the pandemic to monitor the health and safety of workers, including in the telemedicine service.⁵¹⁰ Some countries indicated a steady increase in the resources allocated to the ministry of labour or to some of the labour administration services, such as labour inspection or social security.⁵¹¹ Budgetary fluctuations were in some cases related to structural changes, as in *Croatia*, for example, where the labour administration budget increased substantially as of 2020 on account of the merging of the Ministry of Labour and Pension System and the Ministry of Demography, Family, Youth and Social Policy.

⁵⁰⁶ See the governmental website: [Department of Labor](#).

⁵⁰⁷ See the governmental website: [Expenses by Ministry](#).

⁵⁰⁸ For example, *Estonia, Finland, Germany, Ireland, Israel, Japan and Suriname*.

⁵⁰⁹ For example, *Panama and Togo*. In some countries there was a reduction in the budget allocated to certain services.

⁵¹⁰ Other examples include *Bulgaria, New Zealand, Philippines, Senegal and Slovakia*.

⁵¹¹ For example, *Guatemala, Kazakhstan, Netherlands, Senegal and Slovakia*.

329. With regard to material resources, the Committee notes that a number of countries submitted details of the transport, infrastructure and office facilities available to the labour administration system.⁵¹² Some countries reported specifically on the acquisition of ICT equipment,⁵¹³ in some cases due to the digital acceleration during the COVID-19 pandemic.⁵¹⁴

330. Despite the efforts undertaken by a number of countries to increase the financial and material resources at the disposal of the labour administration system in recent years, the Committee notes that the persistent lack of financial and material resources continues to be a challenge for many labour administrations, particularly but not exclusively in developing countries.⁵¹⁵ In *Sri Lanka*, for example, the Government indicates a lack of adequate logistical resources due to budgetary limitations. Similarly, in *Sudan*, there are insufficient logistical and material resources for carrying out the work. In *Mali*, the labour administration lacks logistical and material resources and, as a result, labour inspectors do not have any vehicles to carry out inspections in the field. In *Senegal*, providing a detailed overview of the transport facilities available to labour inspectors, the Government indicated that most of the vehicles are in poor condition. In the *Central African Republic*, the Committee noted that the application of the Convention is encountering a number of difficulties, primarily due to the inadequate proportion of the national budget allocated to the labour administration system, and particularly to the Ministry of Labour.⁵¹⁶

331. The Committee also notes that the IOE emphasizes that properly functioning labour administration systems require adequate resources and professional, qualified staff at all levels and for all activities. The IOE indicates that in countries where available resources are at critically low levels, a substantial and sustained increase of resources is required. However, it also indicates that there is no universal yardstick for determining the level of resources needed to address labour administration issues. Suitably qualified staff, adequate material means, and financial resources are important factors but are not the only elements required for the proper functioning of labour administration systems and services. The IOE considers that continuous adaptation to new challenges and modernization of working methods, such as the application of private-sector management methods to certain functions of labour administration, can also have a positive impact on the effectiveness and efficiency of labour administration.

332. The Committee notes that the trade unions also emphasize existing issues regarding the material and financial resources allocated to labour administration systems. The ITUC expresses concern with regard to the persisting gaps in the institutional capacities of labour administrations, including severe understaffing and a lack of financial resources and material equipment, further weakened as a result of successive economic crises. In this respect, it indicates that, in many countries and especially developing countries, the institutional capacities of labour administrations remain disproportionately small in relation to their responsibilities. In *Guinea-Bissau*, the UNTG-CS indicates that none of the services provided under the Ministry of Civil Service, Labour, Employment and Social Security can develop their activities under normal conditions owing to the lack of financial, material and human resources. In the *Republic of Korea*, the Federation of Korean Trade Unions (FKTU) notes that the budget for employment services has been reduced by 6.2 per cent in 2023 and that there is a need to expand the infrastructure and budget for this labour administration function. In this regard, the Government replied that it has been constantly reinforcing human resources in the public employment service and it further plans to make efforts to secure a high-quality workforce.

512 For example, *Bahamas, Costa Rica, Gambia, Georgia, Guatemala, Latvia, Lithuania, Norway, Poland and Senegal.*

513 For example, *Botswana, Costa Rica, Latvia and Trinidad and Tobago.*

514 For example, *Costa Rica and Kuwait.*

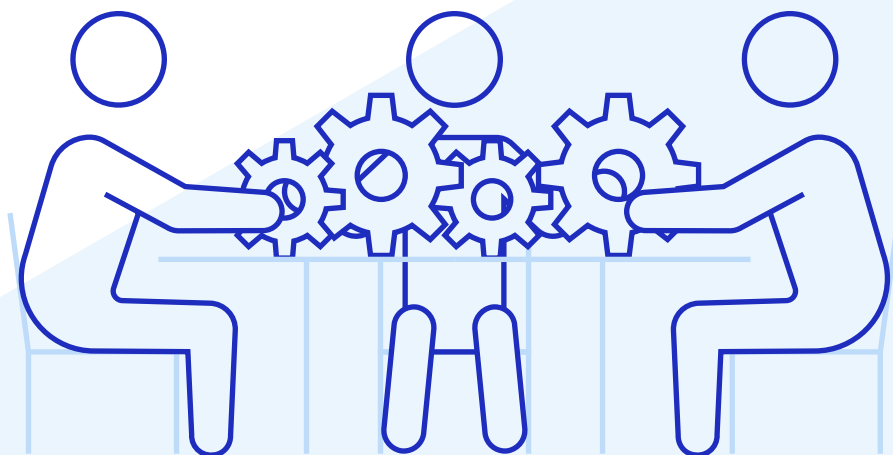
515 For example, *Sierra Leone.* See also: CEACR, Convention No. 150: *Gabon*, direct request, 2014; DWCP for *Jordan.*

516 CEACR, Convention No. 150: *Central African Republic*, direct request, 2014.

In *Argentina*, the CTA Autonomous points to the lack of suitable infrastructure and material resources available to labour inspectors, as well as to the low number of inspectors. It indicates that this results in insufficient controls and enforcement, which contributes to the high rate of unregistered employment. In *Bangladesh*, the Trade Union's International Labour Standards Committee (TU-ILS Committee) indicates that the budget allocated to the Ministry of Labour and Employment is insufficient and on a declining trend, and that no sufficient support was received during the COVID-19 pandemic.

333. The Committee highlights the fact that the lack of material resources affects not only the capacity of labour administrations to carry out their work, such as inspections, training programmes or job placement, but also their policymaking ability. For example, information collected manually by employment officers or labour inspectors or data from collective agreements are difficult to gather, analyse and use for policymaking. Consequently, labour administrations suffer from a lack of relevant, reliable and complete information for decision-making.⁵¹⁷ The Committee therefore urges governments to ensure that labour administrations are allocated the necessary resources to perform their tasks and to ensure that their role and the importance of their work receive due recognition.

⁵¹⁷ ILO, *Labour Administration and Labour Inspection*, ILC.100/V, paras 69 and 70.





3

Participation by employers, workers and their organizations in the system of labour administration



▶ 3.1. Introduction

334. The institutional framework for consultation with, and participation by, employers and workers and their organizations on labour-related matters is a key part of the labour administration system. Employers, workers and their organizations are, together with governments, the actors of the labour administration system and at the same time the players in tripartite social dialogue. More than just users of the labour administration system, employers and workers are active participants, including in designing and managing its activities.⁵¹⁸ Social dialogue includes all types of negotiation, consultation and exchange of information between or among representatives of governments, employers and workers on issues of common interest relating to economic and social policy. Social dialogue is both a means to achieve social and economic progress and an end in itself, as it gives people a voice and a stake in their societies and workplaces.⁵¹⁹

335. Freedom of association and the effective recognition of the right to collective bargaining are the basis for social dialogue. At the same time, consultations between governments and social partners are essential to ensure respect for fundamental principles and rights at work.⁵²⁰ Social dialogue is embedded in practically all ILO Conventions and Recommendations and in the Decent Work Agenda. Such instruments cannot become fully operational without effective social dialogue, as many provisions in the Conventions explicitly require consultations with the social partners to ensure their implementation. Detailed guidelines on how governments should proceed in regulating rights and practices fundamental to social dialogue, as well as on how to develop social dialogue in policy areas such as employment, social protection and human resources, are provided in many ILO standards.⁵²¹ In this regard, the Conventions on freedom of association and collective bargaining⁵²² and the governance Conventions,⁵²³ along with Convention No. 150 and Recommendation No. 158, highlight the key role that labour administrations have to play in creating the enabling environment for promoting and ensuring sound social dialogue.

336. Social dialogue and tripartism are essential for good governance: they play a key role in efforts to prepare, implement and evaluate national social and labour policies, to overcome the challenges linked to the evolving world of work, and to achieve the Sustainable Development Goals (SDGs).⁵²⁴ Tripartite and bipartite social dialogue are important mechanisms in a number of labour administration functions, such as establishing wages and working conditions, promoting decent work, social protection, occupational safety and health, supporting skills development, reducing inequalities and protecting against discrimination, and anticipating and managing change. Social dialogue can be a strong driver for economic and social resilience, competitiveness, stability, sustainable and inclusive growth and development, and its relationship with the labour administration system is therefore of vital importance.⁵²⁵

337. At the same time, strong labour administrations are equally important for effective social dialogue to take place. Social dialogue presupposes the existence of autonomous social partners capable of regulating their own mutual relations. This autonomous regulation

518 1997 General Survey, para. 168.

519 ILO, [Social Dialogue and Tripartism](#), ILC.107/VI(Rev.), 2018, para. 6.

520 ILO, [Resolution concerning the recurrent discussion on social dialogue](#), International Labour Conference, 102nd Session, 2013, para. 2.

521 ILO, [Social Dialogue: Recurrent Discussion under the ILO Declaration on Social Justice for a Fair Globalization](#), ILC.102/VI, 2013, para. 24.

522 Convention No. 87; Convention No. 98; and Convention No. 154.

523 Convention No. 81; Convention No. 129; Convention No. 122; and Convention No. 144.

524 ILO, [Social Dialogue and Tripartism](#), para. 21.

525 ILO, [Resolution concerning the second recurrent discussion on social dialogue and tripartism](#), International Labour Conference, 107th Session, 2018.

by social partners themselves requires a system of institutional support by governments.⁵²⁶ This institutional support takes different forms, as the government acts in the field of labour relations not only as a regulator and administrator but also as the biggest employer.⁵²⁷

338. The particular relationship between labour ministries and the social partners, in terms of both involvement in policymaking and institutional links, is a specific facet of labour administrations. Strengthening this relationship should be a key objective of labour administration strategies as a means of increasing the policymaking capacity, status and influence of these administrations.⁵²⁸

339. This chapter examines the role of labour administrations as a forum for contact, dialogue and negotiation within the framework established by Convention No. 150 and Recommendation No. 158. It looks in particular at the role of social dialogue in the governance of labour and how this translates in the existence of social dialogue bodies in the labour administration architecture, including the mechanisms for securing consultation, cooperation and negotiation at the national, sectoral and field levels. The chapter explains the concepts of consultation, cooperation and negotiation within the terms of the instruments, how they are applied at the national level and how they provide examples of good practice in these areas.

340. This chapter also examines the involvement of employers' and workers' organizations in the labour administration system through recourse to direct negotiations for the regulation of certain matters relating to labour policy. Moreover, it provides an analysis of the delegation of activities to employers' and workers' organizations and the participation of civil society actors in the governance of labour.

341. The chapter concludes with an analysis of the role of the social partners in the administration of labour during crises, and of the opportunities and challenges for social dialogue in the governance of labour in the context of the socio-economic developments affecting the world of work.

► 3.2. Content of the instruments

342. The institutional framework for consultation with and participation by employers and workers and their organizations is part of the labour administration system according to the definition provided in Article 1(b) of Convention No. 150 and Paragraph 1(b) of Recommendation No. 158. The procedures for, and scope of, consultations with, and participation of, the social partners in the governance of labour are further elaborated in Articles 2, 3 and 5 of the Convention and in Paragraphs 2 and 3 of the Recommendation.

343. Article 5(1) of the Convention provides that each Member which ratifies the Convention shall make arrangements appropriate to national conditions to secure, within the system of labour administration, consultation, cooperation and negotiation between the public authorities and the most representative organizations of employers and workers, or, where appropriate, employers' and workers' representatives. While the first paragraph of Article 5 is not prescriptive as to the type of arrangements to be established, it makes it clear that the existence of such a framework is not at the discretion of the public authorities. The second

⁵²⁶ Richard Hyman, "The Role of Government in Industrial Relations", in *Labour Administration in Uncertain Times: Policy, Practice and Institutions*, eds Jason Heyes and Ludek Rychly (Cheltenham, UK: Edward Elgar Publishing, 2013), 95.

⁵²⁷ Rychly, *Ministries of Labour: Comparative Overview*, 21–22.

⁵²⁸ ILO, *Labour Administration and Labour Inspection*, ILC.100/V, 2011, paras 108–114.

paragraph of Article 5 indicates that, to the extent compatible with national laws and regulations, and national practice, such arrangements shall be made at the national, regional and local levels as well as at the level of the different sectors of economic activity.

