



Ministerie van Sociale Zaken en  
Werkgelegenheid

## **Verslag van de 99ste zitting van de Internationale Arbeidsconferentie**

(Genève 2 – 18 juni 2010)

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## 1.1 Inleiding en samenvatting

### Algemeen

De 99<sup>e</sup> zitting van de Internationale Arbeidsconferentie (IAC) van de Internationale Arbeidsorganisatie (IAO) vond plaats van 2 - 18 juni 2009. Als voorzitter van de Conferentie werd gekozen de heer Gilles de Robien (Frankrijk). Tot vice-voorzitter werd gekozen de heer Rober Nkili (Kameroen) namens de overheden, mevrouw Powell (Haïti) namens de werkgevers en de heer Nakajima (Japan) namens de werknemers.

De tripartiet samengestelde Koninkrijksdelegatie bestond uit vertegenwoordigers van Nederland en de Nederlandse Antillen. Gedelegeerden van de Nederlandse overheid waren drs. L.C. Beets, directeur Internationale Zaken bij het Ministerie van Sociale Zaken en Werkgelegenheid, en mevrouw mr. drs. S. Terstal MA, plaatsvervangend gevolmachtigd ambassadeur bij de Permanente Vertegenwoordiging van het Koninkrijk der Nederlanden te Genève.

De Minister van Sociale Zaken en Werkgelegenheid, de heer P.H. Donner, heeft op 11 juni 2010 tijdens de plenaire vergadering over het *Global Report on Child Labour* deelgenomen in een panel (zie bijlage 1.1.1).

De samenstelling van de Koninkrijksdelegatie is opgenomen in bijlage 1.1.2.

### Inhoud

Het belangrijkste onderwerp van deze IAC voor Nederland was de behandeling van het *Global Report on Child Labour*. In het rapport zijn de nieuwste cijfers over kinderarbeid opgenomen. Er zijn nog steeds 215 miljoen kindarbeiders, waarvan ruim de helft in de ergste vormen van kinderarbeid werkzaam zijn. Minister Donner heeft het slotdocument van de *The Hague Global Child Labour Conference 2010* onder de aandacht van de plenaire vergadering gebracht ter verdere behandeling in de ILO. In de *Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016* staan concrete afspraken en beleidssuggesties voor overheden, sociale partners, NGOs en internationale organisaties. Het document kan als leidraad dienen voor het uitbannen van de ergste vormen van kinderarbeid. In de IAO Beheersraad op 18 juni jl is besloten dat de Roadmap deel zal uitmaken van de besprekingen over een plan of action inzake kinderarbeid in het comité technische samenwerking van de Beheersraad in november 2010.

In het *Financiële Comité* zijn het concept-besluit over het net premium, de financiële verklaringen, en het rapport van de externe auditor zonder verdere discussie aangenomen.

In het *Comité inzake de toepassing en naleving van verdragen en aanbevelingen* werd, als ieder jaar, een speciale zitting gewijd aan de naleving door *Birma* van Verdrag nr. 29 (dwangarbeid). De meeste sprekers erkenden dat de regering van Birma/Myanmar beperkte vooruitgang boekt en riepen de regering van Birma/Myanmar op te voldoen aan de aanbevelingen van de IAO onderzoekscommissie. Het niet in vrijheid opereren van vakbonden in Wit-Rusland is al jaren en ook dit jaar onderwerp van discussie in de IAC geweest. Het Comité riep de regering wederom op om de aanbevelingen van de IAO onderzoekscommissie door te voeren en de wetwijzingen en een actieplan met duidelijke deadlines voor te leggen aan de IAO. Zimbabwe werd dit jaar niet besproken in afwachting van de bevindingen van de IAO onderzoekscommissie, die dit voorjaar in Zimbabwe is geweest. Guatemala werd dit jaar besproken in het comité vanwege het klimaat van

straffeloosheid en geweld en het vermoorden van vakbondsleden. Het comité sprak zijn bezorgdheid uit over het feit dat de politieke wil ontbrak om de sociale dialoog te versterken en vakbondsleden te beschermen. Ook riep het comité de regering van Guatemala op om wetwijzigingen door te voeren en een IAO high level mission te accepteren.

De algemene discussie was dit jaar gewijd aan het onderzoek dat de IAO heeft gedaan naar Verdrag nr. 122 (werkgelegenheidsbeleid), Verdrag nr. 142 (human resources development), Verdrag nr. 181 (particuliere bureaus voor arbeidsbemiddeling) en de bijbehorende aanbevelingen. Vele interventies verwezen naar het belang van het IAO Global Jobs Pact (juni 2009) dat enkele goede richtsnoeren bevat om de werkgelegenheidssituatie in de huidige crisis te verbeteren.

In het Comité *Decent Work for Domestic Workers* is een eerste lezing geweest van een Verdrag met bijbehorende Aanbeveling inzake Decent work voor huishoudelijk personeel. Wereldwijd werken miljoenen mensen, veelal vrouwen, als 'domestic workers'. Domestic work speelt zich in veel landen in de informele sector af en is meestal weinig gereguleerd. In een tweede lezing tijdens de IAC van 2011 zal het ontwerp Verdrag verder worden bediscussieerd en vervolgens worden aangenomen.

De 99<sup>e</sup> IAC heeft de *Aanbeveling HIV/AIDS and the world of work* aangenomen. In de aanbeveling is onder meer opgenomen dat er geen discriminatie op basis van (vermeende) HIV-status noch op basis van het behoren bij een groep met (vermeende) kenmerken mag plaatsvinden. Ook mag een HIV-test geen onderdeel uitmaken van de selectieprocedure en mogen sollicitanten niet gedwongen worden om een HIV-test te ondergaan. Daarnaast zijn bepalingen opgenomen inzake voorlichting en training en preventiemaatregelen. Beleidsontwikkeling en programma-uitvoering dienen tot te komen stand in overleg met werkgevers- en werknemersorganisaties alsmede met NGOs en organisaties die de belangen behartigen van mensen met HIV.

Tijdens de 99<sup>e</sup> zitting van de IAC werd voor het eerst een zogeheten *recurrent discussion of cyclical review* (uit)gevoerd, dit jaar met als onderwerp "werkgelegenheid". De conclusies van de discussies geven de prioriteiten aan voor het werk van de IAO en potentiële werkzaamheden voor overheden en werkgevers en werknemers op de verschillende thema's die zijn besproken. In de conclusies wordt onder andere opgeroepen om werkgelegenheid centraal te stellen in het sociaal-economisch beleid.

Het *Committee on the follow up of the 1998 Declaration on Fundamental Principles and Rights at Work* besprak de stroomlijning van de follow up van de 1998 Declaration met de follow up van de 2008 *Declaration on Social Justice for a fair globalization*. Dit heeft geleid tot een herziening van de follow up van de 1998 Verklaring.

**Fifth sitting**

Friday, 11 June 2010, 10.15 a.m.

*President: Mr de Robien***GLOBAL REPORT UNDER THE FOLLOW-UP TO THE ILO  
DECLARATION ON FUNDAMENTAL PRINCIPLES AND  
RIGHTS AT WORK***Original French: The PRESIDENT*

Today, we are going to be discussing the Global Report, *Accelerating action against child labour*, which is the third of its kind to be published on the work to combat child labour. The ILO Declaration on Fundamental Principles and Rights at Work was adopted in 1998, showing the commitment of both governments and employers' and workers' organizations to those genuine work-related human rights that form the bedrock of the ILO's Minimum Age Convention, 1973 (No. 138), and Worst Forms of Child Labour Convention, 1999 (No. 182).

At the request of the Governing Body, our discussion this year is going to be more interactive than in the past, taking the form of a round table discussion led by our moderator, Ms Tabatabai.

Before we begin, I would like to remind you of the importance and relevance of the information in the Global Reports which have, over the years, allowed us to have a better grasp of the major trends and developments in the implementation of the ILO's eight core Conventions.

The 1998 Declaration and its follow-up definitely have had an especially visible impact in the area of combating child labour, but there is still much to be done, as we can see in the Report that is before us today, to eradicate the worst forms of child labour by 2016.

Since the Declaration was adopted, we have seen a remarkable increase in the number of countries that have ratified the core Conventions, with a truly historic breakthrough in the number of ratifications of Conventions Nos 138 and 182. Speaking on behalf of the International Labour Conference, I would like to pay a special tribute to the work done in this area by Mr Kari Tapiola, who is here at my side, and to express to him our deepest gratitude.

Abolishing child labour is something which is very close to my heart. I had the honour last month to take part in the Hague Global Child Labour Conference organized by the Government of the Netherlands, and I would particularly like to extend to Mr Donner, the Minister of Social Affairs and Employment of the Netherlands, my most sincere appreciation for the efforts in which he invited us to join him and thanks to which the Hague Conference adopted the Road map for achieving the elimination of the Worst Forms of Child Labour by 2016.

The conference was a great success and I think we owe that to Mr Donner and should show him our deepest gratitude.

On a personal note, speaking as a former Minister of Education, I would like to stress, as I did in the Hague, that it is vitally important to root out the causes of child labour. The best, indeed the only, remedy, is education: Education as the way out of labour, the path to follow, the springboard for development and poverty reduction; and it calls for the will to do it. That strong political commitment on the part of one and all exists.

Today, we are celebrating World Day against Child Labour 2010, an event that has taken place every year since 2002 with a view to drawing the whole world's attention to the issue of child labour. Today and tomorrow, in more than 60 countries around the world, and in cooperation with governments, social partners and civil society, the ILO will obviously support the awareness-raising activities, aiming to bring this year's theme to the fore: *go for the goal – end child labour*. Other United Nations agencies will also be contributing to the World Day. I will therefore invite you after the statement from the representative of the Secretary-General, to raise the red cards you were given as you came in: Show the red card to child labour.

But first, I now give the floor to the representative of the Secretary-General to present the general thrust of the Global Report.

*Mr TAPIOLA (The Representative of the Secretary-General)*

Nearly two decades ago, the aim of eliminating child labour was embraced globally. The work of the constituents of the ILO has been instrumental in bringing child labour out of the shadows. There has been a tremendous level of mobilization and a great sense of purpose and of possibility. Four years ago, the previous Global Report on child labour showed an encouraging decline. We believed that the goal of ending child labour was within reach and we were optimistic enough to aim to end its worst forms by 2016. The present Global Report contains further encouraging findings – it estimates that, since the last Report was published, child labour has fallen by 10 per cent among children aged between 5–14. The number of children aged 5–14, working in hazardous conditions fell by 31 per cent. The number of girls involved in child labour has decreased by 15 per cent.

However, there is some bad news, too. We have seen a 20 per cent increase in child labour among the 15–17 age group. These are mainly children of

legal working age, who are working in hazardous conditions, namely the worst forms of child labour.

Also of grave concern is the fact that child labour is a growing phenomenon in sub-Saharan Africa, although it has followed a downward trend elsewhere. Overall, progress has slowed down. From 2004 to 2008, the rate of decline was just 3 per cent, compared to 10 per cent during the previous four year period. Judging by present trends, the goal on ending the worst forms of child labour by 2016 will not be met. This means that the goal of eliminating child labour will slip out of reach if we do not take accelerated action. You will be discussing these findings today. The most critical contributions will be your views on how to provide a new impetus for action against child labour. The challenges ahead may seem daunting, campaign fatigue may exist, and donor fatigue may be creeping in, aggravated by the economic crisis. However, let us recall that none are as fatigued as the children trapped in child labour.

In a photo exhibition at the ILO building, you will see some of the faces of child labour. These are not the faces of children earning pocket money in their spare time, or helping out around the house, farm or business. These photos tell the story of hard, dirty and often dangerous labour that none of us would accept for our children, and what is unacceptable for our children cannot be tolerated for others.

Behind each image is a child with hopes and dreams. These dreams often revolve around a future with a decent job, as a teacher, a doctor, a police officer, a tailor, a farmer, or perhaps a football player. These were also the hopes of the children who marched into this hall in 1998 and in 1999, and whose presence was a reminder of our goal.

The Government of the Netherlands, for one, has taken up the gauntlet laid down in the previous Global Report, and it has led by example by convening a global conference on child labour, in order to galvanize action in May of this year.

Mr Donner, we sincerely thank you for your commitment. Thank you for being here today to share the outcome of the Hague Conference, convened by your Government, and the road map that delegates at that conference agreed on and which can, and should, further inspire the discussions here.

Let me also acknowledge the work that so many other UN agencies are doing, in so many ways, to ensure that children are released from child labour. I also thank them for joining us in marking this day, including as expressed in a recent statement from the UN Inter-Agency Coordinating Committee on Human Rights, Education in the School System.

Our thanks also go to all the others who are mobilizing on this day across the globe.

As the Global Report clearly stated, "business as usual" is not an option. We must invest now in policies that will guarantee this fundamental right and put an end to child labour. We must ensure quality education for all children at least up to the minimum age of employment. There must not be a gap between primary education and the minimum age of entry into employment. Education must be accessible and relevant. A well-educated population is better placed to engage in productive employment, and to contribute to development and economic growth. The umbrella of social protection must be extended to the vulnerable, as providing support to families enables them to keep children, all children, in school. Too often, when poor families must choose

between educating a boy or a girl, the girl loses out. Working out of poverty must be a fundamental component of the strategy against child labour. This means promoting decent work. Decent work opportunities must be made available to adults, especially young persons and parents. This is the ILO's integrated decent work strategy that is set out in the Declaration on Social Justice for a Fair Globalization. The implementation of this approach is a test of our policies for sustainable development. It is a message that we also must take to the Millennium Development Goal Summit later this year. However, today it is time to listen to your voices in this discussion on the Global Report.

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*Original French:* The PRESIDENT

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As you probably imagined, many of us will be glued to the television this evening to watch the first few matches of the World Cup in South Africa, but we should remember that many children in this world today will not have time even to go to school and certainly not to watch television. The World Day against Child Labour, under the slogan *go for the goal – end child labour*, is particularly timely here today.

Colleagues, as you entered the hall this morning, you were handed a red card. It was not a red card referring to your actions, but a red card that we would like you to use. Before we begin the discussion this morning, I would ask all of you to pick up your red cards. Please stand up and brandish this red card, the "red card against child labour".

Let us show our commitment to the aim of eradicating child labour.

I am now going to open the debate in accordance with some of the rules on suspension which were adopted at the second sitting. I would like to begin by explaining how things are going to be organized today. This morning our moderator, Ms Zohreh Tabatabai, will be moderating a debate amongst the members of the panel, and will give the floor to people who wish to speak from the floor.

I am now going to ask the moderator Zohreh Tabatabai to introduce the panellists, and also to describe to us how she is planning to conduct our debate here today.

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The MODERATOR

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Today is about hearing your voices: about what you have tried out that has been successful in your countries; about what you propose to do in the future; and about sharing. This meeting is to be interactive, so I beg you to keep your interventions short.

Millions of children today are looking to you to make their world a better place.

Our panellists today have come from all parts of the world. Minister Donner, who held one of the best and most energized meetings on child labour, with a real feeling that we were making inroads, a month ago in The Hague. The next panellist is Ms Maria Fernanda de Carvalho Francisco, of the National Union of Angolan Workers – Trade Union Confederation (UNTA-CS).

We also have: the Workers' delegate Mr Adyanthaya, who was with us in The Hague; Ms Marina Victoria Velásquez de Avilés, Minister of Labour and Social Welfare of El Salvador; Mr Tim Parkhouse, representing the employers' organization of Namibia; Ms Myra Hanartani, Director-General, Ministry of Manpower and Transmigration of Indo-

nesia; Mr Guirieoulou, Minister for the Public Service and Employment, Côte d'Ivoire and Mr Javed, who represents the employers of Pakistan, but has had many previous lives in government as well.

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Mr DONNER (*Minister of Social Affairs and Employment, Netherlands*)

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We did indeed host a conference on child labour, but to put this conference in its proper perspective, I want to stress that it was held at the behest of the International Labour Organization and was organized in close cooperation with the offices of the ILO.

As you will recall, the Governing Body, in concluding its discussion on the 2006 Global Report, adopted a Global Action Plan, in which it called for the organization of a global conference to reinvigorate the worldwide movement against child labour and to assess progress towards the 2016 goal of the elimination of child labour in its worst forms. Upon the request of the ILO, the Netherlands was glad to accommodate such a conference. We have a long-standing commitment to the aim of eliminating child labour, particularly in its worst forms; we think child labour is a scourge for children and society because it robs both of them of their youth and future, degrades children and the society in which it is found, and threatens international relations, because countries that take measures to abolish child labour will find it harder if other countries in the region do not take similar measures. We believe that, although child labour has a long history, it should have no future.

Why this conference at this moment? Because we think, in the present crisis, we stand at a crossroads in the fight against child labour.

Countries will be tempted to let the elimination of child labour in its worst forms take second place to their efforts to recover from the economic crisis, but by taking that route, the aim of eliminating child labour in its worst forms will become unattainable, even though we have made huge progress since the adoption of that goal in 2006.

This is confirmed by the Global Report we are now discussing because it shows that the number of child workers, fell worldwide from 222 million to 215 million, but the decline is slowing down, and child labour is on the increase in sub-Saharan Africa due to war and AIDS. Moreover, 150 million children are still subjected to child labour in its worst forms.

Thus, hosting the conference in the Hague was something like an act of faith by the Netherlands Government in the worldwide commitment to eliminate child labour in its worst forms. I am therefore glad to inform you that the participants in the conference rose to the occasion and adopted a road map for achieving the elimination of the Worst Forms of Child Labour by 2016. A copy of the road map is in the room and you will find it in your lockers as well.

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*Original Portuguese: Ms DE CARVALHO FRANCISCO (Worker, Angola)*

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Before replying to your question, I would like to make some comments which I think are important, just to give those present an idea.

First of all, I would like to refer to the fact that Angola, my country, has only had eight years of peace. Angola has had decades of war, which ended

in April 2002, and this must be taken into account in discussing the issue.

Statistics indicate that most of the Angolan population is young. More than 60 per cent of the population is under the age of 18. As everyone knows, Angola became independent in 2005, but, when we achieved independence, more than 75 per cent of the population was illiterate, so when we became independent we already had problems linked to education. Fortunately, our Constitution establishes the principle of protecting the rights of children, especially in terms of education, health and living conditions.

Angola ratified the United Nations Convention on the Rights of the Child and also the Minimum Age Conventions, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182).

Work is being done by the Angolan Government. The Government has created the National Institute for Children, a public institution that protects children's rights and ensures they are defended. But we have had 50 years of war, and, as the world knows, war is synonymous with destruction, suffering, hunger and poverty. Educational structures had been practically destroyed by the end of the war.

Although indicators do show growth for Angola since 2005, all the work that has been done is still not enough. Angolan children are still vulnerable to child labour.

Our union has embraced the projects of the ILO since 2007. A group of union members from Portuguese-speaking countries held a meeting in Brazil to exchange experiences and study the situation there. The meeting allowed for discussion of the challenge of implementing the International Programme on the Elimination of Child Labour (IPEC) in Angola, for the protection of children.

Much has been done in recent years. Our first challenge was to build a school to promote the Programme in Angola and see how it could help us to combat child labour. But when we began our awareness campaign, contrary to our expectations, we found that from one school the Programme spread quickly to 56. In these 56 schools all the teachers were interested in the project, but for organizational reasons, we have only managed to keep 40 teachers. Now we have 40 teachers who are working alongside employers. As a goal, we have suggested that by the end of 2010 we should have 1,500 teachers, who will work with Angolan schools in the future to make children aware of the risks and become active in society to save future children from child labour.

In Angola, the phenomenon is most widespread in rural areas. Angolan law prohibits child labour, but cases are often reported by the unions and also by the rest of society. In our formal system, however, if child labour is used, sanctions are imposed by the authorities, but it is mainly in rural areas that we have child labour, in families. For example, children are used to pick the crops and also for domestic tasks. We need to try and overcome this and defend children against child labour.

In Angola, people who live in urban areas have often come from rural areas. They try to find girls who are less privileged and bring them in to do domestic work. Our unions are united against this. We are trying to give our support to overcoming this phenomenon in Angola.

Before answering that particular question, I would like to say a few things about the eradication of child labour as far as my country is concerned. The population of the country, as you know, reached more than 1.1 billion and only 7 per cent of the workforce is in the formal economy, 93 per cent of the workforce is in the informal economy and in villages.

So this is a very complex problem and, at the same time, I must tell you that my country has not ratified Convention No. 182 or Convention No. 138, most important, two core Conventions. I expect that, at the shortest time, at least soon after this Conference, they will open their eyes and ratify these two Conventions.

Now, you raised certain important questions. Yes, the role of trade unions is very, very important. First of all, as well as implementing the national policy at the national level of effective engagement, trade unionists can play a very vital role in tripartite consultations. That is one. And, at the same time, because, as I said earlier, only 7 per cent of workers in the organized sector, the remaining 93 per cent are in the informal economy, we have to stretch ourselves, though we have constraints on resources, the trade unions have constraints on these resources, and we have to stretch ourselves to work in the villages where the real child labour market is.

That is the market from which it feeds into the towns or the cities, so this is where our role is very important. At the same time, I welcome the ongoing joint IPEC–ACTRAV programme of training for trade union activists, this is a very important aspect. But, most of all, child labour exists overwhelmingly in agriculture, both formal and informal.

In other sectors of the informal economy also, for instance domestic workers, a very important discussion is going on in this area. I am afraid my country is opposed to that Convention.

On the other side, my Prime Minister himself has said that, although we have social stimulus packages for the global economy, in 200 districts it is not implemented because government representatives cannot go into those villages to implement them because of nationalism and terrorism that has been experienced by ministers. The bureaucratic will to achieve progress is most essential.

Then the primary need is for sectoral as well as area approaches to eliminating child labour and it is best, of course, if the two are combined. The sectoral approach is based on that fundamental purpose, organizing workers, negotiating improvements to workplaces in enterprises and pressing for the formalization of the informal economy.

But, at the same time, the most important factories, all the social partners, the Government, employers and workers, should work in tandem to eliminate this scourge. The most important thing is: this is a labour market issue; that is why decent work for youth and families is very pertinent and important.

With regard to the employment of rural informal workers, our Government has introduced the “100 days of work” programme for rural workers. The Government has accepted, the Prime Minister himself has accepted, that there is widespread corruption in the programme. If it is to be effective, all the social partners should be taken into consideration at the implementation level, at the grass-roots level.

I think this is an important opportunity, as a country, to give our view on how we are involved in the elimination of the worst forms of child labour; we hope to put an end to it by 2016 and to child labour in general by 2020.

There are three basic concepts to this issue: urgency, importance and need. We cannot allow the world economic and financial crisis that is affecting us and imposing poverty, inequality and unemployment on us from carrying out our commitments, not only our legal commitments but our ethical and Christian commitments. We have made successful steps towards achieving these objectives.

In El Salvador, my country, we have created a road map that connects all the public policies and strategies presented in November–December 2009 on the fight against poverty, strengthening education and health, comprehensive protection of rights under the Constitution and national and international legislation, such as compliance with the ratification of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No.182). It also includes awareness raising and social mobilization, because we cannot just be observers or remain indifferent to or sceptical of these commitments.

Finally, to the follow-up to achievements and obstacles. We are making efforts to achieve, slowly, these objectives. But more than what we have been able to do as a country, requirements go much further than that; we must speed up the process because 215 million children throughout the world are waiting for us adults to take up this challenge. If we have all ratified the Global Jobs Pact and if every country strengthened their national job pact, it would be a profoundly ethical commitment. We are working on this in El Salvador because it is only thanks to these national employment pacts that we are going to be able to provide decent work to adults so that families do not use child labourers and do not use them as an opportunity to increase family income. This is an important appeal, and El Salvador has a strong political will, thanks to the change of Government, in concentrating on this theme of eliminating the worst forms of child labour, and of child labour in general by 2020. We have been discussing domestic work, and we have our Social Security Director here, and have extended this to domestic work, because doesn't domestic work represent one of the worst forms of child labour? It is high time that we the State went into houses to see what is happening to child domestic workers.

I think one of the things one should look at first about Namibia is the size of the country. I ask you to envisage a map of Europe: Berlin in the north east; London in the north west; and Rome in the south. That is the size of our country – Berlin, London, Rome – and we have 2.2 million people.

Our crisis is how to reach out to these people and take the message to them. The Employers, have come up with a proposal, which we have already tested with the ILO, regarding how to get the message out to the rural community. If you have listened to the other speakers, you will have seen that



the same themes appear: rural poverty and unemployment.

Our problems concern the rural areas. We put our plans on the table. First of all, the ILO told us to make CDs, hold workshops and draw up policies. We said, hold it, we want to do something. Half of the people we are talking about have no electricity, let alone a computer to read a CD. Many of them are also illiterate.

Therefore, we are going to go out into the bush and we are going to take the message of eliminating child labour to the bush. Our plan is to obtain a 4x4 off-road vehicle, which is indispensable in the areas we are talking about, as there are no asphalt roads.

We are going to have a huge collapsible cinema screen, a mobile portable generator and a projector. These will be put up in the villages, farms, churches, schools or under trees, and we will show the people a locally produced, namely Namibian, film about child labour.

We will have somebody on site who can speak at least two or three of the 11 indigenous languages. This person will travel, and will spend three weeks a month in the bush, taking the message to the people.

We hope that this will raise sufficient awareness, so that we can make progress in combating child labour in our country. I would just like to mention some statistics. We estimate that out of a population of 2.2 million, there are 80,000 AIDS orphans. These orphans obviously also have siblings whom they support, or try to support.

We estimate that there are 30,000 children in Namibia who are not able to go to school because they have to work.

If we take this message out to the bush, under the trees, to the farms, we believe we will achieve something.

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Ms HANARTANI (*Government, Indonesia*)

Your question makes me recall the situation of ten years ago. So I just want to correct something. We have in fact ratified *all* the core Conventions, not *most* core Conventions.

Ten years ago, our population was 216 million. Of the 216 million, we had 65 million aged from 5 to 19 years. At that time, of course, we did not ignore the rights of children, because starting from 1998, Indonesia reaffirmed its respect for democracy and human rights, including those of its 65 million children and young people. So that is why we worked to ratify these Conventions.

Of course, all the Conventions are good, but the Conventions on child labour are good because not any single parent in the world would like to have his own children working at a young age.

That is why it is not really so difficult because everybody agrees, and we have a national consensus, that children have their own rights to study, to education, to develop in their own way.

Having the common interest is good but it is not enough. We need to have the legal basis. That is why we ratified these core Conventions. In 1999 we ratified the Minimum Age Convention, 1973 (No. 138), and then a year later we ratified the Worst Forms of Child Labour Convention, 1999 (No. 182).

In 2001 we established a national committee for the eradication of child labour, for awareness raising. I mention this because everybody agreed that it is not good that children have to work at an early

age. So, it was not too difficult to make them aware in this sense. But then we have to think about the practical aspects. That is why the Government takes action to make a serious programme on this. We have specified in our regulations that 20 per cent of the budget should be allocated for education. Even though it has not yet actually reached 20 per cent, it is our political intention to achieve this. It shows that everybody agrees that child labour should be eradicated in Indonesia.

Until now, we worked together with the ILO, and also with other donors on this. We already have some initiatives in the provinces, some 33 provinces and more than 500 local government administrations. In Indonesia we have 1.9 million square kilometres in land area. We have 109,000 kilometres of coast line. We have 17,000 islands and more than 1,000 ethnic groups. You can imagine the difficulty of coordinating all these groups to achieve one goal, to eradicate child labour. Anyway, I think, as you say, we are doing well in Indonesia. Still, we have a lot of work to do, but with the help of the ILO and other donors and international groups I think we can do better.

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*Original French: Mr GUIRIE OULOU (Minister, Public Service and Employment, Côte d'Ivoire)*

Côte d'Ivoire had the honour and privilege of chairing the Committee which drafted the Worst Forms of Child Labour Convention, 1999 (No. 182), so we feel very involved in it. We look upon this Convention as our baby and we are very proud of it. Child labour exists in Côte d'Ivoire and we are determined to combat it in the firmest possible way.

Together with the International Labour Office and, more specifically, together with IPEC, my country has organized a number of activities since 2003. Two programmes have been set up in cooperation with the ILO. The first is the WACAP programme, which was established to combat child labour in the cocoa industry. We have also set up committees against child labour at various levels of our administration, at the department, local authority and village level, and to carry out awareness-raising campaigns for various communities.

Together with IPEC, we have developed a project to combat child trafficking in Central and Western Africa. Four studies have been carried out under the project to reinforce our awareness-raising capabilities in combating child trafficking. We have been working with journalists, security enforcement agents, labour inspectors and members of local committees on vigilance to combat child trafficking and also families who have taken in children who are victims of child trafficking.

We have also established committees to monitor and identify children who are being exploited or have been trafficked. This has allowed us to make sure that some of these children can attend school or take an apprenticeship and that those who are above school age can undergo literacy programmes. We have also strengthened our subregional cooperation, because, although we have this problem in Côte d'Ivoire, we need to look at it in a subregional context. There is trafficking between Côte d'Ivoire and some of our neighbours.

Thanks to our cooperation with IPEC, we have been able to establish a global plan at the national level: our national programme to combat trafficking and the worst forms of child labour. It is based on five main approaches. I will not go into detail at this

point but the cost of this is some US\$7,256,000. With this programme, since 2007, we have been able to carry out a number of campaigns to combat child labour.

To this I need to add that we have adopted a draft Bill banning child trafficking and the worst forms of child labour. The Government has just adopted this draft Bill.

We have also undertaken specific actions to raise awareness about issues relating to cocoa plantations. We also have more specific forms of action, for example, we have developed a specific programme to help children working in cocoa plantations. We have a steering committee, chaired by the Prime Minister, with representatives from various ministries whose work is affected by the issue of child labour.

Thanks to this project we have been able to mobilize society and raise awareness of this issue and put in place education and health centres for children and their parents who live in affected areas. A further aim of the project is to help households raise their levels of income.

The results so far are fairly promising. Out of 30 villages, ten already have the infrastructure in place. An investment fund for rural regions has also been set up by the Government and every year some US\$24 million are placed in this fund so that, in the cocoa-growing areas, this money can be used to improve infrastructure and living conditions.

Hydraulic pumps, for example, have been installed in villages to make it easier to get drinking water. School canteens and classrooms have been provided so that children whose parents work in the plantations can get a meal at school and can attend school regularly. These funds are also spent on building health centres and improving tracks and roads so that transport is easier. Some €44 million has been spent on these efforts over the last two years. But we still have a long way to go and we still need to do a lot of work before we get to the goal of eliminating child labour by 2016.

The prevalence of child labour is of course a result of poverty, so it needs to be part of the overall national development plan, which we have done. In our 2009–13 strategic document on poverty, we have incorporated the battle against child labour. The National Employment Council, which we are going to set up soon, will also be asked to address this issue. We feel that child labour affects the labour of adults, but improving working conditions for adults will lead to the eradication of child labour.

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Mr JAVED (*Employer, Pakistan*)

Tomorrow, on 12 June, the world will be celebrating World Day against Child Labour, and I have the honour to speak, on behalf of the Employers' group, on this important subject as part of this panel. I must congratulate the ILO on developing a very attractive and timely theme of *go for the goal – end child labour*, coinciding with the soccer World Cup that is starting today in South Africa.

I am honoured to be from Pakistan, the country which is linked to the World Cup by supplying soccer balls. The Report of the Director-General, *Accelerating action against child labour*, urges all of us to step up our efforts to eliminate at least the worst forms of child labour by a target of 2016.

The Report very correctly identifies the main instrument: political will. I am very pleased to report

to this august house that, in Pakistan, not only have we ratified both Conventions, but we have been able to implement them or the most of them. And why it was so in a developing economy like ours, is that, in Pakistan, which is a predominantly Muslim country, it is part of our faith and the great prophet Muhammad emphasized and told us that those who do not respect elders and do not care for children are not among us. So, it is very important that we should have, and we have, ratified most of the core Conventions and, in particular, the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and I must thank the Government, the Workers' group and the employers of Pakistan, who are very sensitive in implementing it.

In Pakistan we have taken an initiative where, periodically, we review the list of hazardous work: all the tripartite constituents sit together and we update it. In the very recent update, the number of hazardous activities of work increased to 39. The Employers' Federation of Pakistan has taken an initiative and we have formulated a code of conduct for six hazardous types of work, mostly in the informal sector. I would like to report to this august house that the worst form of child labour is mostly in the informal sector: as my Indian colleague has said, over 90 per cent is in the informal sector. Let us not be mistaken – it is not only in the developing economies that the informal sector is growing. In the Hague and Brussels conferences, we were not surprised to hear that the SME and informal sector is as high as 70 per cent, even in some developed economies.

So, the six sectors that we targeted and worked with as employers included the glass bangle industry, because we have wonderful production of glass bangles and there used to be a lot of child labour in this sector. Thanks to the ILO, with their intervention and assistance, we have not been able to completely eliminate it, but we were able to reduce it and, most importantly, we could raise awareness among the public of the issue in this industry.

The second important area is that Pakistan is one of the main exporters in the surgical instrument sector and we intervened when we heard reports of children working in this industry. We produce excellent leather products, but in leather tanning it was reported that child labour was used so we intervened; there was a lot of child labour involved in deep-sea fishing so we intervened. This was the Employers' group. And then in the province of Baluchistan where we have coal mines – we intervened there. And lastly, but not least, in the rag-picking sector, which you see in developing countries when you land and enter any airport.

I am pleased to report that, owing to the efforts of our tripartite constituents and the willingness of the Government, today in Pakistan, nobody sleeps in the street during the night. We do not claim that we have overcome all the problems, but we have the willingness to overcome them.

We have been able to establish a centre for improving working conditions, where the methodology, the machines and the processes are designed so that the worst forms of hazardous working conditions are minimized.

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The MODERATOR

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Minister Donner, what were, in your view, the achievements of the Hague conference? And give us some of the highlights of the road map, perhaps.

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Mr DONNER (*Minister of Social Affairs and Employment, Netherlands*)

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I think the conference in The Hague confirmed the picture you had already formed in this discussion that, first of all, political will is the most important factor in efforts to tackle child labour and that the political will to tackle the problem does exist. A large number of the ILO constituents who attended the conference in The Hague, namely ministers, representatives of the social partners and all the relevant international and civil society organizations, expressed their willingness to take action.

At the end of the conference, many countries made commitments to host national or regional meetings, and to set aside special funds to combat child labour in its worst forms. That was one aspect of the conference.

The second aspect was an exchange involving many interesting examples of successful projects that may also inspire other countries. I would like to mention one positive example, namely Brazil's success in implementing the conditional cash transfer programme whereby poor households are provided with a certain amount of cash on a regular basis, on the condition that the beneficiaries fulfil certain obligations aimed at human development such as sending their children to school. Brazil is putting a lot of effort into this project and that is why I am pleased to announce that the third outcome of the conference in The Hague, was the fact that Brazil agreed to organize a follow-up Global Child Labour Conference in 2012–13, in order to assess the progress made along the path to 2016. I believe it will be extremely useful for us to meet again.

Now I would also like to stress another important factor in achieving results, namely that both the preparation and the adoption of the road map were a joint effort involving Worker and Employer representatives. I want to thank the Vice-Presidents of the Conference in The Hague, Mr Adyanthaya and Mr Lima Godoy both present here in the room, whose presence was of great importance as a result of their involvement in tackling child labour, their efforts to reach a balanced agreement and their support for the road map in their concluding remarks.

The road map stresses that governments are primarily responsible for tackling child labour, but in their efforts they need the support and cooperation of employers' and workers' organizations, and that of non-governmental organizations. The road map emphasizes that the main measures to be taken involve education, social protection and decent work for adults. An integrated approach to child labour, within a broader policy framework, is essential at all levels.

The road map spells out priority actions for all these groups and provides useful guidance. It is not enough to merely adopt the road map, and the text of the road map also mentions the issue of the follow-up. In order to achieve the aim of eliminating the worst forms of child labour, it is vital to keep the subject high on the agenda and to keep track of the progress made with regard to implementing the agreements set out in the road map. It is absolutely essential for all of us to know what measures do or

do not work and what remains to be done to tackle child labour. I think we must assist each other, and this assistance involves monitoring progress during the few short years that remain until 2016. Once again, the road map is an essential tool in that respect.

At the end of the Global Child Labour Conference in The Hague, Mr Tapiola, who spoke on behalf of Mr Somavia, kindly invited me to bring the energy of that conference to this International Labour Conference. He said that the Conference would certainly welcome the introduction of the road map into discussions on the Global Report at the Conference and that is why I was glad to accept his invitation. As the road map clearly stresses the leading role of the ILO in all matters relating to child labour, I firmly believe that it can help the ILO to achieve one of its main goals, namely the elimination of child labour. I would like to stress once again, as I did in The Hague, that eliminating child labour, and its worst forms in particular, is a moral necessity. As I said, child labour has a long history, but it should have no future.

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The MODERATOR

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What I would now like to ask our panellists is this: the ILO is working with you all in the eradication of child labour, with its Conventions, its pilot projects and so on. What do you think of the activities that the ILO carries out together with you? What do you think is most important in your part of the world?

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Mr JAVED (*Employer, Pakistan*)

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I think the most important initiative which the ILO has taken in recent years is combating child labour through education and training – providing basic education and then skills training. Because it is in the Global Report, as well as in the road map, which we have been able to develop under the chairmanship of the honourable minister from the Netherlands, that education is one of the primary and most important factors, if we are talking about, if not eliminating, at least reducing, child labour. Then, with education, the most important thing for employability is vocational and skills training.

I would like to add something on the conditional cash payments. As the honourable minister said, and report that in two of our districts in Pakistan from last year, 2009, in Sialkot and Gujranwala, we have started dispersing a conditional cash payment to the most vulnerable families who are facing the child labour issues and we are going to replicate this in an additional two districts, one in the Province of Punjab, that is District Sahiwal, and another in the Province of Sindh in Sukkur, where tomorrow the Employers' Federation of Pakistan is celebrating the annual day. And one more initiative: I would like to point out that the Employers' Federation of Pakistan has planned to launch a programme that all the major employers should volunteer to take 5 to 10 children who are facing child labour and adopt them for all the social responsibilities, giving them education from primary level to university, and health care. And in our country, as I mentioned, it is not difficult to implement. As the President of the Employers' Federation of Pakistan, I am going to launch this programme in July, nationwide, because, according to our faith, we have to pay two and a half per cent of our possessions to those who are dispossessed. This is obligatory and we call it *zakat*, and every-

body has to do it as an obligation. So we have funds available, we have this willingness, and I will request through the Chair of this august house that from today we should adopt each one, teach one. While we are educating our own children, each family should take responsibility for giving an education to one needy child. Believe me, governments on their own cannot solve this problem. It is you and I who have to come up and solve this problem. In history, the great nations are those that have taken care of the vulnerable. If we are just grooming and bringing up our own families, wives and children, even our pets, even animals also do that. We are human beings, so we have to do a little more.

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Ms HANARTANI (*Government, Indonesia*)

With regard to the work of the ILO in Indonesia, I think maybe it could be a more interrelated programme. For example, when we are implementing IPEC, it must be related to other UN programmes. All programmes and projects in Indonesia should be interrelated with the goal of eliminating child labour. As a next step, more could be done to look at interrelated ILO programmes in certain countries.

The second thing is to express our gratitude for the fact that not long ago, earlier this year, the ILO and the Government collaborated on a survey on child labour. This was the first survey ever specifically on child labour, and it produced a good outcome. We are very grateful for this, and maybe we can make surveys on child labour more regular, because we can create a better programme if we have good, reliable data.

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*Original Spanish:* Ms VELÁSQUEZ DE AVILÉS (*Minister of Labour and Social Protection, El Salvador*)

When we adopted our road map we also took on the notion that young people and children would be rights holders and not the object of rights. I think that this is something that all of us, employers, governments and workers, have to really take on board. If we, as countries, don't work together and prioritize children and teenagers, then we will not make much progress in the development of our countries.

In my country, the road map is a real commitment that has been entered into by the Government. This shows that there is political will. We are developing programmes, "School for all", for example, and what we also want to do is try and help children between 14–18 years old that have to work to acquire the skills to study at the same time. We want to give them that opportunity in schools.