344. The development of Article 5 emphasized flexibility and adaptation to national conditions. Concerning the nature and extent of consultation, cooperation and negotiation provided for in this Article, the preparatory work revealed a consensus that “it would be left to each country to decide in accordance with national practice what should be the subject, the level and the form of the consultation, cooperation or negotiation”.⁵²⁹ Notably, initial proposals for the labour administration standards included reference to developing arrangements of an institutional character and appropriate to national conditions, in countries where they did not yet exist, within the labour administration system, with a view to securing permanent consultation, cooperation and negotiation between the public authority and the most representative organizations of employers and workers,⁵³⁰ such as economic and social councils, national labour advisory councils, or sectoral councils of various types.⁵³¹ The reference to the institutional character of these bodies was subsequently deleted, taking into account the views expressed by governments and the general plea for flexibility with a view to avoiding difficulties of a technical nature for eventual ratification.⁵³² Furthermore, as indicated in the 1997 General Survey, the negotiation process referred to in Article 5 of the Convention does not necessarily imply a process leading to a binding arrangement between the State and one of the social partners, and the nature and extent of the process called for in Article 5 may be decided by each country in accordance with national conditions and practice.⁵³³

345. Article 2 of the Convention and Paragraph 2 of the Recommendation recognize the possibility for Member States to delegate or entrust certain activities of labour administration to non-governmental organizations, particularly employers’ and workers’ organizations or, where appropriate, to employers’ and workers’ representatives, in accordance with national laws or regulations, or national practice. These provisions recognize that the day-to-day management of certain labour administration functions, such as the operation of social security schemes, is sometimes entrusted to an autonomous agency administered by representatives of workers, employers and government.⁵³⁴ In addition, these provisions acknowledged the trend in most countries to associate representatives of employers and workers or their organizations in the management of public agencies, with these representatives thus assuming increasing responsibilities in the implementation of labour policy and creating greater tripartite participation.⁵³⁵

346. Article 3 of Convention No. 150 and Paragraph 3 of Recommendation No. 158 provide that a Member State may regard particular activities in the field of its national labour policy as being matters which in accordance with national laws or regulations, or national practice, are regulated by having recourse to direct negotiations between employers’ and workers’ organizations. These provisions recognize the important role of collective bargaining as a source of labour law⁵³⁶ and acknowledge the existence of institutions set up by collective agreements which are included in or associated with the national labour administration system.⁵³⁷

529 ILO, *Record of Proceedings: Labour Administration – Role, Functions and Organisation*, International Labour Conference, 64th Session, 1978, 22/6.

530 ILO, *Report of the Meeting of Experts on Labour Administration*, Conclusions, para. 35.

531 ILO, *Role, Functions and Institutional Development of Labour Administration*, paras 467–500.

532 ILO, *Labour Administration: Role, Functions and Organisation*, Report V(2), 1977, 46.

533 ILO, Memoranda prepared by the International Labour Office in reply to requests for clarification concerning instruments adopted by the International Labour Conference, GB.238/22/5, 1997.

534 ILO, *Role, Functions and Institutional Development of Labour Administration*, paras 146, 147 and 342. See also: ILO, *Labour Administration: Role, Functions and Organisation*, ILC.61/V(1), 1976, 110.

535 ILO, *Report of the Meeting of Experts on Labour Administration*, para. 49.

536 ILO, *Role, Functions and Institutional Development of Labour Administration*, paras 11 and 323.

537 ILO, *Labour Administration: Role, Functions and Organisation*, ILC.61, 1976, 115.

► 3.3. Arrangements for consultation, cooperation and negotiation

347. As emphasized above, labour administration is a key instrument for the participation of the social partners in the governance of labour, and is a forum for contact, dialogue and negotiations among the parties. According to Article 5 of the Convention, participation by the social partners in the labour administration system takes three forms. The first is the consultation of employers and workers by the public authorities, which can take place within a body established in law with a mandate to put forward views or through non-institutionalized mechanisms. The second form of participation is cooperation in managing certain labour administration activities, thus enabling the social partners to play an active role in the implementation of national labour policy. The third form of tripartite participation is the process of negotiation that may or may not lead to the adoption of national agreements between public administrations and employers' and workers' organizations.⁵³⁸

348. While Convention No. 150 and Recommendation No. 158 establish the existence of a broader framework for participation of social partners in the labour administration system, the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), offers indications as to the scope and aim of such participation.⁵³⁹ In addition, tripartite mechanisms for dealing with matters relating to ILO activities are regulated in Convention No. 144.

349. The Committee notes that the participation of social partners in certain labour administration activities varies across countries and that the same matter can be the subject of different social dialogue procedures in accordance with national conditions. The paragraphs below provide an overview and examples from national practices on consultation, through institutionalized and non-institutionalized mechanisms, cooperation and negotiations with social partners in the context of the labour administration system.

3.3.1. Mechanisms for consultations

350. Convention No. 150 and Recommendation No. 158 are not prescriptive as to the form that consultations should take. In practice, such mechanisms are sometimes limited to hearing the views of the parties concerned or they may extend to the government sounding out the opinions of the social partners on policy orientation or new legislation or, indeed, consulting them on the formulation and implementation of such policies and legislation, through advisory committees or other types of public bodies.⁵⁴⁰

351. The Committee welcomes the wealth of information submitted by countries on the different mechanisms existing at the national level to ensure dialogue between labour administrations and the social partners and notes that in general it is possible to distinguish between institutional and non-institutional consultation mechanisms. The Committee also notes that in many countries the institutional architecture securing the participation of, and consultation with, the social partners in the labour administration system comprises a number of bodies and can be organized at the central, regional and local levels.⁵⁴¹

538 1997 General Survey, para. 168.

539 [Consultation \(Industrial and National Levels\) Recommendation, 1960 \(No. 113\)](#) – Para. 4 provides that such consultation and cooperation should have the general objective of promoting mutual understanding and good relations between public authorities and employers' and workers' organizations, as well as between these organizations, with a view to developing the economy as a whole or individual branches thereof, improving conditions of work and raising standards of living.

540 ILO, *Role, Functions and Institutional Development of Labour Administration*, para. 453.

541 According to the 2018 report on the recurrent discussion on social dialogue, 161 of the ILO's 187 member States (85 per cent) have national social dialogue institutions, not counting the social dialogue mechanisms which focus on specific subjects. ILO, *Social Dialogue and Tripartism*, para. 57.

352. The Committee notes that, in the vast majority of countries, cooperation takes place through bipartite or tripartite advisory bodies established by law. As highlighted in the 1997 General Survey, among the advisory bodies, a distinction may be made between those with a general economic and social mandate at the national level, such as economic and social councils which report to the government or parliament, and those with special responsibilities in the social and labour field, such as national labour advisory councils or sectoral joint councils which are normally linked to the ministry of labour or its responsible government equivalent.⁵⁴²

353. In a considerable number of countries consultations take place within economic and social councils or tripartite councils, which are advisory bodies on a wide range of issues which go far beyond the field of labour administration.⁵⁴³ Their terms of reference, their membership and also their means of action vary considerably from one country to another. In some cases, the Committee notes that the mandate of these bodies has evolved to include issues such as environmental protection.⁵⁴⁴ For example, in *Algeria*, the National Economic, Social and Environmental Council, a consultative body under the aegis of the President, was reformed in 2021 to include advisory functions relating to environmental issues and sustainable development in its mandate. It is composed of representatives of the Government, social partners and civil society.⁵⁴⁵

354. Tripartite national labour advisory councils are very common⁵⁴⁶ and provide an especially appropriate means of consultation on national labour and employment policy issues. They are generally linked to the ministry of labour and have the duty of advising the minister on matters relating to labour and providing their views on proposed legislation, and sometimes they are tasked with undertaking studies and research on labour matters. In some cases, these bodies might be entrusted with negotiation functions, for instance with regard to minimum wage setting.⁵⁴⁷ The Committee notes that there are several variations in the way these bodies operate, and in some countries these consultative bodies function with a certain degree of autonomy from the government or the ministry of labour.

In *Belgium*, the Central Council of the Economy and the National Labour Council constitute the umbrella institutions for a negotiation and consultation structure which has developed over time and is organized at different levels. They are independent bodies created by statute, they recruit their own staff and organize their activities with funding from the state budget. A representative of the Federal Public Service for Employment, Labour and Social Dialogue takes part in the meetings of the National Labour Council to ensure liaison between the council and the ministry and to exercise regulatory and budgetary control.⁵⁴⁸

⁵⁴² 1997 General Survey.

⁵⁴³ For example, *Bulgaria, Côte d'Ivoire, Croatia, Czechia, Georgia, Honduras, Ireland, Latvia, Mauritania, Netherlands, Papua New Guinea, Philippines, Russian Federation, Samoa, South Africa, Slovenia and Zimbabwe*. See also: Economic and Social Council of Spain, *Los Consejos Económicos y Sociales en América Latina y en la Unión Europea: Experiencias prácticas de diálogo social*, Working Paper No. 14, Madrid, 2014.

⁵⁴⁴ For example, *France, Morocco and Senegal*.

⁵⁴⁵ *Algeria*, Presidential Decree No. 21-37 of 6 January 2021 on the composition and functioning of the National Economic, Social and Environmental Council.

⁵⁴⁶ For example, *Antigua and Barbuda, Argentina, Australia, Bahamas, Belize, Botswana, Brazil, Burkina Faso, Burundi, Cambodia, China, Congo, Costa Rica, Democratic Republic of the Congo, Dominican Republic, Egypt, El Salvador, Ethiopia, Gambia, India, Islamic Republic of Iran, Japan, Kenya, Lesotho, Liberia, Malawi, Malaysia, Mali, Namibia, Nepal, Nigeria, Oman, Paraguay, Peru, Russian Federation, Senegal and Sri Lanka*.

⁵⁴⁷ For example, *Colombia*. See also 2014 General Survey, paras 121-129.

⁵⁴⁸ Other examples include *Ireland and Netherlands*.

355. On the one hand, as highlighted in the 1997 General Survey, the network of consultative bodies at the national level can be extensive and include councils or committees established at the regional and local levels. In *China*, for example, a number of provinces have established tripartite committees on the coordination of labour relations.⁵⁴⁹ On the other hand, the Committee has observed in some cases that the institutional framework for tripartite consultations is limited to the central level. For example, in *Albania*, the tripartite National Labour Council operates only at the central level and trade unions have voiced the need to establish labour councils at the district and regional level, especially in the field of occupational safety and health.⁵⁵⁰

356. The Committee notes that, in order to effectively address specific issues relating to certain aspects of national labour policy, many countries have set up bipartite or tripartite advisory bodies for specific labour matters such as employment,⁵⁵¹ wages,⁵⁵² vocational training,⁵⁵³ occupational safety and health,⁵⁵⁴ labour migration,⁵⁵⁵ and persons with disabilities.⁵⁵⁶ In addition, as provided for in Article 5(2) of the Convention, mechanisms for social dialogue within the labour administration may be established at sectoral levels. For example, in *Bangladesh*, there is a readymade garment sector tripartite consultation committee that ensures consultations with the social partners in this industry. In *Lithuania*, joint committees are established in certain sectors to facilitate consultation and cooperation between employers, workers and the government. In *Senegal*, the Government indicates that social dialogue committees exist in certain sectors, notably education and health, where the most collective disputes are recorded.⁵⁵⁷

357. In order to assess the effectiveness of these bodies at the national level to secure consultation, cooperation and negotiation with the social partners, in certain cases the Committee has requested examples of measures that were taken as a result of such consultations or of the impact of the work of socio-economic councils.⁵⁵⁸ In some cases, the Committee observed that certain mechanisms for consultation, cooperation and negotiation were not operational, not effective in the performance of their mandate, or in need of reform.⁵⁵⁹

358. According to the observations received from trade unions, the institutional framework is not always effective or operating at the optimum level in ensuring consultation with, and the participation of, workers and employers in labour administration systems. In *Spain*, the General Union of Workers (UGT) indicates that, while the right of the social partners to participate in the labour administration system is unquestionable, the way in which this has been translated into the various areas of public policy has been sporadic and inconsistent, in the absence of a law regulating such institutional participation. According to the UGT, participation

549 Other examples include *Argentina, Belgium, Bosnia and Herzegovina, Burundi, Czechia, Denmark, Myanmar, Nepal, Philippines, Poland, Romania, Russian Federation* and *Viet Nam*.

550 CEACR, Convention No. 150: *Albania*, direct request, 2014.

551 For example, *Argentina, Bulgaria, Japan, Seychelles* and *Spain*.

552 For example, *Antigua and Barbuda, Argentina, Botswana, Bulgaria, Cambodia, Colombia, Costa Rica, Ecuador, El Salvador, Germany, Ghana, India, Indonesia, Kenya, Lebanon, Lesotho, Malaysia, Maldives, Myanmar, Nepal, Nicaragua, Paraguay, Philippines, Saint Kitts and Nevis, Tuvalu* and *United Republic of Tanzania*. See also 2014 General Survey, paras 121–129.

553 For example, *Argentina, Botswana, Bulgaria, Cambodia, Ireland* and *Jordan*.

554 For example, *Bangladesh, Bulgaria, Cambodia, Canada, Côte d'Ivoire, France, Indonesia, Japan, Lesotho, Mexico, Nepal, Nicaragua, Peru, Senegal, Spain* and *Thailand*.

555 For example, *Bulgaria* and *Cook Islands*.

556 For example, *Bulgaria* and *Japan*.

557 Other examples include *Argentina, Bulgaria, Burundi, Ireland, New Zealand, Philippines, Qatar, Sri Lanka* and *Thailand*.

558 CEACR, Convention No. 150: *Central African Republic*, direct request, 2014; *Jamaica*, direct request, 2015; *Jordan*, direct request, 2014.