We are also improving health through vaccination schemes and other types of medical assistance. We are also looking at food so that the children are stronger, so that they can be children first before being launched prematurely onto the labour market. And also what we are trying to do is reach out to poorer families so that a certain amount of money can be allocated for each child that goes to school instead of working.

The work that is being done by the ILO is fundamental, as is its work with IPEC. But we have to strengthen our own national jobs pacts. We need to have decent work. We need to have social dialogue. We need to have institutional capacity building and we have to call upon trade unionists and trade unions to factor the elimination of child labour into their everyday work. They really have to get involved in eliminating child labour. It is not just a government issue. It is not just a country issue, it is

a problem that all of us face, and all of us have to get involved.

I think we can show our willingness to do this by having a bigger budget for education and health and also by strengthening institutions such as ministries for labour.

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Mr ADYANTHAYA (*Worker, India*)

IPEC and ACTRAV can help national trade union centres as a focal point for eliminating child labour by having more training programmes, so that they can help national trade union centres not only to just engage in policy work but also to do outreach at the grass-roots level – as a matter of fact, these have been my practical experiences in my own State.

IPEC, along with the Italian donor project, has started a project with a fantastic success rate and, because of that, the trade unions could reach out to the village level and organize the villagers and could form cooperative societies. Through that they can augment their living standard. So this was our practical experience.

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*Original Arabic:* Mr EL-SOODANI (*Government, Iraq*)

Thanks to this meeting here this morning, we have heard a great deal about poverty and shortcomings in terms of social protection, and also about the various programmes being put in place to promote employment in the wider context of the shortage of decent work.

The existence of child labour is the tip of the iceberg as regards the economic crisis. The economic and financial crisis has caused tremendous difficulties, which makes it particularly hard to reach the goal we have set ourselves for 2016, namely the complete elimination of child labour.

In taking the floor this morning, I would like to recall the 1998 Declaration on Fundamental Principles and Rights at Work, the aim of which was to promote ratification of the eight fundamental Conventions. The Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), have been ratified by my country, and the Government has put in place a programme for the protection of children. That programme has had an impact on a number of national policies formulated since the adoption of those Conventions, despite the many difficulties we currently face.

The 1998 Declaration deals specifically with child labour and the elimination of child labour, which are the focus of this meeting. The 1998 Declaration is supplemented by the 2008 Declaration on Social Justice and a Fair Globalization. How can we achieve a fair and equitable globalization and simultaneously combat child labour in the current difficult economic climate?

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Ms SPILMAN (*Representative of Kids Taskforce, United Kingdom*)

I am from a non-governmental organization in the United Kingdom. We are in Geneva this week to share with the ILO our work in adapting the SCREAM education pack, an ILO social mobilization tool that supports children's rights to education, the arts and the media. We have adapted this pack to fit perfectly with the UK school curriculum and have worked to support its implementation in schools. We believe this work is unique. How can we be reassured that other countries will follow our example to adapt the SCREAM programme to their

individual needs and use its potential to reach every child?

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Mr KOMAR (*Government, Indonesia*)

As rightly pointed out by the panellist from Indonesia, in Indonesia we currently have hundreds, almost 500, implementing agencies throughout the country to ensure comprehensive implementation of Indonesia's national action plan against the worst forms of child labour. This is understandable as Indonesia is an archipelagic country, consisting of more than 17,000 islands. In this regard, I would like to ask the panellists whether they have some best practice, taking into account the archipelagic nature of our country, and whether they have some ideas. I would like to invite them to put themselves in our shoes.

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Mr PARKHOUSE (*Employer, Namibia*)

You could call it the boondocks, we call it the bush.

If one looks at this project that we have envisaged, with Indonesia they could do it with boats. They could travel from island to island. In our country we have a mobile AIDS testing programme. These vehicles are painted beautiful colours; they play music when they drive around the towns. You could do the same thing. You paint the vehicles. You paint the boats. Flags, music: these are the sorts of thing that attract people. If you do this, if you use this type of approach – I know you have a problem with language, so have we – but you could find the people around there.

What I am going to do, and this is a promise to my Minister who is sitting over there, is try to get my business community on board with this. We do not have a problem with global supply chains. We do not really have supply chains in our country. But we can get the employers to get out there, to sponsor the vehicles, sponsor the equipment and this type of thing and that is what I would suggest for Indonesia. The same as for us.

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*Original Portuguese:* Mr PEREIRA MAGALHAES (*Worker, Brazil*)

My country has ratified the Worst Forms of Child Labour Convention, 1999 (No. 182), and the Minimum Age Convention, 1973 (No. 138), and we have been working to eliminate child labour, which unfortunately still exists in some places, in particular among children aged 13–15.

For families, the money the children earn is an extra wage. No one here has talked about wages yet. A guaranteed minimum wage is needed if we are going to combat child labour. It is essential if we are going to eradicate child labour.

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*Original Portuguese:* Ms DE CARVALHO FRANCISCO (*Worker, Angola*)

I share the opinion of Mr Pereira. I think that the better the living standards of the parents, then the more dignified the life of the child. So, wages, to a certain extent, are linked to this question of child labour. They are a factor that influence it.

In my country for example, most children that are working come from poor families, so there is a direct relationship between poverty and child labour in Angola.

It is different for middle-class families, as they have more resources and their children go to school. Most victims are orphans and as we have had a lot of war, there are many widowed women who have

children, and they need their children to help the family earn money for food.

If people earn good wages, they do not need their children to work. I think decent wages are directly related to the situation of child labour.

All the social partners, workers, employers and governments, should unite to combat this scourge that is affecting the world. I do believe, as was said in the report, that child labour must be eliminated by 2016.

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*Original Spanish:* Ms VELÁSQUEZ DE AVILÉS (*Minister of Labour and Social Security, El Salvador*)

One way of combating child labour as is stated in the road map, is to combat poverty. This must focus, of course, on the family, so that women can improve their working conditions and thereby reduce inequality and inequity for both women and men. I think all of this would help to improve the situation.

Child labour must be discouraged, not encouraged through decent salaries for adults, and children must have more education within their overall upbringing. Children must enjoy a proper childhood, with study, play and recreation to channel all their energy in constructive ways. This will also reduce problems of youth violence and gangs. We must act together to tackle this crisis. It is a major problem that the ILO has been highlighting for many years now, so we must make efforts to strengthen the family, improve minimum wages and ensure decent wage levels in order to prevent families sending their children out to work too soon into child labour, which risks exposing them to street culture. They must be given the opportunity to grow up properly.

In response to your question, I think we must work on this issue with local authorities and town halls because they are, of course, much closer to the people, much closer to the problem. In El Salvador we are working with our municipalities, always with the help of the ILO.

Eradicating child labour is our responsibility. It is a programme that we have in place. We have another initiative called "If you're working, you aren't studying; if you aren't studying, El Salvador can't grow. The State and you and I must change this reality together". We are trying to motivate and involve people in efforts to make everyone aware of this major worldwide problem.

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The MODERATOR

You took up a point which I think we often miss which is the role of women. It is said that if you educate a man, you educate a man; if you educate a woman, you educate a whole family and a nation. In fact, probably one of the things we are now looking at is that you cannot tackle child labour just through one ministry. It has to be a dialogue among all ministries and all the social partners, local municipalities.

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Mr JAVED (*Employer, Pakistan*)

You are quite right. Social dialogue is essential and there have been some excellent questions from the floor. But it becomes overstretched in highly populated countries like Indonesia, where there are so many islands.

Previously, we were concentrating on raising awareness among the masses, but we realized that it was the parliamentarians that were in need of awareness. In the last few years, even in Pakistan we have been working with elected representatives

at the district, provincial and the national levels, all the way up to the parliament level, and we have found that their sensitization has resulted in a much improved delivery system. There is no question about it, nobody can really deny that better salaries and decent work certainly would reduce child labour. We have to increase the resources of households. If we are able to do that, families will start sending their children into education. Also, the case of Indonesia in particular has shown how useful religious institutions can be because in our countries the public listens to religious leaders. We really have to make use of this resource. If we are able to do that, then we will be able to eliminate many other problems as well.

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*Original Spanish: Mr HUIZA CISNEROS (Worker, El Salvador)*

I would like particularly to address our Labour Minister in my remarks. I welcome the fact that she has just called on the workers and employers to act. As a Workers' representative, I would like to say that we are totally committed to this campaign to eradicate child labour. Our Government is truly committed to the task of eradicating child labour.

I would particularly like to refer to the comments made by my colleague from Brazil, who said that with decent pay, namely better pay, families would have better opportunities to raise their children, and they would not have to send them out to work. And I think we have to raise awareness among parents. We have to make it clear to them in order to ensure that the children go to school. I think that the workers are certainly committed to this task. We also support the idea, or rather the real task, of eradicating child labour. This is quite a difficult task in our country.

We know that we are currently in the grip of an economic crisis. However, we have to really think laterally, and we have to come up with some good ideas so that we can get children out of the crisis, release them from child labour and make sure that they go to school.

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*Original Arabic: Mr FAYAD (Government, Lebanon)*

I would remind you that Lebanon is one of the countries that has ratified both the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182).

We are amending our labour legislation, so that it is in conformity with these two Conventions. We have also fixed the legal working age and wages, and everything to do with child labour.

What I would like to say is that child labour is due to poverty, or to lack of compulsory education, whether in Lebanon or in most other countries of the world. So it is up to the ILO and other organizations dealing with these matters to combat, first of all, poverty, so as to get rid of this scourge of child labour. Thank you.

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The MODERATOR

I do not think the ILO has the capability to bring free education everywhere, save the children, bring food to the table, but together with the ILO, yes, I am sure we can make a change.

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*Original Spanish: Mr CASTRO GARZA (Employer, Mexico)*

In terms of consensus between the three sectors, our experience in Mexico has been that we have made achievements by following different pathways that all led to the same goal. Government, trade un-

ions and employers have all been working to improve society.

Let us look at the different cultures and backgrounds represented here, and consider what Napoleon said, even if I do not entirely agree with it. He said, "To win a war you have to have three things: money, money and more money." Now, I do not entirely agree with Napoleon, and I will tell you why: we have seen a lot of multinational enterprises making considerable efforts to fulfil their social responsibility. Many activities were being carried out with the aim of eradicating child labour, and all of us are really trying to achieve that. Although we have seen a number of examples of companies that actually shoulder their civil responsibility, which should be encouraged, and would like to ask the panellists what experience they can share with us that we can put into effect quickly, bearing in mind our different cultures, and also the different levels of affluence on this planet, so that we can truly abolish child labour.

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*Mr DONNER (Minister of Social Affairs and Employment, Netherlands)*

That was also the experience of the Hague Conference. There is not really just one approach, one message, which is a fast solution, because it will differ from country to country. For example, the question was raised here on free access to education, which exists in India, but there they added the solution of providing one more meal per day in schools, and that motivated children to go there because then they have the alternative to working. But it depends on the country and I think the same as is said with the example of Namibia, that different countries require different solutions. But it is, and this was also stressed by all the representatives, a coordinated effort involving education, fighting poverty and providing social security in different measures.

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*Original Russian: Mr SAIDOV (Government, Uzbekistan)*

Mr Donner talked about The Hague Conference and, when he spoke about child labour, he said that there is the final goal, there are the future goals and the present goals. The elimination of the worst forms of child labour is the immediate goal. This is our road map. The strategic goal is the elimination of all child labour.

In its international labour standards, the ILO does not completely prohibit child labour. There are Conventions under which they can work as long as they receive education, it does not harm their health and they agree to it.

Uzbekistan has signed up to Conventions Nos 138 and 182, and we support the appeal for universal ratification of those Conventions. Following our ratification, the State adopted a national action plan to implement the Conventions, and that is important.

Another important aspect of combating child labour is the involvement of civil society organizations, NGOs and the media. Without the media and other means of communication, we cannot get over the urgency of eliminating child labour. We also have to involve the children themselves in combating the worst forms of child labour. This is how we can raise the awareness of everyone of the problem and the urgency of it. We have to link the implementation of the ILO Conventions to the implemen-



tation of the Convention on the Rights of the Child and its two additional Protocols.

What should we not do in our efforts to combat child labour? Not have a narrow approach to Convention No. 182, by applying some parts of it and not others. And, second, we should avoid any excessive politicization in the application of these provisions. We should study the experience of all countries in combating child labour, as every country has its own particular features, and we need to take those into account.

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Ms NAEEM (*United Kingdom*)

I am actively involved in raising awareness of child labour in the United Kingdom. Can members of the panel tell us if and how their governments have tried to involve children and young people as partners in reaching the 2016 goal of eliminating the worst forms of child labour?

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*Original French: Mr GUIRIEULOU (Minister of the Civil Service and Employment, Côte d'Ivoire)*

It is such a complex issue, this battle against child labour, that only all our experiences pulled together will allow us to reach our objectives. Education has been mentioned as an important part. I think we need to emphasize education and we certainly do this in Côte d'Ivoire. We have to remove all the obstacles standing in the way of keeping children at school. Free schooling is one option which we are also exploring in Côte d'Ivoire. The Government can, for example, make available school textbooks free of charge as one measure. We have put an end to compulsory school uniforms because that was preventing some families from sending their children to school, as they could not afford the uniform. We have also mentioned income levels, wages and salaries. We have to promote job creation and we have got many projects going to create employment. Not just create jobs, but ensure that they remain there, that they are preserved. Together with the employers and trade unions, we have come to the conclusion that not only must we create jobs and make sure that they are lasting jobs, but also ensure that adequate levels of income are provided to workers so the minimum wage is being raised. That is part of promoting employment.

How does one mobilize young people in this struggle to combat child labour? I mentioned that we have set up committees in different villages and communities in my country, and often it is young people who are the drivers. They are members of these committees, they reach out to parents and explain to parents how important it is not to send their children to work in the fields, but rather let them go to school. These committees exist at village level and most of the members of these committees are young people, who play a key role.

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Mr ADYANTHAYA (*Worker, India*)

Indeed, not only the trade unions but also good non-governmental organizations in coordination, can very well facilitate delivery. If you work well with former child workers who were taken out of child labour it can have dramatic results for raising social awareness in the villages. Along with that, as the earlier speaker said, the media can also play a very vital role. In my own country, for instance, famous Bollywood actors and famous cricketers can etch into the psyche that it is a social sin to engage in child labour, so as to strike at and blunt the demand. At the same time, governments as well as

social actors can play a role. In my own country, for instance, we are running the biggest kitchen in the world, where, at the same time as a good quality midday meal, the Government is giving free textbooks, free education and free school uniforms. All this can deliver very good results.

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*Original Spanish: Ms VELÁSQUEZ DE AVILÉS (Minister of Labour and Social Security, El Salvador)*

The problem is global, and the solution must be global, too. I think the problem of eliminating child labour is not just a legal and parliamentary issue, but one of political will and, of course, financial resources. Brazil, for example, has been mobilizing society, creating an extraordinary social awareness that has made it possible to resolve some of the major problems of Brazilian children, thanks to the participation of the universities, the unions, the media and, of course, the application of the Convention on the Rights of the Child. But there is something that we should not overlook – and I say this for Latin America, where over 60 per cent of mothers are single mothers. The solution to the problem also has to be seen from the standpoint of sex. We have to improve the conditions in which women are coming on to the job market.

In my country, 60 per cent of women are working in the informal sector, while often also bringing up their children on their own. It is therefore the joint responsibility of employers, workers and government to help these women see how they best combine their family responsibilities with a decent job, in their pursuit of a better life for themselves and for their children.

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*Original Spanish: Ms FLÉREZ (Worker, Colombia)*

I am from the Workers' Confederation of Colombia, and I would like to congratulate all the panelists on their excellent presentations, which have touched on some very important issues — inter alia, the fact that we workers and trade unions should also be involved. And I can say that the WFTU, the Trade Union International Confederation of the Americas and all our confederations are tackling child labour very seriously.

Colombia has ratified the Convention and we have been working through IPEC, which has set up a committee involving many government, employers' and trade union organizations and NGOs. The position of the workers has always been to raise some very important points: the right to a decent job, the creation of employment, the right of freedom of association, and also of course the situation of women workers, head of households who are employed in domestic work who in Colombia are not allowed to join trade unions. This is not because the Convention has not been ratified, but simply because today it is difficult for women in the informal sector, in the agricultural sector and in many enterprises to join a union. But at both the national and the international level we are committed to the issue of child labour. We need more programmes and campaigns on the subject. What we want is for both boys and girls to be able to go to school and to university. And then of course we need a commitment from everybody, not just the workers, but the Government and employers and the whole population as well.

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*Original Portuguese: Mr N'ZAU (Employer, Angola)*

First of all, I would like to endorse all that has been said by my colleague representing the workers

of Angola. It is true that in Angola there is a strong will to eliminate child labour. Unfortunately, we have a number of problems. I will take this opportunity to mention the experience of the Netherlands, and to ask the Minister about initiatives, projects or ideas that could help countries in need. We know that child labour is inextricably linked to poverty. We have various problems in that regard. Based on your experience, could you consider giving some material support or even financial support to countries most in need?

My second question, which I would like to put to the Minister from El Salvador, concerns child labour in her country, particularly domestic labour. If I have understood correctly, she suggested invading the privacy of people in their homes by going in to check whether they were using child labour. I do not know if the law in El Salvador would allow you to do this, but if that were the case, it would be a good initiative, and one which could be used in other countries.

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Mr DONNER (*Minister of Social Affairs and Employment, Netherlands*)

The Netherlands, during The Hague conference, committed itself to making additional sums available to the IPEC programme. We have a very extensive development programme but often channel money by way of multilateral organizations in order to make them more effective. It is often a question of direct funding for certain schooling and poverty programmes, but quite often these are much more effective if done in a multilateral way and, for that reason, we quite often channel the money by way of the International Labour Organization.

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*Original Spanish: Ms VELÁSQUEZ DE AVILÉS (Minister of Labour and Social Protection, El Salvador)*

What I said was that we were very involved in combating child labour and that we are considering doing a national analysis, because domestic work is hazardous and one of the worst forms of child labour. As many women here will remember, States around the world were not doing anything about domestic violence because this was done behind closed doors and they felt that this was an area where they could not go. We became aware of the extent of violence against women, children and the elderly, who were the most vulnerable group, and the State had to get involved and legislate so that it could do something about it and really tackle domestic violence.

Our proposal is, as we see domestic service as one of the worst types of child labour, can we legislate here as well to try and regularize this? We believe that, in the area of domestic labour, where almost 90 per cent of the people working are women and girls, there is harassment, physical violence, exploitation and non-regulated working hours.

We believe it is high time that the State really started to go into those areas so that it can see what is going on, through labour inspections, so that it can regularize this work in a way that people do not feel that they are being invaded. We believe, though, that governments have a responsibility to know exactly what kind of work domestic workers and minors are doing.

States need to know that sometimes they are raped and that their fundamental rights are violated. We know that this is happening but are doing absolutely nothing about it. That is what I was suggesting.

What I want to say to you is that, to solve the problems of child labour, we cannot attack the rights acquired by the working classes. What we have to do here is involve everyone. We have to involve the government, the workers and the employers. Clearly, we do not want to sacrifice what has been gained by the working class in its struggles throughout the world.

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*Original Spanish: Mr LIMA GODOY (Employer, Brazil)*

I was reserving this statement on behalf of the Workers' group of the Conference for this afternoon, but the last question and the answer by the distinguished Minister from El Salvador forces me now to bring up the position of the Employers, as a group.

On the subject of inspections in people's homes, going into people's family homes, we are fully aware, of course, that many irregularities and much violence is done to women and children, and people in general, within people's homes. This is a very serious problem, a human and social problem, and we are always prepared to contribute to eradicating it. But there are basic principles of human freedom, hard-won rights acquired in the course of human civilization, that have to be preserved. One of those is the principle of the inviolability of the home. This does not mean that the way is free for violence to happen there. What we have to be clear about is that state intervention in the family home, which is a sacred place, can only be done through judicial procedures.

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*Original Portuguese: Ms TANAKA (Worker, Brazil)*

The experience of Brazil has served as an example for many countries. In Brazil, progress has been made, not towards the immediate eradication of child labour, but with the expectation of eradicating it in the future. Current efforts focused strongly on prevention and on eliminating the worst forms of child labour and adolescent labour.

We are making good progress, but we need to continue with our awareness campaigns. At this session of the Conference, here in Geneva, we have worked with unions from Haiti, Costa Rica, Nicaragua, Paraguay and the Dominican Republic to prepare a booklet to raise awareness, because we need to continue the work begun by Brazil so that we can make progress. We cannot cease working with other countries that are also moving forward based on their own experience. If Brazil can pass on good practices to other countries, it will do so. I will provide copies of this booklet in Spanish, in French and, for the representative of Angola, in Portuguese.

The booklet has had technical support and financial support from ACTRAV and IPEC. The ILO was the main source of technical guidance in preparing it. It has been through The Trade Union Confederation of the Americas (TUCA). It is important to point out that this booklet is intended to raise awareness of domestic child labour. It is not a plan for eradicating child labour altogether, but if we have preventative programmes, I think one day we will be able to fully eradicate child labour.

In Brazil, we meet in a national forum that brings together the Government, employers and workers. NGOs are also needed if we want a real and accurate diagnosis of the situation. Legislation prohibits the Government, employers and workers from checking certain places such as hotels, so therefore you require the police, and they are included in our



work. We also need help from those that are involved in the law, i.e. magistrates and judges, in tackling problems of justice.

This booklet, which we have brought here today, will be handed out, and I think it will give us hope that one day we will eradicate child labour. We have set ourselves the goal of eradicating child labour. So go for the goal, go for the eradication of child labour!

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*Original Arabic: Mr RAZZOUK (Government, Lebanon)*

I would like to add a few points to what my colleague from Lebanon has already said.

The centre for statistics and the private sector has conducted a survey of a sample population of Lebanon and has concluded that there has been an increase in child labour in rural areas compared to urban centres, especially in agriculture. The Lebanese Government has taken account of the fact that measures must be taken to encourage school enrolment of these children, including exemption from school fees and the provision of school textbooks and stationery free of charge, so that families can afford to send these children from rural areas to school.

It must also be made clear to children and parents that school is not a prison. Children must be encouraged to go to school. After taking many initiatives, our Government hopes that schools will be perceived as a pleasant place to be and that this will attract children into education.

Our Educational Committee is trying to instil a sense of responsibility in children at the national and individual levels. It has introduced activities to teach children the importance of education and to give them a sense of civic responsibility.

Social workers are sent out into the families to encourage them to send their children to school and make them aware of the importance of education.

It would have been a good idea to invite ministers of education to attend this meeting, as they are ultimately responsible for the fate of these children, since it is they who draw up teaching programmes and curricula. Countries must organize awareness-raising programmes, targeted at families and parents, to encourage them to send their children to school and thus mitigate the perverse effects of child labour.

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*Original Spanish: Ms VÉLEZ (Employer, Colombia)*

I would just like to say that we do have an agenda for ongoing collaboration with IPEC and the ILO to eradicate child labour. Colombian employers are fully committed, through their social responsibility schemes, to supporting education programmes which encourage children to attend, and stay in, school, through free access to the public network of schools.

We also have programmes to keep children in the education system that are very much in line with those mentioned by the Minister from El Salvador. The right to freedom of association, as enshrined in our constitution, is fully recognized and upheld.

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*Original Spanish: Ms HERNÁNDEZ OLIVA (Government, Cuba)*

I have listened with great interest to everything that has been said, both by the panellists and those who have spoken from the floor, and I think this has been a very useful exercise in terms of exchanging information. There are so many different experi-

ences and situations that we do not have enough time to describe them all.

Nonetheless, even though I have asked to take part in the general discussion, I would like to make a few comments now because, at this point, much has already been said about poverty and resources as a necessary element of efforts to eradicate child labour. I think that the availability of resources is essential but there are different ways of eradicating poverty. I would like to ask the panel to provide us with some criteria. How do they think that poverty could be eradicated? Poverty has such an effect on the conditions described here and has been described as an obstacle to eradicating child labour. How can we find the resources necessary to implement a social security system which will facilitate other social measures and, of course, help us to eradicate child labour.

My country, for example, is a poor country with a low income. It has been affected by the world economic crisis and other events such as international policies and unilateral policies that very often stifle us and block our development.

Nonetheless, 100 per cent of Cuban children have access to free education which includes not only the teaching itself, but also school books and everything that a school needs. We have a health system that covers everyone, and children receive 13 vaccinations. The infant mortality rate stands at below 5.5 deaths per 1,000 live births and we have one general or specialist doctor per every 124 inhabitants. There are guaranteed jobs for parents, so that children do not have to go out to work. There are also social programmes involving the disabled so that they, too, receive protection and are included in the educational system and receive a specialist teaching. Of course, that is our very own recipe for success. Everyone has to find their own approach, but we can all find ways of distributing wealth more fairly so that children do not have to go to work and so that parents do not have to send their children out to work. I would ask the panel if they have tried to find a formula that works, but not a universal formula, as each country has to find its own method, depending on national circumstances. Each country has to give some thought as to how to eliminate poverty and how to prevent children from being sent out to work.

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*Original French: Mr NAPOLEON (Worker, Haiti)*

In 2008 my Government ratified these two Conventions but for the time being there is no national programme to implement them. The workers of Haiti are currently working with countries such as Brazil to organize a public information campaign, as there has not yet been any effort to publicize these two Conventions. Many Haitians are not aware of the contents of these Conventions and will not understand why a national programme is needed.

I would like to ask the panellists how are we going to eliminate child labour if parents in the third world are so poor and do not have any work. What sort of strategy can one put in place to support these poor families? In Haiti, children went back to work after the earthquake. Many work in the streets, to feed their families. Some weeks ago we went to Santo Domingo to draw up a road map to help these families and reduce child labour.

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*Original French: Mr MAHAN (Worker, Côte d'Ivoire)*

Thank you, I am a worker from Côte d'Ivoire. I have a question for the representatives of Angola, Uzbekistan and Côte d'Ivoire. Regarding Angola, I would like to ask what are you doing together with your African colleagues to put an end to what I would describe as the exploitation of young girls working in markets? They are women from western and Central Africa. They are working as porters in markets. There are many poor countries surrounding our country and these young people come from these very poor neighbouring countries and do this work. What is our Government doing to put a stop to it?

I am a member of the Standards Committee, but what we hear in the Standards Committee and what the representative of Uzbekistan has told us, well, it is night and day, completely different. How do you check on all this? It is all very well to tell us you have ratified the Convention, but then it has to be put into practice. Is it being implemented and can this be monitored and checked?

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*Original Arabic: Mr ABDUL RAHMAN (Worker, Bahrain)*

The members of the panel have made it clear that we all need to engage in social dialogue, and we have to hold our governments to account in this matter. As far as social dialogue is concerned, we know that there are many developing countries which have decided not to engage in social dialogue, and they are not doing very well. The governments of these countries are therefore responsible for ignoring social dialogue. Is there a rational government anywhere which will combat corruption so that their country can really be a State based on the rule of law? These are important principles. Decent work must be promoted in these societies and in all the national institutions. There must be respect for trade union and human rights and democracy. This is the only way to combat child labour, forced labour and all forms of work which are not decent work. Governments play a key role in ensuring compliance with these principles.

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The MODERATOR

I am going to consider three questions that seem to have gone on throughout this debate and I would like you to focus on answering: how do you eradicate poverty; how do you get the government to work with the social partners to ensure democracy and furthering the Decent Work Agenda; and what is your experience in eradicating child labour that can be universally tried out and is there South-South cooperation? In particular, I think there was an issue for our African colleagues about migrant young women working in market trade. Is there something that can be done for that?

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*Original Spanish: Ms VELÁSQUEZ DE ALVILÉS (Minister of Labour and Social Protection, El Salvador)*

I entirely agree that poverty is one of the reasons for so many children working so young. I also agree that there have to be structural reforms undertaken by government, but that is where we have a problem if there is no social dialogue. People talk about structural reform and about changing the tax system, which could be used to try and combat this scourge, but people never reach agreement.

A real way of fighting poverty would be tax reform and fair distribution of income through structural reform. But what we need is a certain amount

of boldness here. We need sufficient social support and strength to make those changes.

When it comes to jobs, it strikes me that we have to protect jobs. We have to create new jobs but we also need social dialogue to do that. This has to be decent work, work that respects human dignity. That is absolutely key in my opinion.

In El Salvador, despite the high levels of poverty that we have, we are certainly taking some very definite steps towards eradicating the worst forms of child labour, and we are doing this because there is a political will and a very deep ethical commitment to do so.

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*Mr JAVED (Employer, Pakistan)*

In my country we are trying to resolve this issue through more and more public-private partnerships, because we have found employers to be willing and we have been thinking about how to combat child labour.

We decided that orphans would qualify for unlimited support for education and training. So the employers in Pakistan, with the collaboration of the Government, have founded skill development councils. I am the Chairman of one of these skill development councils. Anybody who is an orphan and can prove it with the relevant documents will receive free education and skill development.

Secondly, to the widows. We have initiated a programme as part of which they are entitled to six month's vocational training. It is completely paid and, at the end of their training, they receive a small sum of money to create their own SMEs. This is going very well, even though it is at the micro level, and we are asking entrepreneurs to replicate it and we are getting some good results.

There was a very interesting question about involvement of the workers. We have appointed consultants for worker-employer relations. And we have discovered that 80 or 90 per cent of problems can be resolved through constructive dialogue. We go to the Government, the third constituent, for the further disputed 20 per cent and we involve social dialogue and we are finding it very easy if we involve NGOs and civil society.

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*Ms HANARTANI (Government, Indonesia)*

I think we have the same experience as our colleague from Pakistan, as well as from other countries. It is mostly how to approach this, how to eradicate child labour. A job is the most important thing, so with jobs we can move towards poverty eradication. So, now our country is prioritizing the development of a good climate of investment. So hopefully, if we build a good climate for investment, we can create more jobs. Then, parents can stay in the workforce and do not have to take their children out of school. As well as creating a good climate for investment, we also tried to reach the grassroots level with a conditional cash transfer. That is why, at the beginning, I mentioned that it is very important to have ownership of each programme, so everybody feels responsible for the results of those programmes.

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*Original Portuguese: Ms DE CARVALHO FRANCISCO (Worker, Angola)*

In reply to the question that was asked by my worker colleague, I would like to say that the National Union of Angolan Workers – Trade Union Confederation, since 2000, has set up a national confederation that defends workers in the informal

sector. As a trade union movement we should, with the Government, fight for the best possible conditions for labour in general. But whether in the informal sector or the formal sector, of course it is not the responsibility of the unions, but also the responsibility of governments and States.

Conditions should be created for a better distribution of wealth. We should demand that the conditions be created for every citizen to be able to live in dignity. As regards children, as I said, in my country the conditions are being put in place – and I think they will gradually improve – and education will be free until the sixth grade. We have meals for school children, books are also provided free of charge and, as I said, a number of Conventions have been signed, but that is not enough. We have to create jobs, we have to have decent wages, and a whole set of conditions are necessary so that society as a whole can change.

The tripartite movement, the governments, employers and workers should be able to sit down and discuss these matters and become aware of the fact that we need to change. We have to move from mere words to action, but all committed to the same goal.

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Mr DONNER (*Minister of Social Affairs and Employment, Netherlands*)

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In answer to the question of whether there is a formula to fight child labour, I think that what we have really tried to do with the Road map for achieving the elimination of the Worst Forms of Child Labour by 2016 is not to provide a formula

that can be applied everywhere in the world in a uniform way, but to indicate the different actions and interactions that are important, and eradicating poverty is indeed among the most important. Child labour is indeed both a symptom and a cause of poverty, so you will not succeed if you first try to eradicate poverty and only then to fight child labour. You have to fight especially the worst forms of child labour in order to eradicate poverty. The aim is how to eliminate the worst forms of child labour by 2016. What has been proven here and at the Hague Global Child Labour Conference is that we have the political will, the experience of potentially successful programmes and, in the Road map for achieving the elimination of the Worst Forms of Child Labour by 2016, a tool. But it will require further effort, which is why I think it important that the International Labour Conference and the Organization as a whole keep it on the agenda, to monitor progress and to hold another conference in Brazil on what has been achieved to date.

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The MODERATOR

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We have come to the end of this session. I hope that we will take the thoughts and some of the solutions and challenges from this meeting forward, so that hopefully we will come up with some concrete results of how we are going to reach our goal for 2016 of eradication of the worst forms of child labour.

*(The Conference adjourned at 1.15 p.m.)*

## Sixth sitting

Friday, 11 June 2010, 3.15 p.m.

Presidents: Mr Nakajima and Mr Nkili

### GLOBAL REPORT UNDER THE FOLLOW-UP TO THE ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK (CONT.)

Mr LIMA GODOY (*Employer, Brazil*)

The discussion of this Global Report gives the Employers' group at this session of the Conference a special opportunity to reaffirm, before an assembly of the highest world class, its solemn commitment to the fight against child labour in its worst forms.

My words would be in vain if they were not grounded in the actions that employers from all regions of the world, as companies and as citizens, have already developed, especially over the last decade, to help eradicate this pernicious phenomenon. Unfortunately, it is still present, mostly in informal sectors of the economy in less-developed regions. To mobilize themselves toward the goal established by the ILO for the year 2016, employers are acting in accordance with the Declaration on Fundamental Principles and Rights at Work. It is worth remembering that the Employers' group was an enthusiastic participant and protagonist in the adoption of the Declaration in 1998. A child's place is not at work. The Global Child Labour Conference which the Netherlands Government promoted jointly with the ILO in The Hague in May 2010, reiterated this affirmation that no one denies. In a society ruled by political correctness, we constantly hear that children's time should be divided between toys and school – the only adequate way to prepare them for life to benefit themselves and society as a whole.

Nevertheless, as we are informed by the esteemed Director-General of the ILO, Juan Somavia, in the preface to the Report under discussion, the reality is quite different from the general discourse. I quote "... some 215 million children across the world are still trapped in child labour".

In any case, any doubts raised as to the accuracy of these figures would be far from being able to reduce our repulsion against an undeniable situation that is completely opposed to the fundamental rights of children.

However, what seems to be a universal consensus breaks down into two streams when it comes to defining what should be condemned as child labour. On one side, there are those who radically abhor any form of occupation outside the playful and educational; on the other, there are those who venture

to say that, in some contexts, employing children may have positive aspects.

If the position of the former is undeniable, idealistically speaking, the arguments of the latter deserve to be considered before a swift condemnation. The International Organisation of Employers (IOE) considers that, through properly adapted work, children can acquire skills that will help prepare them for adult life, assimilating the ethic of work; can contribute to family income, which is a tough need in the case of very poor families; and can move away from crime, to which they are driven when kept in idleness with no options for educational activities. At the same time, the IOE emphasizes that any activity that threatens the health, morals or future development of children and adolescents is absolutely excluded from potentially positive forms of child labour.

Unfortunately, both ends of the spectrum – those activities that can be beneficial, on one side, and those that are certainly harmful, on the other – have usually been referred to as child labour, generating conceptual confusion in discussion at the national and international levels and inhibiting greater involvement in actions against the abuse of children and adolescents, hence the urgent necessity of observing the distinction between the "worst forms of child labour" and "other forms of children at work", as established in Convention No. 182, which defines two groups of worst forms of child labour: the first includes activities defined as crime in most jurisdictions, including slavery, trafficking, debt, bondage, forced labour, prostitution, pornography, production and/or trafficking of drugs, and any other illegal activities; the second covers activities which, by their nature or the circumstances in which they occur, are likely to endanger the health and safety of children, as well as causing moral harm.

The concept of "other forms of child labour" covers activities, whether paid or unpaid, that do not fit into any category of worst forms of child labour and are beneficial or appropriate for the development of children – including for example, apprenticeship – and are even compatible with national legislation, including working conditions and educational requirements.

For all those reasons, we hope that events such as the Global Conference that I mentioned before – the impeccable organization of which has to be recognized, and for which we should thank the Netherlands Government, particularly the Honourable Minister Donner who presided at the Conference –

and the current discussion of the Global Report will continue to provide opportunities to clarify this distinction, which is certainly one of the obstacles to mobilizing sufficient resources to make it more probable that we will attain the goal of completely eradicating the worst forms of child labour by 2016.

In conclusion, we would like to say that the Employers' group in this Conference is of the view that the road map adopted at the Hague Conference should be taken into account by the ILO's Governing Body, along with the future directions identified in the Global Report: strengthening activities in the areas of universal primary education, basic social protection and, in particular, the promotion of opportunities for productive employment for parents, with a view to giving them ways and means to support and bring up their children in dignity, without having to subject them to any kind of shameful work.

In fact, this last field is certainly the most important in terms of the contribution of employers, given their primary function as the driving force of the economy, the creators of employment and of prosperity, without which even the best conceived public policies would not be able to put an end to situations of poverty, which is where the worst forms of child labour flourish.

During the discussions this morning it became clear that eradicating poverty is at the root of solving the problem of child labour, so it is essential that governments make every effort to create an appropriate environment for the creation and development of sustainable enterprises, which is without doubt the only proven and effective way of creating jobs and getting workers and their children out of poverty. If we want decent work for mothers and fathers and a childhood free of undignified work, we should hold fast to the ideal of decent work, supported by sustainable enterprises.

Finally, on behalf of the Employers, I would like to thank all of those who are working to eradicate the worst form of child labour. Governments, workers and also NGOs that do serious work under the coordination of the ILO and its tripartite governance, and I wish them all possible success in achieving the objective that has been set for the year 2016. If we can do that, we will be giving the boys and girls of the whole world their just rights. More than that, we will also be making it possible for young people to prepare better for their own future life. We will be offering them an opportunity to construct a better world than the one that they inherit which is so full of inequality, injustice and violence.

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Mr TROTMAN (*Worker, Barbados*)

The last time we dealt with the Global Report in this room, we had the privilege and opportunity to hear from the Employers' benches the presentation which Mr Ashraf Tabani had been making for, and on behalf of, the Employers. The Workers' group regrets very much his passing and, because of the significant work that he did at the front line of the Employers' benches, we just need to remember with fondness his great contribution to the International Labour Conference and to the Governing Body of the ILO.

We wish, in looking at this year's discussions, to congratulate the Panel for its presentation earlier today. The presentations from everyone were, in our view, very sound and to the point, the Moderator was able to stimulate significant interactivity, and

we think that the ILO has, in fact, done what we have been trying to do for many years: it achieved a high level of interactive debate. It did not deal with the Report itself, but it dealt with the subject and that is equally important. I shall have some words later on to say regarding the road map, which was part of this morning's discussion, and I trust you will permit them at this point.

The Report before us seeks to mention the level of change which there has been, and you would note that that level of change between 2004 and 2008 indicates a 3 per cent reduction in child labour worldwide. There are specifics that are covered but this is, by and large, the message that has come to us and I believe that in this room we must all share a sense of sadness because the donors are pumping significant amounts of money into the exercise of eliminating child labour. The Workers stand ready when they are able and work together with the agencies that are working here to do what they can. The Employers have always been committed, when we have met with them and discussed this, to have joint programmes to treat the matter. And yet with all the goodwill that there is, rather than being able to say that we have made progress towards the fulfilment of the objective of eliminating child labour by the year 2016, we would have to say that we are falling behind in the race. That does not mean that we cannot get back on target, but we would have to recognize among ourselves that substantial progress may not be the most important thing for us in terms of the numbers in some areas. It might be more important for us to examine what we are doing and to examine how we are doing it, to see whether there are not new approaches that we may have to take on board. If we are not achieving the targets we set ourselves, should we not have parties that are interested in this, maybe in the IPEC meeting in November, to look at whether we have to change our policy, our approach, our method of operations, because, while we are quite satisfied that the people in the field are all doing a tremendous job, it may be that there is a "stop-start" arrangement, there may be difficulty in the fact that much of the work is being done on a project-by-project basis, it may be that we will have to put our heads together checking with the various helpers, the various parties that are coming together to be able to help us, and seeing the extent to which we may be able to rely more fully on the social partners, because I would imagine that in most of the countries concerned the employers' organizations will not say no to a call that could be made to them to get even more fully involved in the child labour campaign and to assist IPEC in that regard, nor can I think of anybody in the trade union movement who would not want to do this to an even greater extent. It is true that there are non-governmental organizations that have done an excellent job and we would not want to deny this, but IPEC now will have to look again at the way it is approaching its work and, if it has not been doing so, it has to make the trade union movement and the employers' organizations the first port of call.