559 CEACR, Convention No. 150: *El Salvador*, direct request, 2014; *Gabon*, direct request, 2014; *Lebanon*, direct request, 2022; *Liberia*, direct request, 2021.

itself requires adaptation in form and structure to new and more complex realities, thus generating the need for a law which defines and updates the right to institutional participation. In *Portugal*, the General Workers' Union (UGT) highlights the elimination of several tripartite advisory bodies in which the social partners used to participate, such as the National Council on Vocational Training, the National Council on Social Security and the National Council on Occupational Safety and Health. The trade union indicates that this is a missed opportunity for more effective implementation and closer monitoring of many policy measures. In *Peru*, the CATP indicates that the current legal framework on the organization and functions of the Ministry of Labour and Employment Promotion, which has existed since 2009, does not provide sufficient institutional support to the National Council for Labour and Employment Promotion as a consultative body of the ministry. Given that the National Council currently does not have its own budget and its activities are financed from the ministry's budget line or by contributions from international cooperation, the CATP highlights the need for the Council to have explicit legal recognition and its own budget to be able to finance all its regular activities. In *Guinea-Bissau*, the National Union of Workers of Guinea-Bissau (UNTG-CS) indicates that although there is a tripartite permanent council for social consultation established at the national level, it is rarely convened and its deliberations are not considered by the Government. In *Greece*, the Greek General Confederation of Labour (GSEE) indicates that established institutional tripartite social dialogue bodies either do not function properly or do not function at all, and that consequently many issues have not been discussed through an institutional tripartite process. In *Poland*, the Solidarność trade union indicates that, despite consultations, the Ministry of Family and Social Policy does not take into account the positions and comments of the social partners on the application of the law and the need for legislative changes. In *Canada*, the Canadian Labour Congress (CLC) indicates that the participation of the social partners is limited, being typically ad hoc rather than institutionalized, and momentary rather than permanent. It also indicates that unions have called for regular, institutionalized dialogue and negotiations over national labour policy matters and have also been seeking revived government support for sectoral councils, in order to facilitate sectoral social dialogue and tripartite consultation. In *Argentina*, the General Confederation of Labour of the Argentine Republic (CGT RA) highlights the reinstatement of negotiations as a way to fix the minimum wage within the National Council on Employment, Productivity and the Minimum Adjustable Wage further to the change of government. In the same country, the Confederation of Workers of Argentina (CTA Autonomous) expresses its concern about the limited and deficient functioning of this Council and indicates that flaws in its composition, structure and operation cast doubt on the legitimacy of the resolutions it adopts. In *Bangladesh*, the Trade Union's International Labour Standards Committee (TU-ILS Committee) indicates that all policies pertaining to labour issues are officially approved through tripartite mechanisms, but in practice the finalized drafts often do not reflect the workers' views.

359. The Committee notes that in some cases consultation with the social partners in the administration of labour can also occur through less formal channels, for instance through ad hoc meetings and discussions.⁵⁶⁰ For example, in *Italy*, the Government indicates that the social partners' participation in labour administration policies often originates from best practices rather than an institutional basis, with the result that, when there are plans for political and administrative intervention of particular importance for employment, the Government will seek a meeting with the social partners to gather requests, opinions, advice and suggestions. In *Eritrea*, the Government indicates that while the process to create a tripartite advisory board is under way, there is already a practice of consulting social partners on the formulation of national laws and regulations. In *Germany*, there is no institutional tripartite social dialogue mechanism at the national level. Nevertheless, through strong workers' and employers' organizations, collective bargaining agreements and a bipartite social dialogue

⁵⁶⁰ For example, *Bahamas, Brazil, Brunei Darussalam, Canada, Estonia, Iceland and United Arab Emirates.*

tradition, the social partners have actively participated in the creation of government policies, particularly in times of crisis.⁵⁶¹ Often both institutionalized and non-institutionalized forms of consultation take place at the national level.⁵⁶²

360. As analysed in Chapter 1, the ministry of labour or its responsible government equivalent often has a specialized unit or department which is responsible for promoting consultations with the social partners and for promoting industrial relations.⁵⁶³

361. The Committee notes that the ITUC highlights the importance of labour administrations maintaining meaningful partnerships with employers and workers' organizations and acting as the main channel and proponent of social dialogue with the government, in order to ensure good governance of labour matters and shaping of economic and social policies. The Committee also notes that the IOE emphasizes the role of employers and workers as the main actors at the company level for work-related issues. The IOE indicates that employers' and workers' representative organizations have special knowledge and influence to share, to ensure that developments are practicable and target the sustainability of enterprises. It indicates also that, notably, employers' organizations represent an important source of labour market information and training for labour administration, which can help shape the administration's response to labour market issues and trends. It adds that they can also serve as intermediaries between labour administration bodies and employers insofar as labour laws and policies directly address them. The IOE further highlights the fact that there is no one-size-fits-all model as to how governments and workers' and employers' organizations should engage in dialogue on labour administration issues. In accordance with the flexible nature of Convention No. 150 and Recommendation No. 158, such dialogue should be adapted to national circumstances on the condition that it remains real and substantive, with governments seeking views before decision-making.

362. The Committee recalls that, as emphasized by the Committee on Freedom of Association, the process of consultation on legislation, including on minimum wages, helps to give laws, programmes and measures adopted or applied by public authorities a firmer justification and helps to ensure that they are well respected and successfully applied. Governments should seek general consensus as much as possible, given that employers' and workers' organizations should be able to share in the responsibility of securing the well-being and prosperity of the community as a whole. This is particularly important given the growing complexity of the problems faced by societies.⁵⁶⁴

363. *The Committee highlights the key role of tripartite consultations in ensuring the effectiveness of labour administration in performing the activities relating to labour policy. Tripartite consultations, whether through an institutionalized mechanism or on an ad hoc basis, provide opportunities for workers and employers to be heard and to participate in policy formulation. At the same time, the social partners can provide valuable insights and input to labour administration in the development of policies and strategies relating to areas such as employment, working conditions, social protection, and occupational safety and health. Their contribution can also ensure that policies are feasible and practical, taking into account the concerns and perspectives of different stakeholders. Moreover, the Committee emphasizes the importance for governments to ensure the effective functioning of institutional mechanisms for consultation by ensuring that meetings are held regularly, members are appointed without undue delay, efforts are made to reactivate bodies which are not operational, adequate institutional support is provided and the results of these consultations are taken into consideration during policy formulation.*

⁵⁶¹ E. Murat Engin, *Bipartite, Tripartite, Tripartite-Plus Social Dialogue Mechanisms and Best Practices in the EU Member States*, (ILO, EU and Republic of Turkey, 2018), 12.

⁵⁶² For instance, *Bahamas* and *Kazakhstan*.

⁵⁶³ Section 1.6 of Ch. 1.

⁵⁶⁴ ILO, *Compilation of Decisions of the Committee on Freedom of Association*, para. 1547.

3.3.2. Mechanisms for cooperation

364. Cooperation refers to increased participation by employers' and workers' organizations in shaping social policy or labour legislation, in supervising its enforcement, or in determining conditions of work, and in creating a partnership with the government in the decision-making process.⁵⁶⁵ This can include the delegation of certain administrative or executive functions from the governments to social partners, as provided for in Article 2 of the Convention and Paragraph 2 of the Recommendation, or the presence of some institutionalized forms of cooperation in which employers' and workers' organizations participate in policy decisions, for example through the participation in the management of certain labour administration agencies or institutions. Cooperation with social partners can occur through bodies with mandated regulatory or administrative powers. Generally speaking, cooperation bodies differ from consultation bodies in that they intervene at the implementation stages of national labour and employment policy because of their executive function with respect to the activities for which they were specifically established.⁵⁶⁶

365. The Committee notes that in a number of countries the management of agencies or programmes dealing with specific aspects of labour policy are entrusted to, or entail the participation of, the social partners. In *France*, there are a series of tripartite labour administration bodies. For example, *Pôle emploi*, the main public employment service operator, has a board of directors which includes representatives of trade unions and of the employers' professional organizations at the national level. In *Paraguay*, the governing body of the Social Security Institute includes a member of the Ministry of Labour, Employment and Social Security, as well as representatives of employers' and workers' organizations.⁵⁶⁷ The Committee also notes that in many countries, particularly in Latin America and Europe, monitoring of the progress of social security contributory schemes is carried out through boards of directors, which usually include the social partners.⁵⁶⁸ In this regard, however, in *Greece*, the GSEE indicates that after the in-depth reform of the social security system by Act No. 4387/2016 and the merger of all social security funds under the Unified Social Security Institution, the GSEE and the national employers' organizations are effectively excluded from direct representation to its governing body after decades of steady representation.

366. In a number of cases, the social partners are directly performing certain labour administration functions. For example, in the *Philippines*, the conduct of labour education training may be entrusted to workers' organizations through training grants under the Workers Organization Development Program of the Bureau of Labor Relations.⁵⁶⁹ In certain countries, trade union bodies are entrusted by law with some labour inspection functions.⁵⁷⁰ The Committee recalls that while labour inspectorates should be able to work with different stakeholders, labour inspection should remain an independent public prerogative. Only an effective public inspection system can ensure effectiveness through the dissuasive effect of penalties.⁵⁷¹

367. In some cases, the social partners actively participate and cooperate in the administration of certain functions relating to labour policy. For example, in *Latvia*, the Free Trade Union Confederation indicates that since 2017 it has been participating, together with the Employers' Confederation of Latvia, as a project partner in the European Social Fund project

565 ILO, *Role, Functions and Institutional Development of Labour Administration*, para. 525.

566 1997 General Survey, para. 185.

567 Other examples include *Bahrain, Belgium, El Salvador, Estonia, Italy, Mauritania, Mozambique, Panama, Papua New Guinea, Portugal* and *United States*.

568 2019 General Survey, para. 711.

569 Other examples include *Algeria, Austria, Benin, Bulgaria* and *Kazakhstan*.

570 For example, *Kazakhstan, Russian Federation* and *Turkmenistan*.

571 ILO, *Labour Administration and Labour Inspection*, ILC.100/V, para. 232.

“Improvement of the practical implementation and monitoring of legal acts in the field of occupational health and safety” implemented by the state labour inspectorate. In the context of this project, it has been possible since November 2016 to consult both the union confederation and the employers’ organization on labour disputes or disagreements relating to labour law and labour protection issues.⁵⁷²

368. A significant number of countries indicate that employers’ and workers’ representatives are not entrusted with labour administration activities.⁵⁷³

369. *The Committee notes that mechanisms of cooperation between the labour administration system and the social partners strengthen the participation of employers and workers in the management of labour issues and in the decision-making process. The Committee also notes that, where certain national labour policy activities are entrusted or delegated to the social partners, the labour administration should take the appropriate measures to ensure full coordination in accordance with Article 4 of the Convention. The Committee also recalls the importance for labour administrations to ensure that any agencies or bodies to which particular labour administration activities have been delegated are operating in accordance with national laws and regulations and are adhering to the objectives assigned to them, in accordance with Article 9 of the Convention.*

3.3.3. Mechanisms for tripartite negotiations

370. Involvement of the social partners in policy decisions is a common practice and in most cases this takes the form of negotiation between the government and employers’ and workers’ organizations. In addition, tripartite negotiations at the national level usually address major national economic and social policy issues and can be ad hoc or take place on a regular basis. The negotiation process is sometimes established in national tripartite agreements known as “social pacts”, which normally involve not only the labour administration system but also the government as a whole.⁵⁷⁴ Tripartite negotiations were also widely used during the COVID-19 pandemic, with the social partners often involved in designing the policy response to the crisis.⁵⁷⁵

371. Negotiations within the meaning of Article 5 of the Convention refer to the process where tripartite actors confer and discuss in good faith with a view to reaching a compromise or mutual understanding without the obligation to conclude a binding agreement.⁵⁷⁶ The Committee notes that it is often difficult in practice to draw a distinction between consultation and negotiation. The main reason for this is that consultations often quickly become a process of reciprocal concessions which shares all the fundamental aspects of negotiation. Generally, negotiations can take place within the institutionalized consultation bodies indicated above, during specific meetings or events, or through informal mechanisms. The Committee also notes that, in broader terms, the concept of negotiations foreseen in the Convention encompasses “tripartite concertation”, which refers to systematic efforts by the parties to solve major economic and social problems through consensus.⁵⁷⁷

572 Other examples include *New Zealand* and *Seychelles*.

573 For example, *Bahamas, Benin, Brazil, Burkina Faso, Cabo Verde, Chile, Cuba, Côte d’Ivoire, Eritrea, Guatemala, Honduras, Malaysia, Maldives, Niger, Peru, Poland, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Senegal, Slovakia, Slovenia, Togo, Trinidad and Tobago, Tunisia, United Republic of Tanzania* and *Bolivarian Republic of Venezuela*.

574 ILO, *National Tripartite Social Dialogue: An ILO Guide for Improved Governance*, 2013, 30–33.

575 Eurofound, *Involvement of Social Partners in Policymaking during the COVID-19 Outbreak*, 2021, 8.

576 GB.238/22/5, 9.

577 ILO, *Tripartite Consultation at the National Level on Economic and Social Policy*, Report VI, International Labour Conference, 83rd Session, 1996, 6.

372. Some countries provide examples of tripartite negotiation processes and their outcome at the national level. The Government of *Azerbaijan* indicates that every two years since 2001, a general collective agreement is concluded between the Cabinet of Ministers, the Trade Union Confederation and the Confederation of Employers' Organizations, giving effect to their agreed positions on socio economic issues and labour-related matters at the national level. In *Armenia*, in 2012 a new national collective contract was signed between the Government, the Confederation of Trade Unions of Armenia and the Union of Manufacturers and Entrepreneurs of Armenia determining basic regulations on labour relations.⁵⁷⁸ In this regard, the Committee recalls that the principle of tripartism, which is particularly appropriate for the regulation of matters of a larger scope (such as drafting of legislation and formulation of labour policies), should not replace the principle of the autonomy of workers' organizations and employers or their organizations in collective bargaining on conditions of employment.⁵⁷⁹

373. The Committee notes that, while the instruments do not prescribe the need for negotiations to reach an agreement as the final outcome, labour administrations play a vital role in ensuring the conditions for such negotiations to take place at the appropriate level. This role is particularly important during crisis-affected periods when labour administrations have to ensure trust among the parties at the table.

► 3.4. Activities regulated through bipartite negotiations

374. While Article 5 refers to tripartite negotiations and the arrangements established for that purpose, Article 3 of the Convention and Paragraph 3 of the Recommendation provide that labour administration systems may regard particular activities in the field of national labour policy as being matters regulated through bipartite negotiations. Collective bargaining is at the heart of social dialogue and the effective recognition of the right to collective bargaining is among the ILO's fundamental principles and rights at work. Article 3 of the Convention provides for the possibility of collective agreements to regulate national labour standards and should be read in conjunction with Article 6(1) of the Convention, which establishes labour administration functions relating to labour standards. Standards set by collective agreements may complement or be complemented by legislative and regulatory texts in specific fields, it being understood that they may not lower the level of protection established by the law.⁵⁸⁰ As a form of governance, collective bargaining offers a unique mechanism for regulating conditions of work and terms of employment, one enacted by the parties themselves.⁵⁸¹ In many countries, the regulation of certain aspects of conditions of work or occupational safety and health is mainly entrusted to the social partners and the negotiations between them. For example, in *Denmark*, the State does not interfere in the regulation of wage and working conditions, which is done through collective bargaining agreements.⁵⁸² The Committee notes that, by representing the collective interests of workers and employers, collective agreements can promote trust in and compliance with policies that would otherwise need to be enforced

578 Other examples include *Algeria, Australia, Austria, Botswana, Costa Rica, France, Malaysia, Qatar* and *Republic of Moldova*.

579 CEACR, Convention No. 98: *Azerbaijan*, observation, 2019.

580 See also 1997 General Survey, para. 58.

581 ILO, *Social Dialogue Report 2022: Collective Bargaining for an Inclusive, Sustainable and Resilient Recovery*, 2022, 30.

582 Other examples include *Algeria, Argentina, Australia, Belgium, Bosnia and Herzegovina, Côte d'Ivoire, Ethiopia, France, Georgia, Ireland, Italy* and *Mali*.

by law and the efforts of labour administration at considerable cost. They can therefore strengthen compliance, enabling labour administration bodies to devote their scarce compliance resources more efficiently.⁵⁸³

375. *The Committee recalls that legitimate, independent, representative and democratic organizations of workers and employers, engaging in dialogue and collective bargaining, bring a tradition of social peace based on free negotiations and accommodation of conflicting interests, thus making social dialogue a valuable contribution to progress. The regulation of particular labour policy activities through bipartite negotiations, as envisaged in the instruments, is an important mechanism for achieving decent work.*

▶ 3.5. “Tripartite-plus” mechanisms and delegation of activities to non-governmental organizations

376. “Tripartite-plus” processes usually refer to situations where the traditional tripartite partners choose to open up the dialogue and engage with other civil society groups, to gain a wider perspective and consensus on issues beyond the world of work (such as the protection of the environment or the needs of groups vulnerable to decent work deficits). In this context, employers’ and workers’ organizations are distinct from other civil society groups in that they represent the actors of the “real economy” and draw their legitimacy from the members they represent.⁵⁸⁴ The 2002 ILO resolution concerning tripartism and social dialogue acknowledges the potential of collaborating with civil society, recognizing at the same time that forms of dialogue other than social dialogue are most useful when all parties respect the roles and responsibilities of others, particularly concerning questions of representation.⁵⁸⁵ In this regard, the Committee notes that while a system of participatory governance can contribute to the achievement of decent work, especially for the most vulnerable categories, it can also hide unrepresentative mechanisms which can undermine the purpose of social dialogue and the interests of the membership base of the traditional social partners.

377. The Committee notes that in recent years non-governmental organizations have been involved in multi-stakeholder initiatives where civil society organizations play an active role in the design and implementation of standards and a variety of reporting, auditing, monitoring, verification and certification systems.⁵⁸⁶ In addition, the participation of civil society groups in consultative bodies or the existence of informal consultation mechanisms operating within the ambit of labour administration are quite common.

⁵⁸³ ILO, *Social Dialogue Report 2022: Collective Bargaining*, 18.

⁵⁸⁴ ILO, *National Tripartite Social Dialogue: An ILO Guide for Improved Governance*, 21.

⁵⁸⁵ ILO, [Resolution concerning tripartism and social dialogue](#), International Labour Conference, 90th Session, 2002, Preamble.

⁵⁸⁶ For example, AA1000, the Clean Clothes Campaign, the Ethical Trading Initiative, the Fair Labor Association, the Forest Stewardship Council, the Global Alliance, the Global Compact, Global Framework Agreements, the Global Reporting Initiative, ISO 14001, the Marine Stewardship Council, SA8000, and the Worker Rights Consortium. See also: Rhys Owen Jenkins, Peter Utting and Renato Alva Pino, [Voluntary Approaches to Corporate Responsibility: Readings and a Resource Guide](#) (UN Research Institute for Social Development and UN Non-Governmental Liaison Service), 2002.

In *Jordan*, Economic and Social Council Regulation No. 117, 2007, provides that the Council shall have representation from employers' and workers' organizations, as well as representatives from civil society organizations. Upon request or at its own initiative, the Council acts as an advisory body to the Jordanian Government on economic and social issues and policies. In *Australia*, the Government indicates that a variety of community and industry organizations play important roles in increasing the overall understanding of, and compliance with, Australia's workplace laws. The Government's Fair Work Ombudsman establishes relationships with workers' and employers' organizations and also not-for-profit community agencies to provide tailored information and education materials specific to the needs of vulnerable groups of employees.⁵⁸⁷

378. Article 2 of Convention No. 150 and Paragraph 2 of Recommendation No. 158 establish the possibility of entrusting or delegating certain labour administration activities to non-governmental organizations.⁵⁸⁸ For example, in *Austria*, the Public Employment Service Act stipulates that, if the Public Employment Service is unable to provide the services prescribed in the Act or it would not be reasonable or commercially viable for it to provide them, it must take steps to ensure that such services are provided in some other way on the basis of contractual agreements, for example by outsourcing them to qualified non-governmental organizations.⁵⁸⁹ In *Brazil*, the National Confederation of Industry (CNI) indicates that Act 13.667/2018 provides for the participation of civil society representatives in the management of the National Employment Service (SINE). The Committee notes that networks of informal economy workers and domestic workers, which have been created in certain countries to give a voice to these categories of workers who are not represented by trade unions, collaborate with the labour administration system on matters of interest for these workers.⁵⁹⁰

In *Thailand*, for example, the HomeNet association, which represents home-based workers and other informal workers across the country, such as garment industry groups, fishing net producers, motorcycle drivers and street vendors, has undertaken advocacy efforts which contributed to the adoption of the Homeworkers Protection Act, 2010.⁵⁹¹

379. *The Committee notes that opening mechanisms for tripartite social dialogue to non-governmental organizations can enhance the governance process, by providing added value in terms of expertise and knowledge, and it allows all potentially affected groups to be involved in policymaking and in formulating solutions. With regard to functions entrusted or delegated to non-governmental organizations, the Committee underlines the fact that civil society engagement in the governance of labour should accompany but not replace labour administration mechanisms based on social dialogue, involving workers' and employers' organizations. The Committee is of the view that the ministry of labour or another comparable body must have the means to ascertain whether any non-governmental organizations to which particular labour administration activities may have been delegated are operating in accordance with national laws and regulations and are adhering to the objectives assigned to them, in line with Article 9 of the Convention.*

587 Other examples include *Fiji, Gambia, Senegal, Serbia* and *South Africa*.

588 For example, *Lithuania*.

589 *Austria*, Public Employment Service Act, section 32(2).

590 For example, *Chile, Ecuador, India, Indonesia, Peru* and *Philippines*.

591 ILO, *Interactions between Workers' Organizations and Workers in the Informal Economy: A Compendium of Practice*, 2019, 65.

► 3.6. The role of the social partners in the governance of labour during crises

380. As highlighted by the Committee on Freedom of Association, the Committee recalls that in times of crisis it is important to maintain permanent and intensive dialogue with the most representative workers' and employers' organizations in particular in the process of adopting legislation, which may have an effect on workers' rights, including those intended to alleviate a serious crisis situation.⁵⁹² Within the unprecedented context created by the COVID-19 pandemic, social dialogue at national and sectoral levels had a leading role in designing joint solutions to mitigate the health and socio-economic impacts of the crisis.⁵⁹³ The Committee takes note that collective bargaining was key in securing decent work, guaranteeing equality of opportunity and treatment, reducing wage inequality and stabilizing labour relations during the pandemic.⁵⁹⁴ Moreover, strong social dialogue, including collective bargaining, can be instrumental in achieving wage adjustments during a crisis. The prerequisite for this is adequate representation of employers' and workers' voices. Furthermore, social dialogue can benefit from the use of sound empirical data to inform bipartite or tripartite negotiations.⁵⁹⁵ In some instances, the Committee highlighted the importance of holding a broad social dialogue with all representative organizations of workers and employers in the relevant sectors when taking action to find effective and sustainable solutions to crises.⁵⁹⁶ The Committee particularly welcomed the use of collective bargaining in the management of the pandemic and stressed the importance of a broad social dialogue with all representative workers' and employers' organizations when taking action to address crises affecting the interests of their members.⁵⁹⁷

381. ILO research shows that the majority of measures established to cope with the immediate effect of the pandemic were adopted during ad hoc bipartite or tripartite meetings, or in a few cases within an ad hoc body created specifically in response to the pandemic, rather than through previously existing formal structures.⁵⁹⁸ National tripartite social dialogue structures were often seen as bodies with a strategic long-term orientation rather than an operational short-term orientation which sought urgent solutions for mitigating the impacts of the crisis.⁵⁹⁹

382. Regardless of the mechanisms used to achieve social dialogue outcomes, the Committee notes that labour administration systems were important actors within tripartite discussions, consultations and negotiations. National practices highlight the different types of involvement of social dialogue and its players in the administration of labour throughout the crisis. For example, in *France*, the government initiated a series of informal meetings relating to the COVID-19 pandemic involving all national representative social partner organizations to manage the crisis. At the same time, it revived the mechanism of "social conferences", a tool that proved effective in previous crises, notably the 2008–09 financial and economic crisis. Six social conferences organized between March 2020 and July 2021 were used as a platform for

⁵⁹² ILO, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, ILC.111/III(A), 2023, para. 43. See also: ILO, *Compilation of Decisions of the Committee on Freedom of Association*, paras 1437 and 1546.

⁵⁹³ ILO, *Social Dialogue One Year after the Outbreak of the COVID-19 Pandemic: Spotlight on Outcomes*, Research Brief, June 2021, 3. See also: ILO, *Addendum to the 2020 Report of the Committee of Experts on the Application of Conventions and Recommendations*, ILC.109/III/Add.(A), 2021, para. 49.

⁵⁹⁴ ILO, *Social Dialogue Report 2022: Collective Bargaining*, 15.

⁵⁹⁵ ILO, *Global Wage Report 2022–23: The Impact of COVID-19 and Inflation on Wages and Purchasing Power*, 15–16.

⁵⁹⁶ For example: ILO, *Report of the Director-General: Sixth Supplementary Report – Report of the Committee set up to Examine the Representations Alleging Non-Observance by Peru of the Hours of Work (Industry) Convention, 1919 (No. 1)*, GB.347/INS/18/6, 2023, para. 31; and ILO, *Report of the Director-General: Fifth Supplementary Report – Report of the Committee set up to Examine the Representation Alleging Non-Observance by Portugal of the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129) and the Occupational Safety and Health Convention, 1981 (No. 155)*, GB.345/INS/5/5, 2022, para. 32.

⁵⁹⁷ CEACR, Convention No. 154: *Argentina*, observation, 2020.

⁵⁹⁸ ILO, *Peak-level Social Dialogue as a Governance Tool during the COVID-19 Pandemic: Global and Regional Trends and Policy Issues*, Research Brief, October 2020.

⁵⁹⁹ ILO, *Social Dialogue One Year after the Outbreak of the COVID-19 Pandemic*, 6.

consultation with the social partners for discussion and planning of crisis-related packages.⁶⁰⁰ In *Sri Lanka*, the Government established a COVID-19 tripartite taskforce aimed at safeguarding the interests of workers and employers through social dialogue. The taskforce reached an agreement applicable to all sectors in May 2020, ensuring payment of wages and protection of employment. The agreement was later endorsed by the Sri Lankan ministerial cabinet.⁶⁰¹

383. In some cases, bipartite mechanisms offered a response to the situation created by the pandemic. For example, in *Côte d'Ivoire*, the Permanent Independent Consultation Commission, a body bringing together employers and workers, signed a memorandum of understanding in March 2020 relating to the measures to be adopted for the management of the pandemic. The Commission also provided the Government with recommendations for supporting workers who lost their jobs or were temporarily laid off, and for assisting companies in guaranteeing business continuity. In *Uganda*, the Federation of Uganda Employers and the National Organisation of Trade Unions together recommended a set of principles for physical distancing and hygiene.⁶⁰² In *Australia*, the Australian Chamber of Commerce and Industry, the Australian Industry Group, the Australian Services Union and the Australian Council of Trade Unions agreed on a temporary set of measures to provide support to businesses and workers during the pandemic, such as flexible hours for those working from home.⁶⁰³

384. The vital importance of social dialogue in times of crisis was also highlighted by the social partners. The ITUC indicates that the recent experiences in mitigating the impact of the COVID-19 pandemic are a clear testimony to the need for labour administrations to collaborate through meaningful tripartite dialogue in developing longer-term labour policy responses and recovery measures, through a transparent and participatory process. With regard to the post-pandemic context, the ITUC indicates that consultation of the social partners and their participation in the administration of labour is of particular importance in the context of efforts geared towards recovery and “building forward better”. In *Spain*, the Spanish Confederation of Employers’ Organizations (CEOE) and the Spanish Confederation of Small and Medium-Sized Enterprises (CEPYME) indicated that business organizations have considered social dialogue to be an extraordinarily useful tool for dealing with difficult situations. For instance, during the COVID-19 pandemic, the social partners reached an agreement in record time which established a series of urgent measures to address the consequences of the crisis in the labour and business sphere. In some cases, the social partners pointed to deficiencies in the social dialogue process during the crisis. In *Serbia*, for example, the Confederation of Autonomous Trade Unions indicates that, since the beginning of the COVID-19 crisis, cooperation and consultations on employment issues with all competent institutions were reduced to a formal minimum.