We are going to have to recognize that, if enough work is not being done, it may very well be that there has to be further, fuller, more frank discussions, which are recorded and which will set out – I do not want to overuse the word "road map" – courses of action that the social partners might be able, in consultation with others, to deal with. I

would think that, if we are able to do and deal with that effectively, we may be able to find ourselves having a faster rate of elimination so that we can meet the 2016 goal that has been set for us.

Now one of the problems that we constantly have to bear in mind is that, if all the social partners are working together with the governments and are able to benefit from the IPEC relationship, we may be able to tackle what might be a lacuna in the arrangement, and that lacuna may be that there is no enabling legislation in enough of the countries, even though we may have a very large number of ratifications which is fine as far as it goes. We may have to go the route of enabling legislation and regulations because, as we have found, if the law is absent, then child labour will naturally flourish. We have to be able to recognize that we must make it difficult for the beast, child labour, to feed. If there is no law and order, the something on which it feeds will be lawlessness and lack of order. It would seem to me very important, therefore, that trade unions need to be present, law has to be present, the employers have to be taken more fully into the market, and these together need to be made very much a part of the arrangements that are set if we are going to reduce and to remove child labour.

So my thoughts here are that we have to look again at what measures we can use beyond the tried measure of projects. I do not wish to say the failed measure of projects, because it would be highly improper for me to judge projects when we have managed to get such significant success in the past but, even though we have to refer to that success, we must still be able to recognize that what has resulted for us has been a falling behind in the schedule levels that we have set to bring us to that magic day in 2016.

It would seem to us, too, that we would have in all of this to be looking even more fully at government action as it empowers the public sector and the role that the public sector would have both in the arrangement for matters like education and in the way that governments would establish that there has to be education for all. You will bear in mind that education for all is a nice slogan but, if child labour is allowed to flourish in any community, then education is not going to be the priority for families in societies that do not have education for parents and the community as a whole. So public action has to be geared to education for all, for mothers and fathers, through to village leaders, down to the children, and that role must be recognized and treated with respect.

We have to eliminate child labour through education and we have to eliminate child labour through a social protection floor. But governments have to be involved in that and, if IPEC is going to be the steering wheel of the machinery then they may need to have the social partners, trade unions and employers, as part of the body of able-bodied persons who might, from time to time, have to help to push the vehicle, because we are going to be finding that there are potholes in the road, there are going to be bottlenecks, there are going to be all kinds of difficulties, and the vehicle is not going to proceed on a smooth tarmac road as though there were no problems. There has to be a level of support, I mean muscle, I mean soldiers who are ready to be in the fields, who give real, meaningful support to the machine and help it over difficult areas.

So I do not wish to deny the IPEC role. I merely wish to say that labour stands ready and able to give more support than is now the policy or the practice. In doing this, we have to be able to ensure that decent work for the adult is being provided. This is why we speak to the policy of governments, because the provision of decent work within a lawful community where the proper structures are put in place will go a long way towards helping us in overcoming many of the problems. Where it may appear as though the government role comes up against difficulties, we would have obviously to recognize that government policy to create decent jobs for adults cannot be achieved again without the full support of all the parties.

In this regard, we would think that IPEC is able to work with the social partners in a tripartite arrangement but also using the tripartite structure which exists in most of our communities because, if we were to use the pillar of social dialogue to get the work done in countries as IPEC moves along, I am sure that we might be able to move even more swiftly.

In that regard, I would not wish us to forget that in parallel we are now also discussing domestic workers and seeking to adopt a Convention for them. Nor would we want to forget that millions of people who constitute that body of workers referred to as domestic workers are children, who are included in this broader body for whom we are seeking to have a working instrument that would remove that particular lacuna in our system of building greater development.

So there has to be, I think, a greater understanding by us of the difficulties that exist, in the same way that there has to be a greater understanding that sectorally our percentage figures are going to go up and down, as the case may be, and that where those figures are not showing consistency we will need to be even more conscious than we are now of the particular responsibility that there is for all of us to look at the sectors and help obtain the help of the social partners. I speak particularly now of the help of the trade union movement in being the first point of reference in getting this exercise across.

While we are still speaking about the governments' action, we would wish to see greater focus on reinforcing national legislation and then ensuring enforcement of that legislation. We would wish to see a greater policy for free, compulsory, high-quality education for children as well as their adequate skills development – I spoke earlier about the education of adults and I am coming back to children. If we were able to do that at the same time that we referred to the social protection floor, which we dealt with just a moment earlier, and with there being some further form of working to the creation of decent work, then we might be able to make even greater progress.

We want to believe that we can do even greater work if we move towards having some greater networking with IPEC and the trade union movement as we endeavour to have non-governmental organizations conduct their work. We want to see those of us in the trade union movement involved in networking, in advocacy and in promotion to a level beyond where we have gone up to now, because we must bear in mind that some of our work might look good in some areas and we might be able to have some short-term results if we only deal with the issues from the point of view of projects but, if we are



able to have long-term work that is done systematically, examined and followed through, we might be in a better position when we review the matter later. We may then be in a better position to see that we are producing even better results than we have.

We have to make the point that poverty is part of the exercise, but I would not wish us to allow ourselves to be misled into thinking that it is only poverty that is the question before us. There are many areas where there are very poor people but where society will never tolerate child labour, and there are many other areas where we are in the midst of wealth and yet right next door, on our doorsteps, we have child labour, which cannot be attributed to poverty. It may be put down to the poverty of the child, and we have to be able to look at such contradictions in society and be able to make it understood that it ought to be the responsibility of the total community, and that we ought not to be living with poverty in the midst of great pockets of wealth. We should be able to build better communities.

We said earlier that we would want to have a situation where we could look at the road map. We think that the road map sets down very practical areas for moving towards that elimination. We think it speaks to the use of the social partners and the involvement of labour. The question really that was left with us earlier was the question as to how we would set about treating it.

Our group, the Workers' group, is of the view that time ought to be available, even during the next Governing Body meeting, in an unofficial capacity, where our Dutch colleagues ought to be able, with the agreement of the social partners in the Governing Body and the governments, to make a presentation.

We are of the view that the goodwill which was extended there is something to which we should open our arms and make sure that we are in a better position to embrace whatever new programme they come up with. We ought to be able to tell them in this new programme that we want to see a greater role for ACTRAV and, indeed, for ACT/EMP and for the trade union movement in the field, either directly or, as I much prefer, using ACTRAV.

I would like to finally suggest that in November we ought to be able to have a fuller discussion at the level of the Governing Body, in which we are able to put together a programme that shows we are able to address the issues which we have touched upon, albeit briefly, as those issues which need to come forward to make sure that the social partners within the ILO are not marginalized; to make sure that we use all the available resources to make the IPEC programme go even faster than it is going; to make sure that we are in a position to stimulate many of those IPEC employees by giving them permanent contracts, or contracts which are not as precarious as they now are; and to make sure that we are able to effectively realize our objective of elimination by 2016.

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*Original Arabic: Mr AL-AFASI AL-MUTAIRI (Minister of Social Affairs and Labour, Kuwait)*

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It is my pleasure to greet this august assembly and to address you on behalf of the Ministers of Labour of the Gulf Cooperation Council (GCC) which comprises the United Arab Emirates, the Kingdom of Bahrain, the Kingdom of Saudi Arabia, the Sultanate of Oman, the State of Qatar, the State of Kuwait and the Republic of Yemen.

I would like to express our great appreciation to the Director-General of the International Labour Office, for preparing the Global Report, which focuses on the third of the fundamental principles and rights at work, namely the elimination of child labour, and is entitled *Accelerating action against child labour*, which aims to achieve the objective of eliminating child labour by the year 2016, in a world that is free from war, conflict and oppression, which often lead to large numbers of children being forced into labour. We reiterate our common will to reduce poverty and to achieve education for all.

It is right to pay tribute to our venerable Organization, which has taken the initiative of eliminating child labour and which, through its Conventions and its efforts, has developed an international programme in which a large number of countries participate. Our Conference, at its 95th Session, adopted a global action plan to coordinate efforts in order to eliminate child labour in all the regions of the world. Thanks be to God, these efforts have been successful, since child labour has become one of the priority issues in the forums, institutions and organizations that deal with such matters, and has garnered media support to raise awareness of the risks that child labour entails for development and for future generations. The results achieved are thus: since the two Global Reports on child labour of 2002 and 2006, the number of working children has been reduced over the years 2004–08 by an average of 10 per cent for the 5–14 age group, while the number of children in danger of being involved in child labour has also dropped by 30.8 per cent, as indicated in the Report.

Our States, based on the values anchored in our social and moral systems and our national legislation, and the tolerance of Islamic religious teaching, and by the heritage of our great human civilization, have adopted policies and programmes to protect children against marginalization, abuse and exploitation. We have assisted families and strengthened their role and protection against vulnerability, providing them with rights, guarantees and services so that their children can be given a proper upbringing. This is done through improving the standard of living and giving children an opportunity to develop their potential skills and abilities, so that they can grow into citizens raised with freedom of choice.

Our member States protect children and grant them rights in accordance with the basis of international standards. They have acceded to the international Convention on the Rights of the Child adopted by the United Nations, and they have all ratified ILO Convention No. 182. As a result of those policies and efforts, our countries have rid themselves of these worst cases of child labour or situations of exploitation, based on our values and morals, and on international conventions.

These policies and programmes have strengthened an integrated set of progressive legislation, in order to fill any possible gaps to make sure a child does not fall into deprivation and poverty. Our legislation forbids child labour and guarantees basic education and social security systems are in place which protect heads of households and the family in the event of old age, illness, incapacity, orphanhood or widowhood. The legislation penalizes any malicious acts against children affecting their physical, moral or psychological integrity. Children are guaranteed the right to the highest level of health care, educa-

tion, social protection and a decent life, and to protection against exploitation and abuse.

The legislation of member States of the Gulf Cooperation Council has established detailed provisions governing the work of adolescents, and we have agreed on amendments bringing our labour laws and regulations into conformity with international conventions on the age of admission to employment and on the prohibition of the worst forms of child labour.

We are convinced that this action has to be continued in order to face the global challenges ahead, achieve a better standard and prepare for a future full of opportunities, especially in the context of the global financial and economic crisis. The future orientations set out in the Global Report, namely confirming and enlarging access to universal basic education, building a basic social protection floor and promoting productive employment opportunities, have been adopted by our countries for many years now. We have also strengthened assistance to child protection in order to develop their innovative capacities, their social integration, human awareness, sense of being citizens of the world and fostering a spirit of tolerance, rejecting intolerance, division and violence. This can only be done as a joint effort, with all the necessary resources being made available, as well as technical assistance granted from the ILO and other specialized agencies.

The global action plan that was adopted in 2006 and the road map proposed in this Global Report, which is aimed at ensuring the total elimination of child labour by 2016 conceives the aspiration of strengthening the capacity of States; enhancing social dialogue and stepping up the international movement to eliminate child labour, viewing children as an investment in development; strengthening international solidarity and promoting the principles of human rights, inspired by a spirit of love, goodness and peace, inherent in human civilisations and advocated by the major religions, including Islam, which is aimed at human happiness and goodness.

When the world as a whole decides to safeguard children's lives and dignity, this leads us to join our efforts to ensure the protection of all children worldwide. We support the efforts of the ILO to help developing countries that are unable to meet all the development needs of their peoples in order to protect children and to eliminate all forms of child labour. We agree with the view of the Director-General when he says that the world cannot grow weary of the cause when 215 million children are losing their childhood and the chance of a better future.

Let us work together in order to rekindle the light of hope and end the worst forms of child labour, by ensuring peace, stability, development and dignity for all peoples and nations without exception. Let us work to ensure that children are no longer victims of labour.

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*Original Spanish: Mr GARRIGUES FLÓRES (Government, Spain)*

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I have the honour of speaking on behalf of the European Union, as well as Turkey, Croatia, The former Yugoslav Republic of Macedonia, the countries of the stabilization process and potential candidates, Albania, Bosnia and Herzegovina, Montenegro, Serbia and the EFTA countries, Iceland and Norway, members of the European Economic Area,

and also Ukraine, Republic of Moldova and Armenia.

I would like to start by congratulating the Office on its detailed Report, which addresses the political concern relating to the fight against child labour. This is a very timely discussion as it comes on the eve of the International Day against Child Labour on 12 June.

The European Union would like to express its deep concern about the fact that more than 200 million children are still victims of child labour, and more than half of these children are involved in dangerous work. We need to make faster progress towards achieving the ILO's objectives, namely the elimination of the worst forms of child labour by 2016. That need is clearly stated in the Report. The EU Member States share the view expressed in the Director-General's Report that much still remains to be done at the international, regional and national levels, and involving all the relevant players, if we wish to attain that important goal. In view of that fact, we welcome the outcome of the Global Child Labour Conference, which was held in The Hague on 11 and 12 May 2010, and in particular the road map which was adopted. This Conference was organized as a follow-up to the ILO 2006 Global Action Plan. The road map to 2016 aims to substantially increase global efforts to eliminate the worst forms of child labour by 2016, and it sets out the guiding principles and priority activities for governments, workers and employers, their organizations, NGOs and civil society, as well as for international and regional organizations. At the same time, it also acknowledges the leading role played by the ILO in the fight against child labour.

The Hague Conference was the first of its kind for many years. We are pleased to hear that Brazil has announced that it will be holding a further global conference on this subject, with a view to 2016. We think that it is important to maintain our momentum, to assess progress, to share experiences and to help each other to achieve the 2016 goal. The European Union and its Member States fully support Brazil in this important undertaking.

Allow me to turn to the European Union's policy on child labour. We reaffirm the European Union's commitment to protecting and promoting the rights of the child, including the right to enjoy education and to live a life free of child labour. The efforts of the European Union and its Member States to eliminate child labour are based on a comprehensive policy approach, involving policy dialogue, combined with development cooperation and trade incentives, which need to be used effectively to contribute to the internationally agreed goal of eliminating the worst forms of child labour by 2016 and, ultimately, to do away with all kinds of child labour, if these are applied in a mutually supportive manner and part of a broader policy framework that focuses on development and the eradication of poverty.

We are also aware that greater efforts can be made to attain this goal, and particularly to combat all forms of discrimination that contribute to child labour and to address the problem of dangerous work carried out by children in regions, sectors and occupations where child labour is prevalent.

The promotion of the rights of the child is an integral part of the EU's development and human rights policy. The EU guidelines for the promotion and protection of the rights of the child stress the need



to incorporate these rights into European Union policy and action. We also recall that the worst forms of child labour may constitute a form of violence against children. They affect very young children and involve very serious physical and emotional harm. We emphasize the need to make effective use of the multilateral system and of existing partnerships, whilst also acknowledging the leading role of the ILO in combating child labour.

Cooperation in the field of development by EU donors also makes a significant contribution to the prevention of child labour. We reaffirm our commitment to the two ILO core Conventions, namely Nos 138 and 182, which make a unique tripartite contribution to the fight against child labour, using tools such as trade incentives and, in particular, the GSP Plus which aims, among other things, to implement those Conventions effectively whilst promoting sustainable development. We look forward to the day when these two instruments have been universally ratified.

Let me end by saying that we will only be successful if we ambitiously follow a holistic approach based on all of these dimensions. The European Union is prepared to decisively promote this approach within the ILO as well. This holistic approach has also been successfully incorporated into the road map that was adopted in The Hague last month.

The European Union strongly supports the road map and recommends that it be placed on the agenda of the next session of the Governing Body of the ILO in November.

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*Original Portuguese: Ms FARANI AZEVEDO (Government, Brazil)*

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It is a pleasure for me to make this statement on behalf of the Government delegation of Brazil and an honour to do so alongside one of Brazil's greatest authorities in the fields of work and labour inspection, Dr Ruth Vilela. She has dedicated three decades of her life to combating child and forced labour in our country. It is an honour for us to have her with us in the Brazilian delegation.

The Brazilian Constitution sets the human person at its heart and establishes the social value of labour as a fundamental principle. These basic guidelines have steered the programmes and policies of the Brazilian Government in combating child labour.

At the beginning of the 1990s, 14 per cent of Brazilian children between 5 and 14 years of age, which was about 5 million children, were still involved in economic activities. Since then, there has been a constant and significant reduction, covering all areas. Over the last 15 years, the number of working children between 5 and 14 has been reduced to about one third of its original value, while in the age range from 5 to 9 years it has been reduced to a quarter. At the present rate, Brazil is proceeding quickly towards the total elimination of this plague.

Various degrees of progress have been made in terms of legislation and institutions. Brazil has taken on board the need to implement texts adopted by the ILO and to apply standards in practice. The minimum age for joining the labour market is now 16, except in the case of apprenticeships, when it can be 14. We have ratified Conventions Nos 182 and 138, and since 1992 we have been part of the International Programme for the Elimination of Child Labour (IPEC). Through the application of robust inspection mechanisms and detailed investi-

gations, it has been possible to rescue millions of children.

In 2000, our national programme for the elimination of child labour was created, making money available to families with children or adolescents up to the age of 16 who were in work. The programme is more than just a source of income: the families involved have to fulfil certain positive conditions in the areas of education, health and social security. Improving the socio-economic conditions of families has a major impact on child labour. The social protection network which the Brazilian Government offers has also made a substantial contribution to its reduction. The Family Fund Programme includes conditions concerning attendance at school and has been a useful instrument in keeping children in school and avoiding early entry to the workplace.

Brazil understands that its obligations in the fight against child labour go beyond simple internal measures and also include the sharing of good practice and experiences. We fully agree with the approach set out in Convention No. 182, which recognizes that child labour is a worldwide scourge and that it is only through collaboration and cooperation, not recrimination or isolation, that we will be able to tackle these common challenges.

Brazil has been involved in promoting exchange of experience through South-South cooperation. This partnership pursues common objectives and is a way of uniting similar countries with comparable challenges. In this way, exchanging common practice can be more useful and effective.

In December 2007, when it signed an agreement to implement IPEC, Brazil became not only a recipient, but also a donor of funds for projects in Portuguese-speaking countries in Africa and in Haiti. In March 2009, Foreign Minister Celso Amorim signed an instrument extending technical cooperation to our Latin American neighbours and to other countries on the African continent in order to promote better labour conditions.

We are also intending to sign an agreement soon with the United States and the ILO to help Haiti overcome the challenges it faces in eliminating child labour. Our responsibility for eliminating child labour is particularly pressing when we consider that we are coming close to the deadline for the achievement of the Millennium Development Goals.

Eliminating hunger and poverty and promoting education and health will never be achieved while child labour persists. Moreover, in The Hague in May 2010 we participated in the second Global Child Labour Conference, which approved the road map to eliminate the worst forms of child labour by 2016. Brazil will have the honour and responsibility of hosting the third Global Conference in 2013, and I would like to take this opportunity to invite you all to that Conference.

Brazil is celebrating the International Day against Child Labour in the certainty that we are on the right path towards eliminating child labour in our country. We have had the courage to face up to this scourge as a systematic problem. Today we are in the process of turning it into a residual problem, and soon it will be a problem of the past.

In concluding, let me remind you that today is the first day of the football World Cup in South Africa, which leads me to repeat our slogan "A red card to child labour".

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Mr MALLIKARJUN (*Minister of Labour and Employment, India*)

I would like to compliment the ILO for this Global Report, which appraises us about exactly where we stand today in the fight against child labour.

The document captures the journey so far, takes stock of the progress made and identifies the challenges to achieving the goal of ending all the worst forms of child labour by 2016 in a very comprehensive and forthright manner.

All member States of the ILO are committed to a world free from child labour in terms of the global action plan adopted in 2006. This commitment is evident from the profound effect of various decisions taken by member States in the form of legislative reforms and policy measures in bringing about a continuous decline in overall numbers of working children.

We appreciate the references made in the Report to India's efforts and achievements to end child labour. India is home to the largest child population in the world. We are following robust multi-pronged strategies to tackle the problem of child labour that comprise statutory and legislative measures, rescue and rehabilitation, universal primary education, social protection, poverty elimination and employment-generation schemes.

The objective is to create an environment where families are not compelled to send their children to work. Success can be achieved only through social engineering on a major scale, combined with national economic growth. India has always followed a proactive policy with respect to the problem of child labour and it is continuously developing elaborate measures to combat it.