385. *As highlighted in the ILO’s Global Call to Action for a human-centred recovery from the COVID-19 crisis, the Committee recalls the importance of promoting social dialogue, including through consultations on designing and implementing national recovery plans and policies addressing the need for adequate health and safety measures, retention and creation of decent jobs, business continuity, and investment in priority sectors and areas, both public and private, and to ensure a job-rich recovery.*⁶⁰⁴ *The Committee also recalls the need to strengthen the capacity of public administrations and employers’ and workers’ organizations to participate in such dialogue as the means to develop and implement regional, national, sectoral and local recovery strategies, policies and programmes.*

600 ILO, *Peak-level Social Dialogue and COVID-19: The European Experience*, eds Youcef Ghellab et al., 2022, 17.

601 Other examples include *Cook Islands*, *Egypt*, *Lao People’s Democratic Republic* and *Lithuania*.

602 ILO, *Employers and Workers Negotiating Measures to Prevent the Spread of COVID-19, Protect Livelihoods and Support Recovery: A Review of Practice*, ILO Brief, July 2020 .

603 ILO, *Labour Relations and COVID-19 in Australia*, Background Note 2020, 1.

604 ILO, *Global Call to Action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient*, Part I (D).

► 3.7. Challenges and opportunities for social dialogue

386. In 2017, a conference on social dialogue and the future of work organized by the ILO and the International Association of Economic and Social Councils and Similar Institutions (AICESIS) highlighted the role of social dialogue institutions in facing the challenges involved in the future of work, such as globalization, climate change, demographic shifts and technological advances.⁶⁰⁵ The report of the conference emphasizes that Economic and Social Councils and Similar Institutions (ESC-SIs) in high-income, industrialized economies tended to assign greater importance to future of work related issues, such as the impact of technological advances on the world of work, than those in low- and middle-income countries. In addition, given the limited financial, technical and human resources available to most ESC-SIs, these bodies tended to prioritize the problems that were most immediately pressing in their current national contexts and with which they were already familiar, for example, high unemployment, occupational safety and health risks, workplace compliance, social security reforms or social peace. The report also indicates that countries with well-established and well-resourced social dialogue institutions in place had greater capacity to address future of work challenges than those which did not.⁶⁰⁶

387. The involvement of the social partners in policy development, legislative reforms and labour law implementation promotes participatory and inclusive governance and builds trust among all partners in the labour administration system. The Committee notes that social dialogue can be instrumental in addressing some of the challenges of the future of work during important labour law reforms. For example, the Government of *Colombia*, indicates that as part of the National Consultation Commission, two subcommissions have been created for labour and pension reforms. The goal is to carry out a reform of the labour legislation through social dialogue with employers, trade unions and territorial communities. The Government indicates that work is being carried out in various fields, such as strengthening the right to freedom of association and collective bargaining, regulation of platform work, labour rights for sex workers, labour subcontracting, working hours and job stability.

388. In a number of countries, social partners have taken an active role in the design of policies for a just transition.⁶⁰⁷ For example, in *New Zealand*, tripartite social dialogue in relation to a just transition is taking place through the Future of Work Tripartite Forum, which is composed of representatives from the Government, the New Zealand Council of Trade Unions and Business New Zealand. The forum has an important role to play in ensuring that the social partners are engaged in coordinating the approach to the employment implications of a transition to a low-emissions economy.⁶⁰⁸ In *Guinea*, the Economic, Social, Environmental and Cultural Council launched a capacity-building programme on the issue of climate change in 2021, with the support of the Agence Française de Développement. The objective of this initiative was to assist the Government and parliamentary advisers in developing skills to address climate change and participating in social dialogue initiatives relating to the just transition and green workplaces.⁶⁰⁹ The Committee notes that in the transformation process towards more widespread use of new technologies the key is to identify the right skills and to prepare the workforce for new task profiles.⁶¹⁰ For example, in *Argentina*, in September

605 ILO and AICESIS, *Social Dialogue and the Future of Work*, Report of the ILO-AICESIS Conference, 23–24 November 2017, Athens, Greece, section 2.4.

606 ILO and AICESIS, *Social Dialogue and the Future of Work*, 37–38.

607 A just transition is understood as a systemic, multidimensional and multiactor approach, whose goal is to maximize the benefits of decarbonization, progress towards environmental sustainability and minimize the potential negative impacts on economic activity, workers, communities and territories. See: Oscar Molina, *The Role of Tripartite Social Dialogue in Facilitating a Just Transition: Experiences from Selected Countries*, ILO Working Paper 76, 2022, 5.

608 *New Zealand*, *Future of Work Tripartite Forum*.

609 Molina, *The Role of Tripartite Social Dialogue in Facilitating a Just Transition*, 15.

610 ILO, *Agenda of Future Sessions of the International Labour Conference*, GB.347/INS/2/1, 2023, para. 46.

2022, within the framework of the multi-agency programme Partnership for Action on the Green Economy (PAGE), the Ministry of Labour included a set of assessments and instruments developed for green jobs promotion and social dialogue on the just transition in its dedicated website for employment promotion (*Portal Empleo*). The instruments were developed in a tripartite participatory manner under the supervision of the Ministry of Labour, and the new web portal also includes a set of instruments and assessments made for the promotion of tripartite social dialogue on the just transition.⁶¹¹

389. With regard to digitalization, social dialogue is helping to improve the governance of changes in the world of work, minimizing their negative impact on labour markets and incentivizing their positive effects. In a number of countries, particularly in Europe, governments are developing national digital strategies, action plans, and/or updating industrial policies and related legislation in order to harness the full potential of digitalization in the world of work in consultation with employers' and workers' organizations and, in certain cases, civil society. For example, in *Czechia*, digitalization and its impact on society are being addressed as part of the Society 4.0 agenda, and an Alliance Society 4.0 platform has been created to provide for cooperation between the state authorities, economic and social partners and academia. The Government regularly consults the social partners on strategy documents relating to digitalization, and the major social partners have their own specialists on the digital economy.⁶¹² In April 2023, *Kenya* held its first national social dialogue on inclusive digital transformation, where the ILO, the Government, social partners and key sector stakeholders convened to promote a digital transformation which is more productive and inclusive of all.⁶¹³

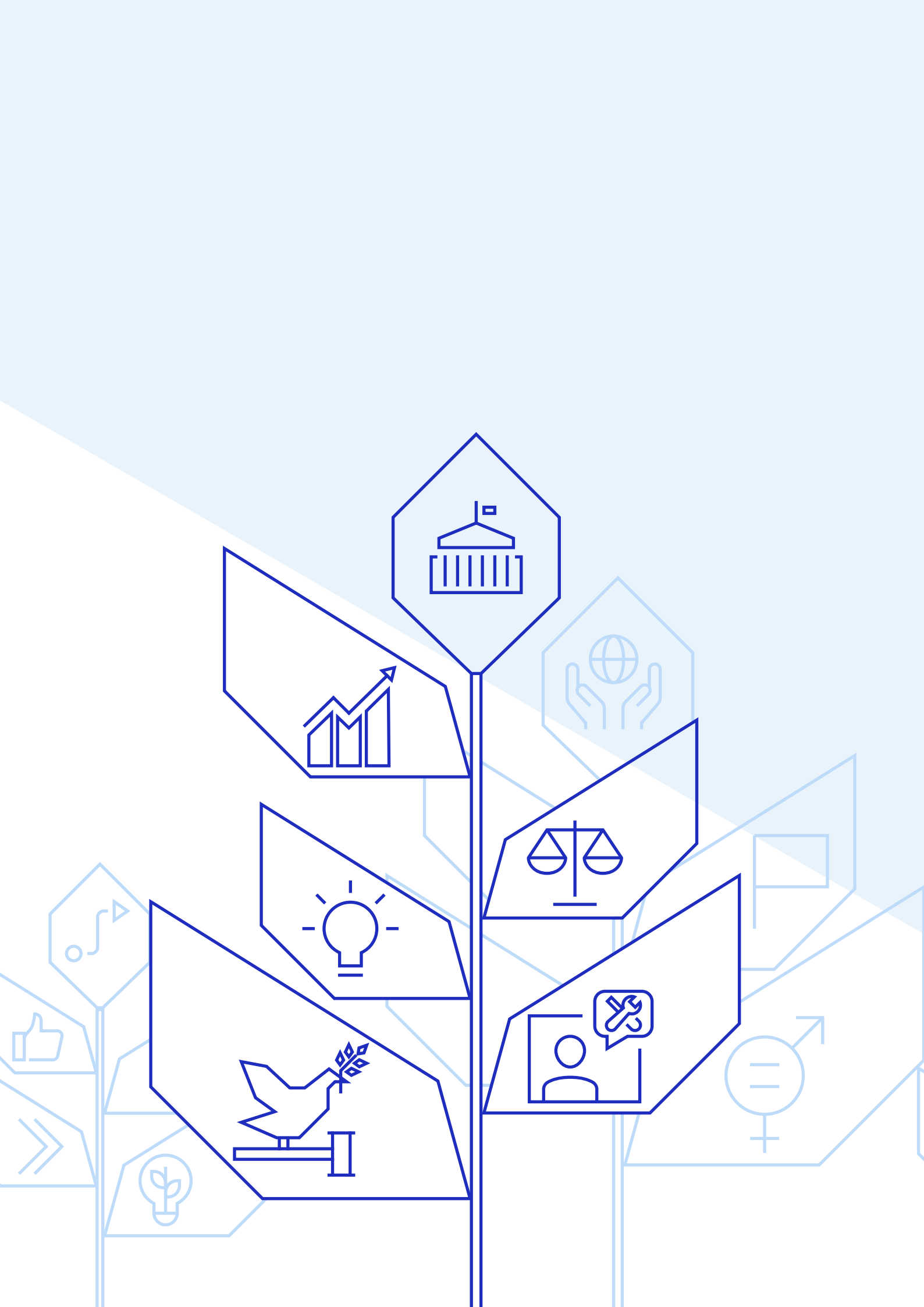
390. The Committee notes that in certain countries the social partners underlined the fact that challenges remain with regard to their effective participation in the design and implementation of labour policy and legislation or in the relevant social dialogue institutions. For example, in *Serbia*, the Confederation of Autonomous Trade Unions and the Serbian Association of Employers indicate that legislation is often adopted through urgent parliamentary procedure, bypassing the Social and Economic Council, or without taking account of opinions expressed by the social partners. According to the Confederation, this undermines the effectiveness of consultations and cooperation with workers' and employers' organizations. In *Portugal*, the UGT indicates that it is essential to increase the involvement of the social partners, and particularly the trade unions, as key stakeholders so that labour administration services can become more efficient and better geared to workers' needs.

391. *The Committee recalls the importance for labour administrations to establish effective mechanisms for consultation, cooperation and negotiation with employers' and workers' organizations, in accordance with Article 5(1) of the Convention. While governments and employers' and workers' organizations are faced with increasing challenges related to the future of work and to ongoing socio-economic crises, social dialogue is vitally important in dealing with labour-related issues. The Committee is therefore bound to highlight the role of labour administrations in ensuring that, in an evolving world of work, social dialogue and tripartism are granted appropriate resources and become or remain prominent in policymaking. Labour administrations should also foster an enabling legal and institutional environment to promote effective social dialogue and strengthen mechanisms and institutions for social dialogue on policies relating to the changing world of work, including technological progress, the green economy, demographic shifts and globalization.*

611 ILO, "[The Ministry of Labour of Argentina Promotes Strategies for Green Jobs and Just Transition](#)", 30 September 2022.

612 Soňa Veverková, "Enhancing the Social Partners and Social Dialogue in the New World of Work in the Czech Republic", in *The New World of Work: Challenges and Opportunities for Social Partners and Labour Institutions*, eds Daniel Vaughan-Whitehead, Youcef Ghellab and Rafael Muñoz de Bustillo Llorente (ILO and Cheltenham, UK: Edward Elgar Publishing, 2021), 155–187.

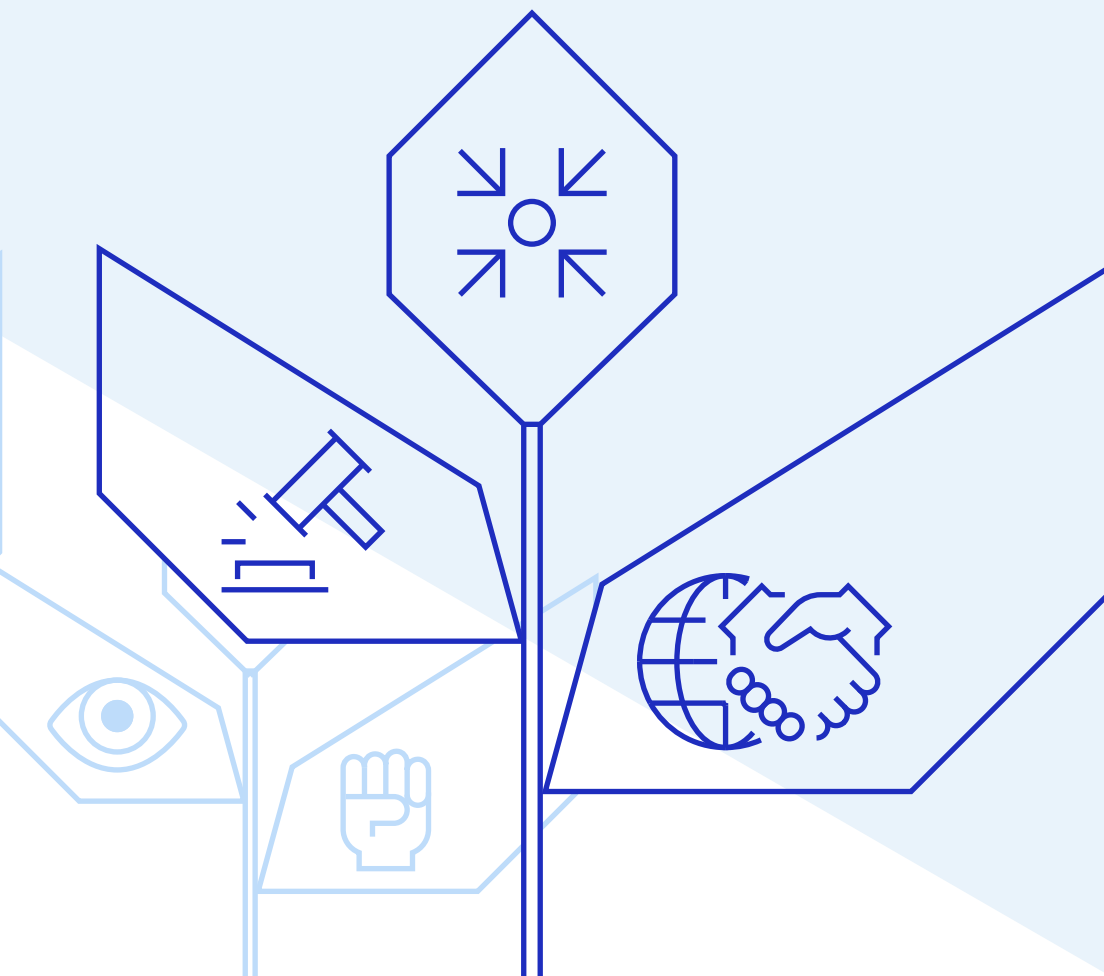
613 ILO, "[Social Dialogue Promotes Decent Work in Kenya's Digital Economy](#)", 14 April 2023.





4

Achieving the potential of the instruments



► 4.1. Labour administration as a catalyst of good governance and sustainable development

392. Although different meanings of good governance exist, the term is generally associated with political, economic and social goals which are deemed necessary for achieving development and quality of government action.⁶¹⁴ Good governance is generally thought to exist when all public authorities operate in accordance with human rights and the rule of law, and is achieved and maintained by strengthening democracy, promoting transparency, accountability and capacity in public administration.⁶¹⁵

393. Sustainable Development Goal (SDG) 16 recognizes the importance of good governance and aims to “[p]romote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”. Specifically, SDG target 16.6 seeks to promote the development of “effective, accountable and transparent institutions at all levels.” Following the adoption of the SDGs, the UN set out to identify the most relevant factors impacting the effectiveness of public administration. On the basis of recommendations of the UN’s Committee of Experts on Public Administration (CEPA), in July 2018 ECOSOC adopted 11 “Principles of effective governance for sustainable development” (2018 UN Principles),⁶¹⁶ grouped under pillars of effectiveness, accountability and inclusiveness. The 2018 UN Principles are intended to provide helpful guidance to countries in addressing a broad range of governance challenges associated with the implementation of the 2030 Agenda, with the elements of effectiveness, accountability and inclusiveness of SDG 16 being at the core of the framework.⁶¹⁷

394. Noting that the 2018 UN Principles apply to public administration in general, the Committee emphasizes the importance for good governance to be embodied in the delivery of functions and in the structural organization of labour administrations. As the Committee already highlighted in Chapter 2,⁶¹⁸ the COVID-19 pandemic has further underlined the need for effective national labour administration systems and their key role in assisting countries to recover from the economic and social shocks generated by the pandemic. The Committee notes that some of the concepts expressed by these principles are already enshrined in Convention No. 150 and Recommendation No. 158 and have therefore already been examined in previous chapters. Nevertheless, in the following paragraphs, the Committee wishes to analyse each of these principles and provide an overview of the practice highlighted by governments.

395. The Committee welcomes the information provided by many governments in response to the optional question contained in the report form.⁶¹⁹ Several countries provided information on national strategies, programmes or initiatives aiming to integrate the SDGs, and in particular SDG target 16.6, in the work of labour administrations.⁶²⁰ The Committee notes that many governments provided information on their efforts to mainstream the relevant

614 World Bank, *Governance and Development*, 1992, 1.

615 As regards the different definitions of good governance, see United Nations Office on Drugs and Crime (UNODC), “*Module 2: Corruption and Good Governance*”, in *UNODC Module Series on Anti-Corruption*.

616 ECOSOC, *Principles of Effective Governance for Sustainable Development*, 2018.

617 ECOSOC, *Committee of Experts on Public Administration (CEPA), Report on the Seventeenth Session* (23–27 April 2018), [E/2018/44-E/C.16/2018/8](#), para. 27.

618 See section 2.3.2.

619 ILO, *Proposed form for reports to be requested under articles 19(5)(e) and 19(6)(d) of the ILO Constitution in 2023 on the Labour Administration Convention (No. 150) and Recommendation (No. 158), 1978*, GB.344/LILS/2, 2022, Question 25: “Please provide information on your country’s strategy (e.g. national plan) for the attainment of the Sustainable Development Goals (SDGs), in particular SDG 16, target 16.6 – develop effective, accountable and transparent institutions at all levels - with regard to labour administration and indicate the manner in which the 2018 UN Principles of effective governance for sustainable development have been taken into account in the formulation, implementation and review of such strategy.”

620 For example, *Austria, Bangladesh, Brazil, Cabo Verde, Dominican Republic, El Salvador, Ethiopia, Gambia, Latvia, Lesotho, Lithuania, Namibia, Panama, Paraguay, Qatar, Saint Kitts and Nevis, Sri Lanka, United Republic of Tanzania, Viet Nam and Zimbabwe*.

goals in public administration, particularly with regard to national plans and strategies for economic and social development.⁶²¹ Some governments also reported more specifically on the content of national strategies relating to labour administration, indicating in some cases the manner in which the 2018 UN Principles have been taken into account in the formulation, implementation and review of such strategies.⁶²²

396. Effectiveness is the first pillar of the 2018 UN Principles and corresponds to the development of effective institutions under SDG target 16.6. It is a core concern of Convention No. 150 and Recommendation No. 158, which provide that the staff of labour administration bodies should have the status, the material means and the financial resources necessary for the effective performance of their duties. Effectiveness encompasses: (i) competence, (ii) sound policymaking, and (iii) collaboration.⁶²³ It also implies that policymakers should have access to accurate and reliable evidence which can inform the content of policies and make it possible to measure their impact, and it requires labour administration bodies to have the means to implement policies effectively.⁶²⁴

397. The principle of competence relates to the resourcing and capacity of labour administrations. It implies having a clear strategy and the means to ensure that staff work towards the achievement of strategic goals. A number of countries provided information on measures taken in this regard. For example, in *Latvia*, the draft Public Administration Modernization Plan 2023–27 provides for actions to ensure, inter alia, a unified, efficient and accountable public administration accompanied by the development of service management, the improvement of human resources development, and the creation of a smart working environment.⁶²⁵

398. Sound policymaking requires high-quality information, rigorous processes for policy decision-making and assessments of policy impacts. In this respect, the Committee notes that a number of countries reported on the measures taken to monitor and assess the implementation of SDGs through their national policies, with the help of indicators. For example, in *Costa Rica*, the Statistical Advisory Body is in charge of preparing the indicators for compliance and monitoring of the SDGs.⁶²⁶ Sound policymaking also requires means for ensuring effective coordination of policy agendas across government, particularly in areas of shared responsibility. Information on national coordination mechanisms was provided by a number of countries. In *Seychelles*, for instance, national coordination and evaluation of the implementation of the SDGs lies with the Department of National Planning under the Ministry of Finance, National Planning and Trade. To ensure proper implementation, the SDGs are incorporated into both national and ministerial priorities and strategies, and a performance indicator framework and action plan exists for each ministry.⁶²⁷

399. As for the principle of collaboration, some countries have mechanisms to ensure that policy matters are discussed in forums in which relevant ministries are represented. For example, in *Ireland*, there is a Cabinet Committee on Economic Recovery and Investment, whose members include ministers with responsibilities relating to labour issues. In *South Africa*, different ministries, including the Ministry of Employment and Labour, are members of

621 For example, *Algeria, Bahamas, Belgium, Botswana, Brazil, Bulgaria, Cameroon, Costa Rica, Croatia, Cuba, Democratic Republic of the Congo, Denmark, Ecuador, Eritrea, Estonia, France, Honduras, Indonesia, Ireland, Italy, Maldives, Myanmar, Nepal, Netherlands, New Zealand, Oman, Philippines, Senegal, Seychelles, Sierra Leone, Spain, Sudan, Suriname, Switzerland, Thailand, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland and Bolivarian Republic of Venezuela.*

622 For example, *Brazil, Ghana, Guatemala, Ireland, Lithuania and Sierra Leone.*

623 ECOSOC, CEPA, E/2018/44-E/C.16/2018/8, 18–19.

624 Heyes et al., “Introduction to The Governance of Labour Administration”, in *The Governance of Labour Administration*, eds Heyes and Rychly, 3.

625 Other countries with similar strategies include *Cabo Verde, El Salvador, Lithuania and Qatar.*

626 Other examples include *Ecuador, Indonesia, Seychelles and Bolivarian Republic of Venezuela.*

627 Other examples include *Ghana and Italy.*

the Cluster on Economic Sectors, Investment, Employment and Infrastructure Development, which aims to ensure the alignment of all relevant government programmes at the national and provincial levels and provide a consultative platform to the Cabinet.⁶²⁸

400. Accountability constitutes the second pillar of the 2018 UN Principles and corresponds to the development of accountable and transparent institutions under SDG target 16.6. Accountability aims at ensuring (i) integrity, (ii) transparency, and (iii) independent oversight.⁶²⁹

401. Commonly used strategies that CEPA associates with integrity are: the promotion of anti-corruption policies, practices and bodies; codes of conduct for public officials; competitive public procurement; elimination of bribery and trading in influence; conflict of interest policies; whistle-blower protection; provision of adequate remuneration and equitable pay scales for public servants.⁶³⁰ For example, in *Namibia*, the National Anti-Corruption Strategy and the Action Plan 2021–25 promote integrity, accountability and transparency across all spheres of society, with the aim of contributing to the fulfilment of SDG target 16.6. On the basis of these documents, all government institutions are required to set up and operationalize integrity committees.⁶³¹

402. Transparency implies that labour administration bodies are able to provide clear and transparent information to ministers and parent departments, that their decisions can be challenged and complaints lodged, and that the public has access to information on their rights and the role and performance of labour administration.⁶³² For example, in *Brazil*, the Transparency Portal, which provides information on the national budget and the implementation of government projects, was established in 2019. The Government is also working to modernize its public purchasing and contract systems in order to increase their effectiveness and transparency.⁶³³

403. Independent oversight refers to the promotion of the independence of regulatory agencies, arrangements for review of administrative decisions by courts or other bodies, independent auditing, and respect for legality.⁶³⁴ For example, in *Sri Lanka*, the “complaint management system” provides an e-service for employees in the private and semi-government sectors to submit complaints concerning their employment to the Department of Labour.⁶³⁵

404. The third pillar of the UN principles for effective governance – inclusiveness – involves (i) leaving no one behind, (ii) non-discrimination, (iii) participation, (iv) subsidiarity and (v) intergenerational equity.⁶³⁶ This pillar is particularly relevant for labour administration as it is one of its key purposes. The mandate of ministries of labour necessarily includes the protection of vulnerable groups. Inclusiveness raises issues that relate to the coverage of employment rights and social security benefits and the extent to which different groups have different entitlements.⁶³⁷

⁶²⁸ Other examples include *Austria, Brunei Darussalam, Italy and Trinidad and Tobago*.

⁶²⁹ ECOSOC, CEPA, E/2018/44-E/C.16/2018/8, 19.

⁶³⁰ ECOSOC, CEPA, E/2018/44-E/C.16/2018/8, 19.

⁶³¹ Other examples include *Bulgaria, Guatemala and Sudan*.

⁶³² Heyes et al., “Introduction to The Governance of Labour Administration”, in *The Governance of Labour Administration*, 3.

⁶³³ Other examples include *Ecuador, Panama and United Republic of Tanzania*.

⁶³⁴ ECOSOC, CEPA, E/2018/44-E/C.16/2018/8, 19.

⁶³⁵ Other examples include *Trinidad and Tobago*.

⁶³⁶ ECOSOC, CEPA, E/2018/44-E/C.16/2018/8, 20–21.

⁶³⁷ Heyes et al., “Introduction to The Governance of Labour Administration”, in *The Governance of Labour Administration*, 4.

405. Leaving no one behind provides for the promotion of equitable fiscal and monetary policy; promotion of social equity; data disaggregation; and systematic follow-up and review.⁶³⁸ With regard to data disaggregation, labour ministries and other relevant labour administration bodies often make labour market statistics available which enable comparisons between different groups of workers, and they commission or undertake research into the disadvantages experienced by particular groups of workers. On this matter, the Committee refers to its examination of functions of the labour administration relating to studies, research and statistics in Chapter 1.

406. Commonly used strategies that CEPA associates with non-discrimination include: the promotion of public sector workforce diversity; prohibition of discrimination in public service delivery; multilingual service delivery; accessibility standards; cultural audit of institutions; universal birth registration; and gender-responsive budgeting.⁶³⁹ Several countries provided information on strategies and plans adopted in this regard. For instance, in the *Dominican Republic*, the Ministry of Labour prepared the Institutional Strategic Plan 2021–24 which, inter alia, aims to define institutional strategies for the application of medium-term policies, programmes and projects that allow the recovery and generation of formal employment, social protection, and compliance with labour regulations in a framework of equal opportunities and non-discrimination.⁶⁴⁰

407. In relation to the principle of participation, the most important consideration for labour administration is the extent to which governments engage in tripartite social dialogue with employers' and workers' organizations. As highlighted in Chapter 3 of this General Survey, social dialogue can take different forms and is vital for the effective functioning of labour administrations. Participation in public governance can also be extended to citizens and civil society groups. For example, in *Paraguay*, the National Development Plan 2030 aims at creating the conditions for receiving permanent feedback not only for the design and execution of public policies but also for creating a culture of participation, dialogue and consensus involving citizens.