Our Constitution provides for the protection of children from environmental conditions and economic activities and occasions unsuited to their age. The Child Labour Prohibition and Regulation Act 1986 was enacted to ban employment of children below the age of 14 years in factories, mines and hazardous environments.

Presently, there are 16 hazardous occupations and 65 processes that are specified under the Act. The employment of children in those is completely prohibited. The employment of children as domestic workers and in shops, restaurants, etc., has been prohibited since 2006. Proper enforcement of the legislation is being ensured at the central and state levels. We adopted a national child labour policy in 1987 under the national child labour project scheme. Children withdrawn from work are provided education and vocational training. There are around 9,000 schools being run under the national child labour policy in 271 districts of the country.

The Government of India has taken an important step by making education a fundamental right for children under the Constitution. Every child in the age group of 6–14 years is to be provided free and compulsory education. The Right of Children to Free and Compulsory Education Act came into force on 1 April 2010, to facilitate the implementation of this right. A midday meal scheme for school children is being operated. The Government has adopted various innovative measures to benefit and empower informal sector workers in the form of labour welfare funds. The Unorganized Workers Social Security Act 2008 has been introduced and RSVY, a scheme for providing cashless health cover to below-poverty-line families, is running

successfully all over the country and its coverage has now reached 14.5 million smart card users.

The Government created a national social security fund for informal sector workers during 2010 and 2011. Legislation to ensure full security for the poor and vulnerable populations is in the process of being created. To increase livelihood opportunities and assist creation in rural areas, the Mahatma Gandhi National Rural Employment Guarantee Act is being implemented by the Government. This scheme has been expanded to cover the entire country. The Government of India has launched a national policy on skill development to create a workforce empowered with improved skills and knowledge to gain access to decent opportunities of employment.

The Government of India is committed to eliminating the worst forms of child labour. Legislation has been enacted to abolish bonded labour and prevent child trafficking and illegal trading in drugs and narcotics, and to ensure fair administration of justice.

India has been opposing a linkage between trade and core labour standards in various international forums. We are happy that paragraph 353 of the Report of the Director-General, *Accelerating action against child labour*, endorses the fact that the majority of child labour is not found in the export sector, but rather in the production of goods and services meant for local consumption. We urge all member States to work towards open, consensual and collaborative action against child labour for effective results and increased success.

In the context of a child labour-free world by 2016, we feel that the process of elimination of child labour goes beyond ratifications. It is more a question of adequate socio-economic responses and deep political engagement, keeping in view the national conditions. The ILO can play an important role in advocacy and mobilization. We endorse the steps for building global momentum, as indicated in paragraph 377 of the Report. We have to stop child labour because children are our future.

To conclude, I would like to support the positive note in the Report that eliminating child labour is possible and affordable, if the world wills it and fights for it.

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*Original Arabic: Mr LOUH (Minister of Labour, Employment and Social Security, Algeria)*

The debate on this Global Report focuses on the goal that we have set for 2016 of eradicating the scourge of child labour worldwide. This might not be within our reach judging by the data given in the Report: that is, despite the progress that we have seen in some continents, there has been a deterioration elsewhere, and the figures given in the Report are disappointing and do us no credit in an age when human rights are measured against two scales.

Although it is true that governments must devote more efforts to eradicating this scourge, it is no less the case that all the social partners must also play an essential role in combating this phenomenon.

Nevertheless, can we ignore the reality of international relationships that characterize today's world and the influence of the international system on this phenomenon? Are they part of the problem or part of the solution? I am talking about the very nature of international relations.

It goes without saying that an economy that does not provide employment and an education system

that does not give all children the right to schooling can only serve to aggravate the phenomenon of child labour. The African continent certainly suffers most from this scourge, to go by the data in the Report.

I believe that the international community, as embodied by the ILO, is the entity which is best placed to judge the impact of the nature of international relations, particularly relations between North and South, which certainly do not help economic development in these impoverished countries that suffer from this scourge.

Given this reality, the entire international community, within the International Labour Organization, and all the social partners can serve as a persuasive force to influence decisions taken on this issue. Other groups and entities that define the nature of economic and financial relations between countries worldwide even more than international relations – and their nature – directly influence the issue at hand.

The decision by the Director-General of the International Labour Office to participate in the G20 was taken last year against the background of the financial crisis, which, as you know, led to a catastrophic recession that had negative effects on employment and society. While the Director-General's participation in the G20 is a laudable initiative, it is important for it to have a genuine influence on changing the nature of relations between North and South in order to ensure that they do not continue to serve the interests of only one party, making the rich richer and the poor poorer, which will simply worsen the situation of child labour that we are trying to improve and hinder our efforts, particularly in African countries. On this basis, the international community must deploy greater efforts in order to resolve regional, local and international conflicts and to eliminate the debts of African countries. This is no more than justice for those countries that were forced to contribute to building the economies of the majority of today's industrialized States.

Economic development and a social system that allows children to be schooled are the essential pillars that will help us to overcome this scourge. Therefore, the international community must not neglect them when it comes to discussing this phenomenon and its relationship with the nature of the international relations that guide the world of today.

Algeria does not suffer from the worst forms of child labour defined in international conventions. Prevention is based on two different approaches. The first is to guarantee each child access to compulsory schooling until the age of 15. The second is to implement plans to fight unemployment and promote employment by encouraging investment to create jobs and making fiscal concessions to benefit companies that create jobs. The Government provides assistance to those who are unemployed and to families in order to ensure that they do not have to send their children out to work. It also helps such families to purchase school equipment for their children.

Finally, we must state that Algeria guarantees free education from primary level to higher education. Furthermore, social benefits account for 12 per cent of GDP. In accordance with this policy, a labour inspection department was created several years ago. Since 2005, we have had an appointed inspector responsible for monitoring child labour which allows us to combat this scourge through regular

inspection. I would like to take this opportunity to express appreciation for the ILO mission to Algeria, to see on the ground the effects of the measures and reforms that we have taken, which were welcomed by the mission.

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Ms SPĂNU (*Government, Romania*)

Romania enjoys strong and fruitful cooperation with the ILO, under IPEC, and with its valuable help it has developed a comprehensive national strategy on eliminating child labour. As a participant in the Global Conference in The Hague and a member of the consultative group, we very much appreciate the efforts of all the colleagues present at the Conference to adopt the road map to 2016. This document gives us all a new impetus towards achieving our target of eliminating the worst forms of child labour by 2016. Romania strongly supports the recommendation that the Governing Body discuss the road map in 2010.

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Mr ANIGBO (*Government, Nigeria*)

The efforts of the ILO as depicted in this year's Global Report are highly commendable. The Report reflects and recognizes the clear signs of progress and the obvious lacunae in global response to the follow-up to the Declaration on Fundamental Principles and Rights at Work.

The subject under discussion, *Accelerating action against child labour*, is of significant interest to Africa in general and to my country in particular. We therefore note with satisfaction the programme of activities aimed at the elimination of the worst forms of child labour since the adoption of the Declaration in 1998. The principles enshrined in the Declaration have no doubt galvanized the rapid and accelerated ratification of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182). This reflects a major global political consensus and the need for the total elimination of the scourge.

We are concerned because the optimism shown towards the total elimination of child labour for the world's 250 million child labourers seems to have been dampened by several factors already highlighted in the Global Report.

The situation in sub-Saharan Africa, the region most blighted by child labour, calls for a more concerted study of the phenomenon and all of its ramifications on the part of all of the stakeholders in efforts to tackle the problem of eradicating abject poverty and creating wealth.

The distinction between child work and child labour must be made. The idea of the worst forms of child labour presupposes and suggests that there may be some better or fairer forms of child labour. For the Nigerian delegation, all forms of child labour are bad and should be eliminated altogether.

Let me at this point highlight some of the achievements made in combating child labour in Nigeria. The most prominent include the establishment of a child labour unit within the Ministry of Labour and Productivity; sensitization and awareness raising on the evils of child labour amongst the citizenry; the establishment of national nomadic education centres for children belonging to nomadic and transhumant communities nationwide; a review to highlight and integrate child labour issues into the labour laws; the ratification of ILO Convention No. 182 and the Minimum Age Convention, 1973 (No. 138); the mainstreaming of child labour programmes into the Ministry's budget; and the capac-

ity building of the critical mass of labour and factory officers with respect to child labour inspection skills.

However, we note with dismay the dearth of ILO activities in Nigeria in the area of child labour since the International Programme on the Elimination of Child Labour (IPEC) concluded its activities in 2004. We therefore take this opportunity to call on the ILO to play a more proactive role and to assist Nigeria in a policy review and the updating of the draft national policy.

While calling on the ILO to continue to play its leadership role in providing an enabling environment for its constituents in Nigeria, we reiterate our commitment to the common goal of eliminating the worst forms of child labour by the year 2016.

In conclusion, we wish to congratulate the ILO and the Government of the Netherlands for having successfully hosted The Hague Global Child Labour Conference in May 2010. Nigeria associates itself with the road map developed to strengthen progress towards the total elimination of the worst forms of child labour by 2016, as well as the promotion, ratification and implementation of Conventions Nos 138 and 182 by member States.

Finally, Nigeria supports the provisions in paragraphs 321 and 322 of the Global Report relating to Africa, and calls on the ILO to endeavour to implement them.

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Ms MCDONOUGH (Government, Australia)

The Australian Government welcomes the road map to 2016 agreed upon at The Hague Conference in May and is keen to maintain the momentum of the Conference, as advocated by many of the speakers here today.

We sincerely thank the Netherlands, the ILO and all others involved for continuing to actively promote this important goal. The Australian Government is very supportive of the goal of ending child labour by 2016. One of the strongest points to have come out of this morning's session is the ongoing need to ensure that the programmes for the elimination of child labour are fully integrated across a wide range of complementary initiatives, including the achievement of universal education and achieving decent work goals for all.

The Australian Government also supports the point made by the United Kingdom, namely that the involvement of young people in these programmes is imperative. A sense of ownership and partnership with the young people that these programmes are targeting is critical to ensuring success.

The Australian Government supports the road map and requests the ILO to consider building the road map into the wider ILO forward strategy on eliminating child labour.

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Mr SAIDOV (Government, Uzbekistan)

We support the Global Report, entitled *Accelerating action against child labour*. Uzbekistan also fully supports the main objectives of The Hague Global Child Labour Conference to strengthen the worldwide movement to achieve universal ratification of ILO Convention No. 182 in the near future.

As ILO Executive Director Mr Kari Tapiola said, we now have a road map that helps in finding the way forward and provides us with key input for future discussions in the ILO and elsewhere. It is up to all of us to follow it through. I would like to ad-

dress briefly some issues which have immediate relevance to today's agenda.

The Uzbek Parliament has ratified 13 fundamental ILO Conventions, in particular, Conventions Nos 138 and 182. In 2008, by special decree, the Uzbek Government adopted a national action plan on implementing these Conventions. A system of state institutes that aim to monitor non-admission of worst forms of child labour has been created in Uzbekistan. The elimination of the worst forms of child labour is being achieved through programmes to: create conditions for decent work and new jobs as alternatives to child labour; strengthen social protection and increase incomes for low-income families, which are recognized by international experts as the main causes of child labour; improve children's educational opportunities; and strengthen monitoring of compliance with legislation, in particular with regard to protecting the rights, freedoms and legal interests of children.

In the Report of the ILO Director-General, a great deal of attention is again given to efforts at the national level in the spheres of creating and securing workplaces in the face of the global economic and financial crisis, and to the elimination of forced labour, including child labour. At present, an anti-crisis programme for 2009–12 is being implemented in Uzbekistan. Its main content, objectives and tasks are described in detail in a book by the President of Uzbekistan, Islam Karimov, entitled *The Global Financial-Economic Crisis: Ways and measures to overcome it in the conditions of Uzbekistan*. One of the main objectives, among others, is not to accept a deterioration in standards of living among the population. We agree with the assessment of ILO Director-General that a mixed picture emerges from the Global Report and recent monitoring of progress towards achieving the Millennium Development Goals. In this context, I would like to stress that Uzbekistan is gradually taking measures to achieve the Millennium Development Goals with a view to reducing poverty, improving living standards, and activating the role of women in the sustainable development of the society.

The Global Report makes reference to the situation in Uzbekistan, where, following media reports about the use of forced child labour in the cotton industry, several major retailers and buyers stated that they would no longer purchase cotton from the country. In this context, we believe that some human rights NGOs are trying to politicize the issue through active involvement in this campaign.

Taking this opportunity, I would like to clarify the issue of the alleged use of child labour in the cotton industry in Uzbekistan. We are deeply convinced that the groundless statements by a number of enterprises and mass media campaigns regarding massive coercion to engage children in agricultural work have only one purpose: to undermine the high rating of Uzbek cotton on the world market. In other words, the politicization of the child labour issue in Uzbekistan is a coordinated and time-tested method of unfair economic competition.

The participation of children under the age of 18 in the activities of farming households, which are by nature family enterprises, must be considered as work in a family establishment assisting a family member, which in turn cannot be regarded as a violation of international labour standards, in particular, the Minimum Age (Agriculture) Convention, 1921 (No. 10), and the Minimum Age (Non-

Industrial Employment) Convention (Revised), 1937 (No. 60), under which no employment age is set for employment in establishments in which only members of the employer's family are employed.

We attach great importance to international cooperation on matters relating to eliminating the worst forms of child labour. Uzbekistan will consistently implement all its commitments to the ILO, in particular to eliminate incidences of child labour, and will continue to support the initiatives of international organizations, especially the recommendations of The Hague Global Child Labour Conference with a view to achieving a world free of the worst forms of child labour.

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Mr HAGEN (*Government, United States*)

More than a decade ago the unanimous adoption of ILO Convention No. 182 became a symbol for many of us of a world united in the belief that no child should be exploited or placed in harm's way in the world of work and no child should be denied the chance for education in order to meet his basic needs. Since 1995 the United States Government has provided over US\$680 million in funding for child labour projects around the world, more than US\$410 million of these funds were provided to IPEC. Working with IPEC and some 50 other organizations in more than 80 countries we have helped withdraw or protect over 1.3 million children from exploitative labour. This year we will be providing US\$60 million for new programmes to address the worst forms of child labour, with US\$40 million of these funds going to IPEC.

We also place great importance on addressing this issue at home and ensuring that children in the United States are well protected. We have dramatically increased child labour law enforcement efforts and we will soon issue regulations to expand the list of dangerous non-agricultural jobs that children are not permitted to perform. We are also carefully examining recommendations of our National Institute of Occupational Safety and Health on child farm work, and actively exploring additional regulatory changes to strengthen protection for children in the fields.

The fact that child labour has risen significantly among 15–17-year-olds, as we read in the Global Report, suggests that we need to focus more energy on educating and training youth, and helping their successful transition into good jobs. The Global Report speaks to differences across regions. While child labour numbers have seen a significant drop in Latin America, the numbers in Africa tell a different story. There, 65 million children – one out of every four –working. These differences in experience suggest the potential importance of sharing best practices and South–South cooperation, as Ambassador Azevêdo of Brazil mentioned earlier today. Indeed the Report highlights Brazil's initiative in the wake of its successes in combating child labour at home to provide technical assistance to other countries seeking to do the same.

While we have learned a great deal in the years since the adoption of Convention No. 182, there is still much more we need to learn about the root causes of child labour, about how best to provide children with access to schooling, and about how best to help families secure sustainable livelihoods and overcome the poverty that contributes to child labour.

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*Original Spanish: Ms HERNÁNDEZ OLIVA (Government, Cuba)*

Yet again, we have seen that, even with a high number of ratifications of Conventions Nos 138 and 182, there is still a great deal to be done in order to eradicate child labour. What we really need is an awareness and political will to combat this evil, which is undermining the society of today and compromising our future.

Regarding the worst types of child labour analyzed in this Report, we should ponder paragraphs 250–253 that refer to agriculture. Generally, child labour in agriculture is associated with underdeveloped countries. Yet paragraphs remind us that, in OECD countries too, a large number of children are working in the countryside. They focus particularly on situations that have been looked at by the Committee of Experts where very young children have actually died because they were not given proper protection when using chemicals on farms in highly developed country. There is no justification for this situation, which stems not from poverty but from insensitivity and from a lack of will to put an end to the situation.

Domestic child labour is another of the worst forms of child labour, and this particularly concerns young girls. My delegation congratulates the ILO to bring about an international standard which will actually protect girls and women who are exploited in that fashion.

Generally speaking, there is a tendency to blame child labour on poverty. This may certainly exacerbate the situation, but it does not justify it. In Cuba, where we have low incomes, we have created the social and economic environment that is necessary to guarantee employment, free education up to the very highest level and a system of primary health care and social programmes for families; as a result, we do not need to resort to child labour for subsistence.

It is forbidden for enterprises to employ young people under the age of 17, while those of 17 and 18 years cannot work in jobs that entail a high physical or psychological risk and receive ongoing on-the-job training.

Labour inspection ensures compliance with provisions on child labour.

Clearly, one of the goals is to eradicate child labour by 2016, and, to that end, we believe that it is of key importance to combine these efforts with the efforts to achieve universal primary education and to accelerate compliance with the Millennium Development Goals regarding poverty, as well as with the commitment of the developed countries to provide foreign aid for developing countries.

The ILO's technical assistance is of great importance in helping those who have not been able to reduce or eliminate child labour.

My delegation is sure that human sensitivity, solidarity between countries and the political will of governments will enable solutions to be found, within the allotted time, that are tailored to the needs of each country, and thus eradicate this scourge of society.

*(Ms Nkili takes the Chair.)*

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Ms ROBINSON (*Government, Canada*)

This year's Global Report, *Accelerating action against child labour*, provides a valuable analysis of progress made since 2006, outlines key challenges

and gaps that remain and identifies how these can be addressed through an agenda to accelerate progress towards meeting the 2016 goal of eliminating the worst forms of child labour.

We wish to thank the Office for a comprehensive Report, which includes useful data that is appropriately disaggregated by region, sector, age and gender. We particularly welcome the analysis in the Report on the impact of HIV and AIDS on child labour, of possible links between migration and child labour, and the focus on children with disabilities and special educational needs. Canada shares concerns that, despite significant efforts over the past four years, and success in some areas, there remain some 215 million children engaged in child labour, with 115 million of these exposed to its worst forms.

The Report notes that overall progress towards the effective abolition of child labour is uneven and that child labour remains prevalent in the agriculture sector and among certain worst forms, such as armed conflict, forced labour or, in some cases, domestic labour. We are also troubled by indications that progress in eliminating the worst forms of child labour has slowed in light of the global economic crisis.

Nevertheless, there is still reason for optimism. Last month, the Government of the Netherlands and the ILO hosted the Global Child Labour Conference, which provided renewed impetus for increased international action to end the worst forms of child labour by 2016. Canada would like to express its thanks to the Government of the Netherlands and to the ILO for their commitment to refocusing world attention on elimination of the worst forms of child labour and for spearheading the development of a road map for achieving that goal. The road map provides a framework to assist us in concentrating our efforts, and we look forward to assessing progress at the next Global Conference. We thank the Government of Brazil for offering to host that event.

The Global Report highlights that child labour requires a broad response, implicating a range of actors. This response includes enlarging access to universal basic education, building a basic social protection floor, and promoting productive and decent employment opportunities for parents. Achieving these objectives is crucial to ending child labour. Moreover, these objectives recognize the multidisciplinary approach required to effectively address child labour, as well as the connection between child labour and the Millennium Development Goals, in particular universal education, gender equality, combating HIV and AIDS and ending poverty and hunger.

As a result, we must all take positive steps in support of a coordinated effort. We welcome the continued engagement of the social partners in regional and sectoral-based initiatives and, while Governments are addressing this complex issue from the multidimensional perspective that it warrants, we must continue to enhance inter-ministerial cooperation, including between labour ministries, law enforcement, judicial systems and education and social services.

We should also strengthen our resolve to ensure effective collaboration among governments, employers' and workers' organizations, service providers, international providers, international institu-

tions, civil society organizations and academics, and we must consider the voices of children themselves.

Canada welcomes the ILO's engagement with partners across the United Nations system to address the spectrum of social and economic issues relating to child labour, including through its work in the Understanding Children's Work inter-agency research cooperation project with UNICEF and the World Bank. Cooperation projects such as these provide governments and employers' and workers' organizations with sound information to make informed policy choices. While its advocacy efforts are essential, we urge the ILO not to abandon its crucial practical interventions and advice in the field. The ILO should continue the integration of initiatives to eliminate child labour within Decent Work Country Programmes, which are the mechanism for implementing the Decent Work Agenda at the national level.