408. Commonly used strategies associated with subsidiarity include: fiscal federalism; strengthening urban governance; strengthening municipal finance and local finance systems; enhancement of local capacity for prevention, adaptation and mitigation of external shocks; multilevel governance.⁶⁴¹ For example, in *Belgium*, there is a federal plan for sustainable development and a regional development concept for 2019–24 (REK III).⁶⁴²

409. The principle of intergenerational equity refers to the need for institutions to adopt an administrative approach which balances the short-term needs of today's generation with the longer-term needs of future generations.⁶⁴³ For example, in *Estonia*, the "Estonia 2035" strategy sets out five long-term strategic goals, including on matters concerning skills development and labour market, which are also taken into account in the state budget strategy and in the preparation of the government's action programme.

410. *The Committee wishes to emphasize the importance of incorporating good governance principles in the administration of labour matters, as enshrined in the instruments and as elaborated in the 2018 UN Principles of effective governance for sustainable development, with a view to fulfilling the SDGs, particularly target 16.6 and the attainment of decent work.*

638 ECOSOC, CEPA, E/2018/44-E/C.16/2018/8, 20.

639 ECOSOC, CEPA, E/2018/44-E/C.16/2018/8, 20.

640 Other examples include *Brazil*.

641 ECOSOC, CEPA, E/2018/44-E/C.16/2018/8, 20.

642 Other examples include *Eritrea, Guatemala* and *Ireland*.

643 ECOSOC, CEPA, E/2018/44-E/C.16/2018/8, 21.

► 4.2. Ratification of ILO Convention No. 150: Prospects and challenges

411. As of December 2023, there are 78 ratifications of Convention No. 150. The Committee notes that a number of countries reported that they are considering ratifying the Convention,⁶⁴⁴ with some of them indicating that the provisions of the Convention are already enshrined in the national legal framework.⁶⁴⁵ A few countries identified contextual challenges to ratification, such as constraints on resources and budget.⁶⁴⁶ *Austria* indicates that, although it is largely compliant with the provisions of the Convention, divergences arise in relation to Article 7 and no steps to overcome this obstacle to ratification are currently envisaged. In this regard, the Committee refers to paragraph 141 of this Survey, which presents the flexibility provided by Article 7. *Poland* indicates that ratification of the Convention was considered in 2008 but it was deemed not advisable as the analysis carried out at that time showed that in many cases the national solutions are more modern and more suited to the current economic and social realities. The Committee recalls that the Convention offers substantial flexibility and that ultimately the organizational framework of national labour administration systems is intricately linked to the national context, administrative practices and political needs. The IOE expresses its support for the aim of the instruments and commends the flexibility of the framework established by the Convention and Recommendation, which it regards as simple and clear rather than vague and unstructured. In the IOE's view, flexibility is useful for both effective standard-setting and the effective supervision of implementation. Some countries indicate that ratification of the Convention requires further studies and research⁶⁴⁷ or consultations with the social partners.⁶⁴⁸ The Committee notes that many countries reported that there are currently no plans of ratification.⁶⁴⁹ In *Ethiopia*, the Confederation of Ethiopian Trade Unions (CETU) indicates that ratification and implementation of the Convention are essential to strengthen the labour administration machinery. It emphasizes that the need to ratify the Convention should be advocated and discussed by the Government, social partners, academia and civil society.

644 For example, *Botswana, Gambia, Kazakhstan, Saint Vincent and the Grenadines, Sudan, Turkmenistan and United Republic of Tanzania*.

645 For example, *Botswana, Croatia and Viet Nam*.

646 For example, *Eritrea, Honduras and Viet Nam*.

647 For example, *Cameroon, Japan and Kuwait*.

648 For example, *Indonesia and Peru*.

649 For example, *Azerbaijan, Bangladesh, Bulgaria, Estonia, France, Ireland, Lithuania, New Zealand, Nigeria, Panama, Paraguay, Saint Kitts and Nevis, Slovakia, Slovenia, South Africa and Thailand*.

► 4.3. Proposals for ILO action

4.3.1. Provision of technical assistance

412. The Committee notes that, while most governments do not request ILO technical assistance in relation to the instruments examined, some countries indicated that they have received or are currently receiving such assistance,⁶⁵⁰ with some governments referring to the assistance received as part of the implementation of Decent Work Country Programmes.⁶⁵¹ A number of countries indicated that they could benefit from ILO support in strengthening their labour administration systems.⁶⁵² Some governments specifically stated that this assistance could be provided in the form of undertaking legislative reviews,⁶⁵³ assisting with comprehensive labour administration assessments to identify areas that need to be strengthened,⁶⁵⁴ capacity-building activities for labour administration staff,⁶⁵⁵ or the provision of financial support or equipment.⁶⁵⁶ *Sierra Leone* indicates that it would benefit from ILO technical assistance in developing a national policy and strategy for the Ministry of Labour and Social Security in order to ensure coordination of the functions and responsibilities of the different public administration bodies within the labour administration system. The Government of *Nepal* indicates that support is needed for the implementation of the national labour administration action plan. *Sudan* points to the need for assistance with the preparation of a national labour administration policy. Some countries indicated that technical assistance would be useful with a view to possible ratification of the Convention.⁶⁵⁷ The ITUC indicates that technical assistance should be provided to governments and social partners to ensure inclusive, sustainable and resilient economic and social progress, including by strengthening mechanisms for the full consultation and participation of the social partners in the formulation and coordinated and coherent implementation and review of national policies for labour and employment. The ITUC also points to the need for technical assistance, especially for developing countries, with the acquisition of appropriate, effective and reliable technology-based labour market information systems, to regularly collect, compile, analyse and publish up-to date national labour statistics and trends so as to identify and remedy gaps in protection for workers and to design and implement coherent, comprehensive and effective national labour and employment policies. Lastly, the ITUC states that the role of labour inspection, as a core function of labour administration, should be reinforced by building the capacities of Member States. The IOE indicates that, in order to help overcome existing obstacles and ensure that current issues can be properly addressed, the Committee should promote an understanding of Convention No. 150 and Recommendation No. 158 that faithfully reflects the nature and scope of these instruments, as well as their flexibility and adaptability to changing contexts. The IOE is further of the belief that the Committee should also place particular emphasis on a balanced narrative that reflects the comments of both workers and employers to ensure that national realities and circumstances and the needs of sustainable enterprises are adequately taken into account. In *Guinea-Bissau*, the National Union of Workers of Guinea-Bissau (UNTG-CS) indicates that the country needs technical assistance to strengthen the knowledge and intervention capacity of the political leaders assigned to the labour administration and the leaders of the executive partner organizations in this sector. In *Bangladesh*, the Trade Union's International Labour Standards Committee (TU-ILS Committee) indicates that technical assistance is needed to support capacity-building for trade union bodies, as well as to promote understanding of the gaps that should be addressed with regard to the implementation of the Convention.

650 For example, *Congo, Democratic Republic of the Congo, Greece, Guinea-Bissau, Indonesia, Nepal, Paraguay, Qatar, Saint Kitts and Nevis and Bolivarian Republic of Venezuela*.

651 For example, *Argentina, Botswana, India, Malaysia, Oman, Suriname and United Republic of Tanzania*.

652 For example, *Costa Rica, Democratic Republic of the Congo, Guatemala, Guyana, Kuwait, Liberia, Nigeria, Paraguay, Peru and Zimbabwe*.

653 For example, *Belize, Cabo Verde and Colombia*.

654 For example, *Bangladesh and Saint Kitts and Nevis*.

655 For example, *Democratic Republic of the Congo, Namibia, Paraguay, Togo and Viet Nam*.

656 For example, *Guyana, Sudan and Zambia*.

657 For example, *Ethiopia, Gambia and Turkmenistan*.

4.3.2. Proposals for standards-related actions

413. In terms of future standard-setting, the Committee notes that the majority of governments indicated that there is no need for standard-related action on labour administration.⁶⁵⁸ *Morocco* and *Trinidad and Tobago* highlight the importance of re-examining the provisions of the Convention in light of the changes which have occurred in the world of work since its adoption in 1978. *Bangladesh* indicates that the Convention touches upon subjects which are already covered by other ILO instruments, such as labour inspection and minimum wage fixing, and that it could therefore be revised to be made more specific.

► 4.4. Concluding remarks

414. *The Committee welcomes the decision by the Governing Body to choose Convention No. 150 and Recommendation No. 158 as the subject of a General Survey, which has given the Committee the opportunity to look at developments in this area since its last Survey on this subject in 1997 and to emphasize the lasting importance of labour administration systems in the management of labour issues. The Committee hopes that this Survey will further contribute to the understanding of the scope and potential of the instruments and their continued relevance in the promotion of decent work. The Committee further acknowledges the high response rate to the detailed report form and encourages countries to continue to engage in this exercise.*

415. The Committee notes that the reports provided by governments and social partners illustrate the vital importance of labour administration and its services in ensuring the promotion and respect of fundamental principles and rights at work and a conducive environment in which sustainable enterprises can operate. While transformative changes in the world of work bring both opportunities and challenges, labour administration remains pivotal in creating a just, safe and productive work environment which benefits workers, employers and society as a whole. It helps in navigating the complexities of modern work dynamics, safeguarding labour rights and promoting economic stability. The share of the informal economy, the growth of non-standard forms of employment, rapid technological advances, including the spread of artificial intelligence, the impact of climate change on jobs and the economy, demographic shifts and increased labour migration, are some of the challenges that labour policies need to address in a comprehensive manner. This process, which includes the formulation and implementation of labour policy, should be carried out in consultation with the social partners in order to uphold decent work and promote an environment which is conducive to sustainable businesses. ***As emphasized throughout this General Survey, the Committee is of the view that the magnitude of changes in the world of work requires a comprehensive and coordinated response which is led by strong labour administration systems. Noting that weaknesses and obstacles to effective labour administrations persist in many countries, the Committee highlights the importance of strengthening the leadership role of ministries of labour or their responsible government equivalent in the coordination and development of employment and labour market policies and national development plans, in consultation with workers' and employers' organizations. The Committee recalls that Member States can avail themselves of the technical assistance of the Office in this respect.***

⁶⁵⁸ For example, *Austria, Germany, Honduras, Kazakhstan, Kuwait, Malaysia, Mali, Mozambique, New Zealand, Panama, Portugal, Qatar, Seychelles, Suriname, Switzerland, Thailand and Tunisia.*

416. The analysis of the reports received also highlights the fact that effective tripartite social dialogue, which includes respect for freedom of association and collective bargaining, should be an integral part of the labour administration system and be associated with every function performed by labour administrations. ***Noting that challenges remain in this respect, the Committee encourages governments to make every effort to eliminate the legislative or practical barriers to effective consultation, cooperation and negotiation between the public authorities and the most representative organizations of employers and workers, as well as between such organizations.***

417. The Governing Body's decision that the General Survey should take into account the role played by labour administrations during the COVID-19 crisis and in a human-centred recovery offered the opportunity to identify systemic responses to crisis situations affecting the world of work and the factors that need to be strengthened in building resilient labour administrations. The pandemic brought about significant challenges for labour administrations worldwide. While the specific roles they played during this period varied by country, depending on the local context, legal framework, and the severity of the outbreak, in all cases their focus was on balancing the protection of workers' rights, ensuring public health and safety, and supporting economic recovery. Some of the key principles included in the Convention and the Recommendation, such as social dialogue, and cooperation and coordination among different actors, proved to be essential in mounting an effective response. ***The Committee emphasizes that the COVID-19 pandemic has highlighted that effective labour administration systems, which include functioning social dialogue mechanisms, are key in ensuring systemic responses in times of crisis. The Committee further emphasizes that, moving forward, it is important for labour administrations to identify lessons learned which can guide future preparedness efforts and can assist in the development of modern, resilient and adaptable labour policies to cope effectively with crisis situations.***

418. The Committee notes that some of the institutional arrangements characterizing current labour administrations were not present or widely used at the time when the Convention and the Recommendation were adopted.⁶⁵⁹ This is the case, for instance, with public-private partnerships, the involvement of the private sector in the delivery of certain services, or the participation of non-governmental organizations in labour administration bodies. ***The Committee highlights that the participation of non-governmental organizations in the governance of labour can contribute to more adequate outcomes in various policy and decision-making contexts. The Committee emphasizes that this participation supplements but does not replace labour administration mechanisms based on social dialogue, involving workers' and employers' organizations.***

419. The Committee acknowledges that to cope with challenges in a rapidly changing world of work, labour administrations must continuously adapt and modernize. They should explore efficient and effective methods of governance and management and build tripartite partnerships as well as partnerships with other institutions and actors. Advances in information and communication technologies should be harnessed with the adoption of cost-effective systems which correspond to the different levels of technological development of various countries. ***The Committee emphasizes that any modernization effort must respect values such as the rule of law, tripartism, social dialogue at all levels, public interest, democracy, equity, good governance and transparency. The Committee also wishes to underline the fact that, while the instruments leave ample room for different organizational structures to be put in place, they provide for the labour administration system to maintain coordination of the functions***

⁶⁵⁹ Article 2 of Convention No. 150 provides that "A Member which ratifies this Convention may, in accordance with national laws or regulations, or national practice, delegate or entrust certain activities of labour administration to non-governmental organisations, particularly employers' and workers' organisations, or – where appropriate – to employers' and workers' representatives."

and responsibilities of the bodies operating under various arrangements. The instruments also require labour administrations to be able to ascertain that these bodies and structures are operating in accordance with national laws and regulations and are adhering to the objectives assigned to them.