The ILO should focus its efforts on identifying and responding to the needs of specific member States. Priority should be given to strengthening the capacity of labour ministries to develop and implement legislation and national child labour strategies and to offering education and vocational training for children, particularly those that are removed from the worst forms of child labour.

We must act now to realize our commitment to end the worst forms of child labour. We agreed in 2006 to achieve this goal by 2016. As we have been reminded numerous times today, we only have six years until 2016. We do have ample information data and frameworks for action; we cannot remain complacent and must increase our efforts and strengthen our partnerships to realize this goal.

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*Original French: Mr ADDOUM (Government, Morocco)*

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The deadline for achieving the objective of eradicating the worst forms of child labour by 2016 is approaching, and a great deal remains to be done. Our Organization must therefore encourage the international community to step up its efforts to achieve that objective, and the Report in actual fact does suggest a whole range of important measures to accelerate action to that end.

The road map to a world without child labour, which was adopted at the Global Child Labour Conference in The Hague, has given fresh momentum to efforts to eliminate the worst forms of child labour. To deliver on the commitments made within the framework of the Global Action Plan in 2006, as well as in the road map, however, member States and constituents must make the cause of child labour a priority in national budgets and in development programmes.

Morocco has signed up to the road map to eliminate the worst forms of child labour by 2016. Allow me to outline the efforts made by the Government to that end.

Moroccan policy-makers have always placed the promotion and protection of the rights of the child at the heart of the Government's national priorities. In March 2006, for example, a national action plan for children for the period 2006–15, entitled "Morocco: Fit for its children", was adopted by the Council of State, taking into consideration the guidelines contained in the 2006 Global Report: *The end of child labour: Within reach*.

The fight against child labour forms a major part of the action plan, and the Minister of Employment and Vocational Training has gone to great lengths to



further its implementation at the legislative and institutional levels, as well as through prevention and awareness-raising campaigns, and direct action.

At the legislative level, after ratifying the ILO's core Minimum Age Convention, 1973 (No. 138), and Worst Forms of Child Labour Convention, 1999 (No. 182), the Government introduced a range of reforms to bring national laws into line with the principles of those Conventions: raising the minimum working age from 12 to 15 years, for example, a ban on the employment of children in hazardous work from the age of 15 to 18, stronger penalties for offenders and greater powers for labour inspectors. Other legal breakthroughs have included the adoption of the list of hazardous jobs in 2004; the drafting of a bill to establish employment and working conditions of domestic workers that prohibited the employment of children under the age of 15; the drafting of a decree that performed a similar function for purely traditional forms of labour; and the issuing of a decree extended and rendered the 2004 list of hazardous jobs more exhaustive. The latter decree has been submitted to the Government for adoption.

Progress at the institutional level has included the creation of a national steering committee for combating child labour, together with a national office responsible for the expansion and continuity of pilot projects launched by ILO-IPEC; and the designation of focal points in charge of combating child labour at the level of 43 regional employment delegations.

Turning to the direct action, several activities have been carried out within the framework of multilateral cooperation and with the support and assistance of ILO-IPEC and UNICEF, including the training of labour inspectors; local and national awareness-raising of all the stakeholders; studies and research on the fight against child labour; local and national capacity-building; pilot programmes in the field, which have had a positive impact for large numbers of children, and have shown that there are concrete and viable solutions to the scourge. Furthermore, those programmes have produced and distributed guides and brochures on child labour.

Some 16,283 children were removed from child labour and given viable alternatives in the period 2002-08.

In 2009 the focal points in charge of combating child labour made 874 observations and recorded 451 offences. Within the framework of the national action plan for children, and to ensure the spread and continuity of the programmes of action already launched by IPEC Morocco, a government finance bill, introduced in 2009, a new budget line for combating child labour. This has been continued for 2010 and for the years to come. The funding is used to support the NGOs working in the field of combating child labour; for increasing basic knowledge on the conditions of child labour; for stakeholder training; and for increasing national and local capacity building. These are ongoing activities. Partnership agreements were signed with seven NGOs in 2009. New partnerships will be formed with other NGOs throughout 2010.

These are the main efforts Morocco has been making to lead an effective campaign against the worst forms of child labour.

The Government is committed to a world without child labour.

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Mr MADIIHAHEWA (*Government, Sri Lanka*)

On the last occasion when we met four years ago in 2006, we observed that, worldwide, child labour had fallen by 11 per cent from 246 million to 218 million. By 2004, the worst forms of child labour had fallen by 26 per cent from 171 million to 126 million.

In this year's Report, we have observed that child labour has continued to fall but, as the Global Report has rightly indicated, to a slower rate.

As the Report says, there are still 250 million children trapped in child labour and 115 million in the worst forms of child labour.

Part II of the Global Report 2010 reflects on various achievements in eliminating child labour across the world. It notes that greater efforts are needed to achieve the targets of the Global Action Plan adopted in 2006.

Sri Lanka has demonstrated its commitment to eliminating child labour and protecting the rights of the child by ratifying the main international instruments.

Sri Lanka has ratified the ILO Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and is currently in the process of implementing these Conventions.

As part of the implementation process of ILO Convention No. 182, the Government, along with other States, has adopted a draft policy and plan of action to eliminate the worst forms of child labour.

A list of hazardous forms of child labour has been drawn up, which has already been adopted by the National Labour Advisory Council and legislative process is ongoing.

With a view to bringing national laws in line with international labour standards concerning the worst forms of child labour, including work in dangerous conditions, we need to underline the fact that the problem of child labour can only be effectively addressed within the broader context of the development process.

It is important for prevention measures to ensure that an environment for development is created in which there is no demand for supply of child labourers.

A more sustainable and comprehensive approach would place the issue of child labour within the broader framework of a country's development and poverty reduction measures.

Sri Lanka recognizes the need to eliminate all forms of child labour and the current urgent need to eliminate the worst forms of child labour.

In this context, Sri Lanka endorses the road map for eliminating the worst forms of child labour by 2016, adopted at the Global Child Labour Conference in The Hague in May 2010.

Sri Lanka wishes to commend the contributions made by the Government of the Netherlands over the years, and especially its hosting of the Global Child Labour Conference, 2010.

In line with the road map adopted at the Global Child Labour Conference, the Government of Sri Lanka, with the participation of all the stakeholders and the assistance of IPEC, is now in the process of developing its own road map which aims to eliminate the worst forms of child labour by 2016.

This exercise has also provided us with a great opportunity to assess the remaining obstacles and identify the challenges which emerged following

the end of the civil war that ravaged the country for nearly 30 years.

The country faces the challenges of rehabilitating a large number of child fighters and reintegrating them into society and the economy, as well as providing education and proper care for a large number of children living in the war-affected areas.

The road map for Sri Lanka adopts an integrated, area-based approach. This strategy will involve implementing measures in all nine provinces of the country, but with due priority given to the five provinces which are classed as “fast track” provinces under the Mahinda Chinthana, the Government’s development framework. The fast track concept is designed to reduce regional disparities by prioritising the provinces with the highest prevalence of poverty.

In addition, the reconstruction and reintegration under the Mahinda Chinthana, 2010, of the northern and eastern provinces affected by conflict, will be given priority.

These programmes will seek to link up with initiatives under the national decent work programme and other relevant schemes.

As the impact of the strategies designed to tackle specific types of child labour will be broad, sustainable, multifaceted and integrated strategies will be required.

Broad-based partnerships will be used to implement coordinated and complementary interventions. A mechanism for coordinating direct interventions will be based mainly at district and community level. The interventions will identify, remove and protect children aged between 5 and 17 from the worst forms of child labour in the provinces by providing a range of education and training opportunities.

Family members will receive direct support to enhance their incomes and training to improve production processes as a result of programmes.

Furthermore, children and young people will become indirect beneficiaries of the programme. All the children and young people will participate in the Youth Outreach Programmes on occupational safety and health, in order to reach other youngsters and create awareness of occupational safety issues. Families will be empowered, innovative alternative production processes will help to protect vulnerable children and strategies for specific target groups and geographical areas will be explored. The aim will be to produce an integrated environment in which quality education for all children, decent work for adults and respect for labour standards reduce the supply of and demand for child labourers and increased school enrolment and retention will be the priority areas.

I wish to take this opportunity to pay a tribute to ILO-IPEC for the assistance provided to Sri Lanka for almost a decade. The programme not only helped reduce child labour incidents in the country, but the dialogue and the atmosphere of partnership, cooperation and awareness among all stakeholders facilitated, in many ways, the drafting and implementation of programmes to help children.

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Ms KITUYI (Government, Kenya)

The Government of Kenya welcomes the third Global Report, *Accelerating action against child labour*. This Report is built on the foundation of the first and second Global Reports and emphasizes the effective abolition of child labour under the follow-

up to the Declaration on Fundamental Principles and Rights at Work. It also comes against the backdrop of the financial, economic and job crisis that casts several challenges in various regions towards the attainment of commitments as set out in the 2006 Global Action Plan on the elimination of child labour and the Millennium Development Goals.

We express deep concern at the increase of child labour incidences in sub-Saharan Africa, as a result of the financial crisis. We are further concerned that progress in its fight has slowed down and that the report points to an increase in child labour in relative and absolute terms. There is therefore need for spatial and specific attention to be paid to sub-Saharan Africa. We call on the ILO and multilateral partners to strengthen their support for the IPEC regional action plan for Africa, to build momentum for the fight against child labour once again.

The statistical estimates are indicative of serious drawbacks that call for repositioning and the need to have effective social dialogue and tripartite national ownership of coherent policies that deliver decent work and education for all.

We note efforts made by member States towards ratification and application of Conventions Nos 138 and 182, which Kenya has ratified. We have since taken steps to apply the Convention through new labour laws. We have developed structures to drive the process. We have re-engineered the inspectorate and other actors to respond effectively and efficiently. We are now moving towards creating child labour-free zones as a beacon for future action. We have a decent work programme and we have aligned our development programme with the poverty reduction programme and relevant strategies.

In our recent national study, we recognized that, mainly as a result of free primary education, the incidence of child labour had gone down from 1.9 million in 1999 to 1 million in 2007. It was further noted that the affected ages had been raised to the 15–18 bracket, hence our current focus on youth initiatives.

The elimination of child labour is a key priority and through tripartite action we have a time-bound plan to eliminate its worst forms by 2016. Kenya is a beneficiary of IPEC support, through which we are mainstreaming child labour policies and prioritizing laws and practices to fight the scourge of child labour. Through collaboration with the ILO we are formulating productivity and employment policies to promote productive employment opportunities for parents and to pull working Kenyan children out of poverty.

However, like other developing countries, we require technical support to upscale action and keep the momentum going against child labour, and especially its worst forms.

We support the view in the Report for the establishment of an eminent advisory group to promote an Africa-wide movement against child labour and for a high-level political conference in Africa as a means of putting child labour high up on the policy agenda. Kenya is available to discuss the options and possibilities for implementing this noble initiative that would generate sustained and consistent momentum for the elimination of child labour in Africa.

Allow me now, on behalf of the Government of Kenya, to thank the Government of the Netherlands and the ILO for their initiative in organizing a global conference that adopted a road map to guide



member States towards elimination of the worst forms of child labour. The road map is a credible and practical instrument that will steer us towards effective promotion of social, economic and human development. We therefore reiterate our support for the road map as it offers a clear and visionary approach to tackling child labour, and which we believe will steer us to our goal.

We also want to thank the Government of Brazil for agreeing to organize the next Global Child Labour Conference. We thank the Governments of Morocco and Cambodia for their offer to host regional follow-up meetings to assess our performance on the elimination of child labour.

I also wish to thank the Governments of the Netherlands and Germany for their pledge to support the ILO-IPEC programme. We thank the United States, Denmark and Norway for their continued and consistent support for free primary education and poverty eradication-related programmes in many parts of the developing world.

Finally, allow me to acknowledge the ILO's efforts in promoting the fight against child labour beyond its constituencies, particularly in the effort to mobilize financial and technical resources. We wish to urge all donors to fulfil their undertakings and promises to offer official development aid to Africa and the least developed countries.

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Ms CRENNAN (*Government, New Zealand*)

Protecting the rights of children, both domestically and internationally, is a human rights priority for New Zealand. We agree that we are at a critical point in the fight against child labour and there is much to be done if we are to eradicate its worst forms by 2016.

New Zealand was pleased to participate in the recent Hague Global Child Labour Conference that launched the Global Report, *Accelerating action against child labour*. New Zealand supports the Report's findings and the Hague Conference's recommendations that real progress on the elimination of child labour will only be made by taking a comprehensive and integrated approach, including a focus on education and economic development, underlined by a political commitment to make real progress.

We support the further integration of child labour concerns into the Decent Work Agenda and the further use of appropriate time-bound measures aimed at improving the ability of countries to achieve elimination of the worst forms of child labour.

New Zealand is playing its part. We have ratified Convention No. 182 and have adopted other key international instruments designed to support the rights of children and prevent their exploitation through trafficking, slavery or child prostitution.

Domestically, New Zealand has a work programme designed to improve our knowledge of existing protections for young people in work and to promote the rights of children generally. The aims of the programme are to develop online information tools, identify gaps in our knowledge base and build a comprehensive picture of young people's participation in employment.

Through development assistance programmes in the Asia and Pacific and African regions, New Zealand continues to support efforts to improve the position of children. Assistance has included programmes on promoting access to health care, educa-

tion and vocational skills training and funding to prevent child trafficking.

New Zealand is heartened by the commitment expressed in this room today to take positive action for the 215 million children involved in child labour. The real life challenge for all of us is what we will be able to tell them in both 2013 and in 2016 of our progress in making child labour a problem of the past so as to ensure it is not a part of their future.

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Mr ADYANTHAYA (*Worker, India*)

The world's children in general and the 215 million children slogging as child labourers in particular, are looking to the ILO, governments, and social partners to keep the promises that we made way back in 1999. Promises were made to keep and not to break, when we adopted ILO Convention No. 182, as well as promises we made in 1973, when we adopted the Minimum Age Convention, 1973 (No. 138).

Of course we have made advances. Strong awareness now exist that eliminating child labour requires good universal education, quality education, with a midday meal scheme, free textbooks and free uniforms, as well as food security for families and a minimum sustenance support. Of course, child labour exists, but not at the level that it existed in villages. The villages are the places from where child labourers go to the towns or cities. So, village-level intervention is, and must be, very effective if we are to eliminate child labour. I complement the ILO. IPEC has taken note of that and I compliment it for creating programmes at that level. Child labour exists, mainly in agriculture, formal as well as informal, and also in domestic work, which we have been discussing in the other room over the past few days.

The ILO Constitution reminds us that poverty anywhere constitutes a danger to prosperity everywhere. Escaping poverty requires better skills for adults, both women and men, not only in enterprises, but also in the villages where they live. There should not be migrant labour. Then and only then child labour can be prevented.

So, these are the most important points, but, at the same time, at the national and state levels, as well as at other levels, legislation and enforcing machinery are required. Ratifying a Convention does not mean that child labour does not exist. That feeling should not be there. There should not only be ratification; following ratification there should be very strong legislative measures taken by the respective governments. And, after taking the legislative measures, punitive action, that is, treating it as a serious offence, has to be taken. Then and only then can it be eliminated. A certain amount of coercive measures are also necessary, particularly in the developing countries. In my own country, as said by our Labour Minister, backed by an Ordinance we have banned bonded labour and made it a criminal offence. When you make it a criminal offence with the relevant enforcement machinery, rapid enforcement machinery if possible, then half the problem will be solved.

But the major problem is poverty elimination. Poverty breeds child labour. Child labour breeds poverty. It is like the chicken and the egg. So, poverty elimination, good employment opportunities and quality education – these are most essential if you are to successfully eliminate child labour.

At the same time, social dialogue, collective bargaining, the employment of youth and their affected families, decent work conditions, social stimulus and, as I said earlier, effective legislation and enforcing machinery – these are all important measures we should take.

And it is not only a labour market issue, so social dialogue is a must. In developing countries, we have seen, as I said earlier, it is not enough to say that child labour is a sin. That it is not acceptable. For that, we have to know how to convince the ordinary people. For that, I have my own ideas. Engage the Bollywood actors, in my own country, as brand ambassadors. Engage good cricketers, like Sachin Tendulkar – he is an icon. You engage them as brand icons for child labour. This is what we are doing today. Red card against child labour. It is the same thing in developing countries. We need to ask each country, who is the hero here? Who is the good actor here? Ask them. The ILO should initiate, IPEC should initiate, along with support from governments, and use brand ambassadors. These are the innovative measures we should adopt.

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Ms MCHIELA (*Government, Malawi*)

The Report shows that, while achievements continue to be registered globally, there is a declining trend in the rate of achievements and there is a sign of a loss of momentum. Most importantly, the Report warns of the painful possibility of missing the 2016 target we have set ourselves to eliminate the worst form of child labour, unless we consciously accelerate action against child labour at the global and national level.

Malawi is committed to eliminate child labour, especially in its worst forms. At the policy level, Malawi was one of the first countries to ratify the Worst Forms of Child Labour Convention, 1999 (No. 182). Malawi has ratified all the eight core Conventions. Furthermore, the provision of the two child labour Conventions have been incorporated in the Employment Act of 2000. The Government, in collaboration with the social partners and other stakeholders, has developed a child labour policy, a national action plan and a list of hazardous work and occupations through a highly consultative process. This document will be adopted very soon. Child labour is one of the priorities of the Malawi Decent Work Country Programme. At the programme level, Malawi has implemented child labour projects with support from the ILO, mainly in agriculture and on a trial basis in domestic work.

Over 50 per cent of all child labourers in Malawi are in agriculture, and agriculture is the main source of the country's GDP and foreign exchange from growing tobacco. Evidence shows that child labour was reduced from 37 per cent in 2002 to 29 per cent in 2006 in the space of four years. This shows that there are prospects for further decreases in child labour in Malawi. We are planning to undertake a follow-up survey to assess the current situation.

Malawi would like to agree with the proposed framework for upscaling and accelerating action against child labour, as reflected in the Report and the road map adopted at The Hague conference, if we are to achieve the goals set by 2016.

Allow me to comment on the increased international collaboration with UNICEF.

As soon as the ILO agreed to collaborate with UNICEF at the international level, our national structures also adopted the collaborative approach.

Malawi volunteered to be a One UN country, and through the One UN fund is implementing a joint programme on youth employment.

Finally, the upscaling and acceleration of action means that the Office should also double its effort, particularly in southern Africa where child labour is on the increase. A holistic approach is needed, looking at the context within which child labour is taking place. Hence the need to emphasize the interrelationship between all the strategic objectives of the Decent Work Agenda.

Malawi is currently reviewing its growth strategy. This is an opportunity for the social partners and the ILO to provide the necessary inputs for a policy environment conducive to the elimination of child labour.

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Mr AHMED (*Worker, Pakistan*)

I take this opportunity to convey my appreciation of the holding of this event on the eve of the commemoration of International Child Labour Day with a special team to go for the goal of ending child labour, in conjunction with the opening day of the World Cup.

It is of immense importance, since children are our future. In saving them from the scourge of child labour, we can help their material and spiritual development through the provision of free, meaningful education and skills development.

We sincerely appreciate the work of the ILO and IPEC, as well as the Global Report and the contributions of donor countries on this important issue.

In this phase of history, we are confronted with many challenges in seeking an end to this scourge. The international financial crisis has a negative impact on third world countries. The policies of the IMF and the World Bank, which entail cutting back on the public service and on investment in free education also have a negative impact and need to be changed. We urge the developed world and the international organizations to help developing countries break the chain of unemployment and poverty, which is one of the major causes of child labour.

I fully support what was said by Mr Trotman and by the Workers' delegate from India. Pakistan has been carrying out an ILO project on the elimination of child labour through tripartite partnerships and is a good model of cooperation with the ILO.

Pakistan is a front-line state in the war against terrorism. It is facing serious repercussions at the economic and social level fields and sacrificing a great deal in its efforts to provide productive and decent employment. It has also been looking after 3 million refugees. We believe that, despite difficulties in the social, economic and political fields, the Government should demonstrate a strong political will to eliminate child labour and to provide a free, meaningful education for each child.