420. Lastly, the Committee notes that in the past ten years the Convention has been ratified by only six countries,⁶⁶⁰ and that in response to the report form for this Survey, most countries indicated that they are not considering ratification. The Committee wishes to highlight once more the fact that the provisions of the Convention offer considerable flexibility to governments in designing a system that best responds to the national socio-economic context and to accommodate ongoing and future developments in the world of work. The Committee notes that this flexibility has allowed the instruments to pass the test of time and to remain relevant for more than 40 years since their adoption. ***Noting that the Convention provides a flexible guiding framework, the Committee firmly believes that its implementation can contribute to the establishment of an effective labour administration system which can respond to the challenges facing the world of work.***

421. Noting that a number of countries indicated that they would benefit from technical assistance, the Committee is of the view that increased priority should be given to ILO efforts to provide such assistance. For its part, the Committee intends to continue contributing to the improved understanding and application of the instruments through the pursuit of its regular dialogue, which takes place through its supervisory work, with the countries that have ratified the Convention. ***Emphasizing the potential of the instruments to respond to many of the current challenges experienced by Member States in the management of labour issues and in order to ensure follow-up to the findings of this General Survey, the Committee considers that the Office could prepare an action plan that can guide governments in identifying potential for strengthening labour administration at the national level. Such a plan could encompass a range of strategies and initiatives aimed at improving the effectiveness of labour administration systems, in particular in the areas of labour regulation, enforcement and social dialogue, including through capacity-building for the actors in the labour administration system.***

660 Côte d'Ivoire (2016), Niger (2015), North Macedonia (2013), Rwanda (2019), Serbia (2013) and Sierra Leone (2021).

Appendices



► Appendix I. Ratification status (Convention No. 150)

Members	Status
Afghanistan	—
Albania	Ratified 24/07/2002
Algeria	Ratified 26/01/1984
Angola	—
Antigua and Barbuda	Ratified 16/09/2002
Argentina	Ratified 20/02/2004
Armenia	Ratified 18/05/2005
Australia	Ratified 10/09/1985
Austria	—
Azerbaijan	—
Bahamas	—
Bahrain	—
Bangladesh	—
Barbados	—
Belarus	Ratified 15/09/1993
Belgium	Ratified 21/10/2011
Belize	Ratified 06/03/2000
Benin	Ratified 11/06/2001
Bolivia (Plurinational State of)	—
Bosnia and Herzegovina	—
Botswana	—
Brazil	—
Brunei Darussalam	—
Bulgaria	—
Burkina Faso	Ratified 03/04/1980
Burundi	—
Cabo Verde	—
Cambodia	Ratified 23/08/1999
Cameroon	—
Canada	—
Central African Republic	Ratified 05/06/2006
Chad	—
Chile	—
China	Ratified 07/03/2002
Colombia	—

Members	Status
Comoros	—
Congo	Ratified 24/06/1986
Cook Islands	—
Costa Rica	Ratified 25/09/1984
Côte d'Ivoire	Ratified 01/04/2016
Croatia	—
Cuba	Ratified 29/12/1980
Cyprus	Ratified 06/07/1981
Czechia	Ratified 09/10/2000
Democratic Republic of the Congo	Ratified 03/04/1987
Denmark	Ratified 05/06/1981
Djibouti	—
Dominica	Ratified 26/07/2004
Dominican Republic	Ratified 15/06/1999
Ecuador	—
Egypt	Ratified 05/12/1991
El Salvador	Ratified 02/02/2001
Equatorial Guinea	—
Eritrea	—
Estonia	—
Eswatini	—
Ethiopia	—
Fiji	—
Finland	Ratified 25/02/1980
France	—
Gabon	Ratified 11/10/1979
Gambia	—
Georgia	—
Germany	Ratified 26/02/1981
Ghana	Ratified 27/05/1986
Greece	Ratified 31/07/1985
Grenada	—
Guatemala	—
Guinea	Ratified 08/06/1982
Guinea - Bissau	—
Guyana	Ratified 10/01/1983
Haiti	—
Honduras	—
Hungary	—

Members	Status
Iceland	—
India	—
Indonesia	—
Iran (Islamic Republic of)	—
Iraq	Ratified 10/07/1980
Ireland	—
Israel	Ratified 07/12/1979
Italy	Ratified 28/02/1985
Jamaica	Ratified 04/06/1984
Japan	—
Jordan	Ratified 10/07/2003
Kazakhstan	—
Kenya	—
Kiribati	—
Kuwait	—
Kyrgyzstan	Ratified 22/12/2003
Lao People's Democratic Republic	—
Latvia	Ratified 08/03/1993
Lebanon	Ratified 04/04/2005
Lesotho	Ratified 14/06/2001
Liberia	Ratified 02/06/2003
Libya	—
Lithuania	—
Luxembourg	Ratified 21/03/2001
Madagascar	—
Malawi	Ratified 19/11/1999
Malaysia	—
Maldives	—
Mali	Ratified 23/01/2008
Malta	—
Marshall Islands	—
Mauritania	—
Mauritius	Ratified 05/04/2004
Mexico	Ratified 10/02/1982
Mongolia	—
Montenegro	—
Morocco	Ratified 03/04/2009
Mozambique	—
Myanmar	—

Members	Status
Namibia	Ratified 28/06/1996
Nepal	—
Netherlands	Ratified 08/08/1980
New Zealand	—
Nicaragua	—
Niger	Ratified 29/06/2015
Nigeria	—
North Macedonia	Ratified 22/07/2013
Norway	Ratified 19/03/1980
Oman	—
Pakistan	—
Palau	—
Panama	—
Papua New Guinea	—
Paraguay	—
Peru	—
Philippines	—
Poland	—
Portugal	Ratified 09/01/1981
Qatar	—
Republic of Korea	Ratified 08/12/1997
Republic of Moldova	Ratified 10/11/2006
Romania	Ratified 04/11/2008
Russian Federation	Ratified 02/07/1998
Rwanda	Ratified 16/05/2019
Saint Kitts and Nevis	—
Saint Lucia	—
Saint Vincent and the Grenadines	—
Samoa	—
San Marino	Ratified 19/04/1988
Sao Tome and Principe	—
Saudi Arabia	—
Senegal	—
Serbia	Ratified 15/03/2013
Seychelles	Ratified 23/11/1999
Sierra Leone	Ratified 25/08/2021
Singapore	—
Slovakia	—
Slovenia	—

Members	Status
Solomon Islands	—
Somalia	—
South Africa	—
South Sudan	—
Spain	Ratified 03/03/1982
Sri Lanka	—
Sudan	—
Suriname	Ratified 29/09/1981
Sweden	Ratified 11/06/1979
Switzerland	Ratified 03/03/1981
Syrian Arab Republic	—
Tajikistan	—
Thailand	—
Timor-Leste	—
Togo	Ratified 30/03/2012
Tonga	—
Trinidad and Tobago	Ratified 17/08/2007
Tunisia	Ratified 23/05/1988
Türkiye	—
Turkmenistan	—
Tuvalu	—
Uganda	—
Ukraine	Ratified 10/11/2004
United Arab Emirates	—
United Kingdom of Great Britain and Northern Ireland	Ratified 19/03/1980
United Republic of Tanzania	—
United States of America	Ratified 03/03/1995
Uruguay	Ratified 19/06/1989
Uzbekistan	—
Vanuatu	—
Venezuela (Bolivarian Republic of)	Ratified 17/08/1983
Viet Nam	—
Yemen	—
Zambia	Ratified 19/08/1980
Zimbabwe	Ratified 27/08/1998

▶ Appendix II. Governments that provided reports

- | | | |
|------------------------------------|------------------------------|--|
| ▶ Algeria | ▶ France | ▶ Oman |
| ▶ Argentina | ▶ Gambia | ▶ Panama |
| ▶ Australia | ▶ Georgia | ▶ Paraguay |
| ▶ Austria | ▶ Germany | ▶ Peru |
| ▶ Azerbaijan | ▶ Ghana | ▶ Philippines |
| ▶ Bahamas | ▶ Greece | ▶ Poland |
| ▶ Bahrain | ▶ Guatemala | ▶ Portugal |
| ▶ Bangladesh | ▶ Guinea | ▶ Qatar |
| ▶ Belgium | ▶ Guinea - Bissau | ▶ Republic of Korea |
| ▶ Belize | ▶ Honduras | ▶ Republic of Moldova |
| ▶ Benin | ▶ Iceland | ▶ Russian Federation |
| ▶ Bosnia and Herzegovina | ▶ India | ▶ Saint Kitts and Nevis |
| ▶ Botswana | ▶ Indonesia | ▶ Saint Vincent and the Grenadines |
| ▶ Brazil | ▶ Iran (Islamic Republic of) | ▶ Senegal |
| ▶ Brunei Darussalam | ▶ Iraq | ▶ Serbia |
| ▶ Bulgaria | ▶ Ireland | ▶ Seychelles |
| ▶ Burkina Faso | ▶ Israel | ▶ Sierra Leone |
| ▶ Burundi | ▶ Italy | ▶ Slovakia |
| ▶ Cabo Verde | ▶ Japan | ▶ Slovenia |
| ▶ Cameroon | ▶ Kazakhstan | ▶ South Africa |
| ▶ Canada | ▶ Kuwait | ▶ Spain |
| ▶ Chile | ▶ Latvia | ▶ Sri Lanka |
| ▶ China | ▶ Lesotho | ▶ Sudan |
| ▶ Colombia | ▶ Liberia | ▶ Suriname |
| ▶ Congo | ▶ Lithuania | ▶ Sweden |
| ▶ Costa Rica | ▶ Malaysia | ▶ Switzerland |
| ▶ Croatia | ▶ Maldives | ▶ Thailand |
| ▶ Cuba | ▶ Mali | ▶ Togo |
| ▶ Cyprus | ▶ Mauritania | ▶ Trinidad and Tobago |
| ▶ Czechia | ▶ Mauritius | ▶ Tunisia |
| ▶ Côte d'Ivoire | ▶ Mexico | ▶ Turkmenistan |
| ▶ Democratic Republic of the Congo | ▶ Morocco | ▶ Türkiye |
| ▶ Denmark | ▶ Mozambique | ▶ United Arab Emirates |
| ▶ Dominican Republic | ▶ Myanmar | ▶ United Kingdom of Great Britain and Northern Ireland |
| ▶ Ecuador | ▶ Namibia | ▶ United Republic of Tanzania |
| ▶ Egypt | ▶ Nepal | ▶ United States of America |
| ▶ El Salvador | ▶ Netherlands | ▶ Uruguay |
| ▶ Eritrea | ▶ New Zealand | ▶ Venezuela (Bolivarian Republic of) |
| ▶ Estonia | ▶ Nicaragua | ▶ Viet Nam |
| ▶ Ethiopia | ▶ Niger | ▶ Zambia |
| ▶ Finland | ▶ Nigeria | ▶ Zimbabwe |
| | ▶ Norway | |

▶ Appendix III. List of observations made by workers' and employers' organizations

Workers' organizations

Argentina

- ▶ Confederation of Workers of Argentina (CTA Autonomous)
- ▶ General Confederation of Labour of the Argentine Republic (CGT RA)

Austria

- ▶ Federal Chamber of Labour (BAK)

Bangladesh

- ▶ Trade Union's International Labour Standards Committee (TUILS Committee)

Bulgaria

- ▶ Confederation of Independent Trade Unions in Bulgaria (CITUB)

Canada

- ▶ Canadian Labour Congress (CLC)

Dominican Republic

- ▶ National Confederation of Trade Union Unity (CNUS)

Ethiopia

- ▶ Confederation of Ethiopian Trade Unions (CETU)

Finland

- ▶ Central Organization of Finnish Trade Unions (SAK)

Greece

- ▶ Greek General Confederation of Labour (GSEE)

Guinea Bissau

- ▶ National Union of Workers of Guinea (UNTG)

Kenya

- ▶ Central Organization of Trade Unions of Kenya (COTUK)

Latvia

- ▶ Free Trade Union Confederation of Latvia (FTUCL)

Mexico

- ▶ Authentic Workers' Confederation of the Republic of Mexico (CAT)
- ▶ Confederation of Workers of Mexico (CTM)

Peru

- ▶ Autonomous Workers' Confederation of Peru (CATP)

Poland

- ▶ Independent and Self-Governing Trade Union "Solidarnosc"

Portugal

- ▶ General Workers' Union (UGT)

Republic of Korea

- ▶ Federation of Korean Trade Unions (FKTU)
- ▶ Korean Confederation of Trade Unions (KCTU)

Serbia

- ▶ Confederation of Autonomous Trade Unions of Serbia (CATUS)
- ▶ Trade Union Confederation 'Nezavisnost'

Spain

- ▶ General Union of Workers (UGT)

International workers' organization

- ▶ International Trade Union Confederation (ITUC)

Employers' organizations

Brazil

- ▶ National Confederation of Industry (CNI)

Bulgaria

- ▶ Bulgarian Industrial Capital Association (BICA)

Costa Rica

- ▶ Costa Rican Federation of Chambers and Associations of Private Enterprise (UCCAEP)

France

- ▶ Movement of the Enterprises of France (MEDEF)

Nepal

- ▶ Federation of Nepalese Chambers of Commerce and Industry (FNCCI)

New Zealand

- ▶ Business New Zealand (BusinessNZ)

Portugal

- ▶ Confederation of Trade and Services of Portugal (CCSP)

Serbia

- ▶ Serbian Association of Employers (SAE)

Spain

- ▶ Spanish Confederation of Employers' Organizations (CEOE)
- ▶ Spanish Confederation of Small and Medium Sized Enterprises (CEPYME)

Trinidad and Tobago

- ▶ Employers' Consultative Association of Trinidad and Tobago (ECA)

International employers' organization

- ▶ International Organisation of Employers (IOE)