Pakistan has ratified both the Worst Forms of Child Labour Convention, 1999 (No. 182), and Minimum Age Convention, 1973 (No. 138). A good example of its commitment is the workers' welfare fund, which is used to provide free education for children up to university level.

Pakistan's national trade unions have established a free information technology facility from their own funds for both male and female children in the major cities, which demonstrates our political will to fight child labour and to improve the employability skills of our children.

Trade unions play an important role in collective bargaining and in the enforcement of the country's progressive labour legislation, particularly in the area of child labour.

Trade unions also play an important role in raising awareness of child labour, and Pakistan's Parliament recently passed a constitutional amendment providing free basic education for all, both male and female.

We fully support ILO-IPEC activities and urge that more grassroots activities be developed. We feel that the Decent Work Country Programmes should have a larger component for the successful elimination of child labour.

Sixty per cent of children in Asia work in the agricultural sector. Asia is the largest continent in terms of population, and it also has the highest proportion of child labour. It therefore deserves special attention from the international community.

We entirely agree that the ILO, in its future activities, should devote special attention to the situation of domestic workers, female workers and migrant workers, with an eye to the elimination of child labour, and that it should disseminate good practices among member States in enforcing their labour legislation as it concerns the elimination of child labour.

Pakistan enjoys good cooperation with the ILO and we hope that this cooperation will continue to be strengthened. The ILO can be assured of our full support and solidarity and our firm pledge to eliminate child labour by 2016, as advocated by The Hague Conference.

May the Almighty help us to fight this scourge and to provide a better future for our children.

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*Original Arabic: Mr EL-MESLAWY (Government, Egypt)*

It is my pleasure to thank the Director-General for the Global Report and also the ILO for its efforts over these 90 odd years, and especially the last 20 years, against this scourge, through the International Programme on the Elimination of Child Labour (IPEC). The most recent of these was the Global Child Labour Conference, hosted by the Government of the Netherlands last May, following the two conferences, on child labour held in Amsterdam in 1997 and in Oslo in 2000.

The Hague Conference is the continuation of the Organization's campaign to raise awareness of child labour and encourage States to ratify Convention Nos 138 and 182, with the aim of eliminating the worst forms of child labour by 2016.

We support the content of the Global Report and the call to integrate the issue of child labour into the Decent Work Country Programmes. We also agree on the proposal for an increased focus on Africa and South Asia, given the growing numbers of working children in those regions. We welcome the assessments indicating a decline in child labour figures in some regions over the period 2004-08, particularly for the worst forms of child labour. However, it is still a matter of concern that the figures are increasing in Africa, and particularly in sub-Saharan Africa. We therefore consider that the policies aimed at combating child labour, particularly in Africa, should include increasing development assistance programmes in order to create more jobs and reduce poverty, which in turn will contribute to eliminating child labour on the continent.

I would like to confirm that the Egyptian Government takes a keen interest in respect for and the application of international labour standards. In this

context, under the full patronage of the wife of the President of the Republic, the Government launched a national strategy on the elimination of child labour, based on two complementary elements: the first is to integrate working children into basic education, and the second consists in withdrawing children from hazardous forms of work and providing them with safe jobs and vocational training.

The Ministry of Manpower and Migration has adopted several policies and measures, as follows. First, it set up a tripartite steering committee to translate the national strategy on the elimination of child labour into national work plans, with the participation of most of the government administrations and civil society organizations concerned. The committee carries out social mobilization and media awareness campaigns on the rights of the child and explains the role of civil society and the private sector in the framework of genuine partnership with the relevant government bodies.

Second, consultative committees on the elimination of child labour have been set up in all the provinces, in coordination between the Ministry and its directorates responsible for the welfare of working children. These committees have already achieved several of their objectives in terms of getting working children back into basic education and providing some children with vocational skills in training centres and single-class schools, as well as offering social and health services and financial assistance to many children.

Third, this year we agreed on launching a survey on child labour, in cooperation with the Central Agency for Public Mobilization and Statistics and the ILO, and have already declared five provinces free of the worst forms of child labour.

Fourth, we have set up a central database on child labour and established an electronic link between the labour inspectorate on child labour in the Ministry and some of the provinces, while taking account of the social dimension in classification and analysis of the data.

Fifth, staff have been trained on dealing with working children and capacity building programmes prepared for staff and institutions, from a child rights perspective, through the labour inspection body in the Ministry.

Sixth, the Ministry, through the labour inspection authority, is providing guidance and support to working children and their families and employers, in order to ensure children's safety and protection and improvement of their conditions.

Seventh, policies and legislation have been developed on protection of working children and ensuring conformity with international standards in regard to the best interest of the child.

Eighth, poverty alleviation programmes have been developed with the aim of preventing new children from entering the labour market and getting working children back into the education system, as well as modernizing hazardous industries to eliminate or mitigate risks to children and provide alternatives.

The ILO has addressed child labour as a priority, and today more than ever before it must design policies and strategies to enable us to cope with the effects of globalization and the global financial crisis through a viable means of pursuing our policies and objectives which we hope to achieve.

As regards the road map for achieving the elimination of the worst forms of child labour by 2016, adopted at The Hague Conference, in view of its

importance and the considerable momentum it can give to policies to eliminate child labour, I call on all the parties concerned – governments, employers and workers – to make use of the road map to strengthen their own efforts to end child labour and the effects of the dark side of globalization so that we can achieve our goals, God willing, as this is a cause we believe in and take pride in.

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Ms HANGA (*Government, Zimbabwe*)

The Global Report, *Accelerating action against child labour*, provides a dynamic global picture of our efforts to eliminate child labour in general and its worst forms in particular. Although it points to the slowing pace of eradication efforts since 2006, I wish to lend my country's support for the International Labour Office's initiatives to tackle child labour, and to point out that we, as a nation, are forging ahead with the aim of realizing the goal of eliminating the worst forms of child labour.

The Global Report clearly articulates the progress made by member States since 2006, as well as the key challenges faced in efforts to eradicate child labour. In the case of Africa, it points to a worrying state of affairs where an estimated 65 million children in sub-Saharan Africa are engaged in child labour. The reasons are not difficult to detect. Child labour is basically a symptom of the underlying problem of poverty. It is estimated that one in six people in sub-Saharan Africa is living in chronic poverty, which has worsened as the overall share of the population in poverty has grown. The fact is that while child labour is found in all regions of the world, it is overwhelmingly a developing country phenomenon.

In the case of Zimbabwe, we are of the view that the goal of tackling the worst forms of child labour is within our reach. As a country, the two Millennium Development Goals (MDGs) that we have prioritized are poverty eradication and universal primary education. My Government therefore agrees entirely with the Report when it emphasizes the fact that combating child labour "means breaking the cycle of denied education, uncertain employment for youth, and all too certain household poverty".

I am happy to inform the Conference that my Government and its social partners, in collaboration with the ILO and other United Nations agencies, conducted a rapid assessment survey on the worst forms of child labour in all ten provinces of the country in 2008. The findings point to the fact that the worst forms of child labour do exist in Zimbabwe, and that the major push factor is poverty.

Since the finalization of the survey report, the Government and the social partners have gone on to draft a national time-bound programme of activities. This multisectoral approach will include the stepping up of ongoing national programmes on poverty eradication and employment creation, as well as increased resource allocation for the fight against HIV/AIDS. It should also be noted that employment creation and increased grass-roots participation will contribute more significantly to a reduction in the prevalence of the worst forms of child labour.

On the social front, all initiatives must take cognizance of the aggravating impact of the HIV/AIDS pandemic on the situation of children, particularly those already orphaned. Indeed, HIV/AIDS has the effect of perpetuating poverty among households

whenever their economically active members succumb to the pandemic.

My Government will furthermore step up efforts to fight child labour in a holistic manner, with several existing policies and programmes coordinated to achieve that goal. As part of those efforts, it will continue to make resources available to enable the vulnerable to attend school through its basic education assistance module and the continued implementation of the national action plan for orphans and other vulnerable children.

In conclusion, I call on the International Labour Office to strengthen its technical cooperation with developing countries in particular. We need it if we are to realize the goal of eliminating child labour. As Africa grapples with the challenges of continuing poverty and marginalization, it is imperative to boost the programmes taking action to eliminate child labour on the continent.

In the spirit of the World Day against Child Labour 2010, the Government of Zimbabwe joins the chorus: "go for the goal – end child labour".

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*Original Chinese: Mr HAO (Government, China)*

Child labour is a violation of human rights. We have been consistently combating all forms of child labour and are working hard to eliminate child labour at its source.

The Chinese Government has put in place various legal instruments, including particular laws on child protection and regulations prohibiting the use of child labour. The Chinese Government is implementing these regulations and regulating employment in order to protect children's rights.

We have been working hard to improve the labour inspection system and to improve our capacity for monitoring compliance with legislation.

The Chinese Government has developed an action plan to combat trafficking in women and children. A system of inter-ministry meetings has been established to exchange views and experiences. We have made full use of the media and lectures to raise awareness of legislation and encourage employers to protect workers and cease using child labour. We welcome the Hague Global Child Labour Conference and support its road map towards achieving the goal of eliminating the worst forms of child labour by 2016. We look forward to working with the ILO towards this goal.

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*Ms SEEMULE (Government, Botswana)*

Botswana has actively participated in programmes aimed at eliminating child labour and we are indeed hopeful that we will become a child-labour-free zone before 2016. Botswana has, since independence, provided free education and healthcare for all its citizens. The challenge that we face is the vast size of the country and establishing education facilities in adequate reach of all who may need it. Through IPEC, Botswana has managed to implement programmes aimed at reaching those children who are most at risk. We therefore fully support the continuation of this ILO programme, and thank those who continue to support it.

Botswana participated in The Hague Global Child Labour Conference from 10 to 11 May 2010, as a member of the consultative group. We wish to express our sincere appreciation to the Government of the Netherlands for their excellent hospitality and their unwavering commitment to the issue of child labour. We are indeed enthused to eliminate the

scourge of child labour and we believe the Conference has re-energized us and that we do not have “child labour fatigue” any more, as described in the Global Report. My delegation welcomes the road map to 2016 and we look forward to the review reports that will serve our progress towards abolishing the worst forms of child labour.

In conclusion, Botswana, with the assistance of the ILO and the international community, will continue to exert all its efforts to raise awareness of child labour and eventually eliminate it before 2016. We believe that we can no longer justify our lack of progress and we have an obligation to these children to free them from this undue burden.

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Mr ZELHOEFER (*Worker, United States*)

I just want to highlight three issues, first: trade unions, second: trade unions, and third: trade unions.

I endorse the comments, of course, of our Workers’ spokesperson in his initial intervention. I also took very careful note of the intervention of the United States Government and would urge and encourage it to give more and further resources to IPEC and the important programme that it is undertaking, and, of course to redirect the work that it supports, better than it has in recent years.

It is very clear that IPEC has a better understanding now of the absolute importance of tripartite engagement at the national level, and the importance of freedom of association and collective bargaining, especially in the sectors that are so affected by child labour, including agriculture, mining, construction and others. I am looking again at paragraphs 138–143 of *Accelerating action against child labour*; they are very clear on the importance of trade unions being engaged at the local level, the state level, and the national level in the elimination of child labour, and that is through the respect for freedom of association and collective bargaining.

Secondly, also in its move towards an integrated decent work approach, which is very important for IPEC, I want to underscore the vital role that education plays. This is not just from the top down, but from the bottom up. There is also the importance of a well-compensated teaching body that has the ability to organize themselves and collectively bargain. We need to empower both workers’ organizations and communities in the economy to formalize the economy through decent work. Working together with the global union federations on the sectoral aspects, we would encourage their connection with the sectoral department in the ILO, along with the social dialogue office, and especially ACTRAV.

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Mr BARROW (*Government, Gambia*)

The Government of the Gambia supports the road map developed to eliminate child labour at the Conference in The Hague in May 2010.

The Gambia ratified all the ILO core Conventions in 2000. The Gambia has also ratified the Convention on the Rights of the Child.

The Labour Act 2007 has prohibited the worst forms of child labour in the Gambia. The Government has instituted free primary education for children in grades 1–6. In addition, the Government has also established free education for all girls from grades 7–12.

Despite these efforts by the Government, child labour is still an issue in the Gambia, since the scholarship provided by the Government covers only the

tutoring. It excludes the cost of books, equipment, transportation and lunch during school sessions.

At the rural level, children are involved in child labour; they go to farms to help their parents. This is a result of high levels of poverty in these areas. Parents need the assistance of their children to be able to have sufficient income to pay for their children’s education and other basic needs of life, such as food, clothing, shelter and health care.

In the early 1980s, the World Food Programme helped the school system with food supply, particularly in rural areas. This programme helped the Government of the Gambia to tremendously increase school enrolment rates, particularly in the rural Gambia. Children actually walk in the hot burning sun to go to school in another village. However, I regret to inform you that this assistance from the World Food Programme is declining drastically in almost all our schools.

The Ministry of Employment is planning to come up with a project on the elimination of child labour. I appeal to the ILO and its collaborators to assist the Gambia in eliminating the worst forms of child labour by 2016.

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Ms EASTMAN (*Representative, Education International*)

As the aptly named Global Report accelerating action against child labour says, “It is [indeed] our responsibility to ensure this is the last generation to be exploited as child labourers.”

It was heartening to also hear certain expressions, such as “political will” being repeated, statements acknowledging the responsibilities of government, but also the importance of tripartism and the efforts made using that mechanism, as well as the role of the unions. I particularly wanted to comment on that.

Building on what we know, it is imperative to take a comprehensive, multi-strategy action approach, stressing the importance of education and the intrinsic links with several Millennium Development Goals, namely education for all, gender equality, combating HIV/AIDS, poverty and hunger, and of course the road map itself, which is a significant achievement. For these achievements we thank ILO–IPEC and the Government of the Netherlands.

I would also like to underline that child labour is not a simple issue. It is the business of all countries in the world. It is a global, national, local and family problem. It is complex and in places it is deeply ingrained, driven perhaps by social norms and certainly by economic imperatives, and it is exacerbated by a lack of social security and decent work for adults.

We at EI also fear that the current economic crisis and recession has slowed down momentum towards the eradication of child labour.

It is simply not acceptable for 215 million children around the world, 129 million in agriculture alone, to continue to be victims of child labour. Half of these children work in conditions that violate their basic rights and dignity, such as slavery, forced labour, trafficking, debt bondage, serfdom, prostitution, pornography or recruitment for armed conflict, with girls especially affected. It is a life blighted in its formative years by mind-numbing, spirit deadening and body-destroying labour. Childhood should be a time for learning, for going to school, for playing and building family connections. The link between child labour and a lack of educa-

tion is intrinsic indeed, as is the link with poverty. There are just a couple of things I want to say on the issue of child labour and one is that at least the overall goal needs to be the elimination of all forms of child labour. It is certainly necessary and important to focus on the worst forms but this should take place within the context of eradicating all child labour because, if we are to achieve education for all, then it is imperative that we have children who are able to go to school and stay there for long enough to learn and to gain a basic education. Are we saying that, if we focus only on the worst forms of child labour, then some other forms of child labour are permissible? I do not think so.

In the 2006 Report, which was very optimistic regarding the progress we were making at the time, I did note that the successful decrease in the worst forms of child labour at that time was accompanied by a commensurate increase in less worst forms. Thus, there is a tendency for the problem to move around and, in some cases, the line is blurred by the age and nature of the child and the nature of the work, making it difficult to establish what are the worst forms of child labour and what may not be. Domestic labour is a case in point and here, once again, I come back to girls.

I think that child labour actually has major repercussions on the education of children. Many working children either do not attend school, drop out at an early age, or they may often be absent or repeat grades. Low educational achievements will affect their prospects for the future and, indeed, affect their whole lives. We know what we need to do. Education is a human right, it is a public good. It is, in fact, the breath of life for children and it must be non-negotiable. A school must be at the centre of every community. Literacy is a gift for the livelihood of people of all ages, for democratic citizenship and for life itself.

Therefore, replacing labour with education is our imperative. Achieving education for all by 2015 is a daunting challenge at this point in time. Some child labour is hidden, because of conflict, a lack of rural access to education and because of the issue of AIDS orphans. Once again, it is double jeopardy for girls who have to work in the field or the factory and then again in the home.

I would also say that much is expected of schools, schooling and teachers these days. An investment is essential, but it is not always adequate. We need to invest in schools themselves, of course, namely the curriculum, the resources and the classrooms, but also the teachers. We know that here is a shortage of teachers. UNESCO has told us that very clearly. However, a more recent, burgeoning crisis is the problem of teachers leaving the profession. The problem is becoming astronomical and we cannot afford to lose qualified teachers from classrooms simply because the conditions in which they work are not attractive enough for them to stay in the profession. Recent reports from South Africa, in particular, are indeed very disturbing, as is the trend in recent years to hire un- or under-qualified teachers. We cannot have education that is not quality education, and expect it to do the job that we want it to do. We therefore need qualified teachers and we need teachers who are supported throughout their careers and in the work they do in classrooms, with children, as well as the work they do in communities, namely the working with parents of those children. Unfortunately, being in school does not neces-

sarily guarantee learning and children taken out of the worst forms of labour are not necessarily put into schools. We need to understand these complex issues in more detail. We need quality education, we need free education that is compulsory up to the minimum age specified in ILO Convention No. 138, and we need formal education. Yes, there is a role for informal education, especially as a transition stage but this should be with the long-term goal of providing formal education for all children. Training is important, but by itself it is not adequate, as it does not constitute a basic, liberal education for life.

School environments need to enable children to learn most productively. They must be friendly, relevant, interactive and participatory. Quality education will keep kids coming to school and it will keep their parents sending them to school, if we also ensure safety and security in those schools, as well as some incentives, such as meals. We know that that will work. We also know that educated women benefit not just themselves and their families, they benefit the whole community.

Their children are less likely to be involved in child labour, more likely to be in school, be better nourished and less likely to contract HIV, have an early marriage or an early pregnancy. Thus the investment in the education of girls obviously is a major factor in breaking the cycle of poverty instead of perpetuating it, and we know that parents will send their children to school under those conditions.

We also know that tired, hungry, stressed or scared children do not learn, and therefore the conditions under which we are providing the schooling and the kind of schooling we are providing does matter, and it matters a lot. We still have much to learn still, and the daily lives of children and teacher bear further investigation. In this regard, I do commend the recent excellent publication, *Understanding Children's Work*.

I want to make a few remarks on the Global Report, and I would also like to say that we very much appreciate our collaboration over the years with ILO-IPEC. Today, together with IPEC, we launched "Go for the goal – end child labour" – a new information kit for teachers to use in classrooms with students, and we hope that this will make a small contribution to awareness raising and action at local as well as global levels.

Regarding the Report itself, while there is progress, there are some concerns and the results are mixed, but I do want to comment on what could be described as the robust conclusions at the end, the strategic considerations for reaching the 2016 target, and also the key steps for achieving the 2016 goals. I think these aspects are very good, and they do provide us with a direction in which to move.

I would like to comment particularly on paragraph 374, and also on 370–371, although not necessarily to the exclusion of others. Under the key steps, strengthening collaboration with social partners to advance the elimination of child labour is important, as are efforts to involve civil society, represented by the Global March against Child Labour, and work to develop further links between work on child labour and education. I think all those measures are very important, and have been very succinctly stated in this year's Report on child labour.

Thus, colleagues, we will continue with our efforts to advocate and take action to eliminate child labour, working with our Members, with the Global Task Force, with the Global March, ILO-IPEC,



ITUC and the Global Union Federations, as well as civil society. We shall commit to contributing to multi-strategy, comprehensive action at global to local and local to global levels. We congratulate the governments that have developed national action plans, and we will assist any government to the best of our ability, not only to ratify, but also to implement, ILO Conventions Nos 87, 98 and 111, as well as ILO Conventions Nos 138 and 182.

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Ms LONGLEY (*Representative, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations*)

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The IUF is actively supporting the ongoing work to develop a Convention and supporting Recommendation on domestic workers, but on this occasion I want to speak about the situation in agriculture.

In 2010, as in 2006, the Report of the Director-General, *Accelerating action against child labour*, states clearly that agriculture remains the sector with the most child labour. Since 2006 there has been a slight decrease in the percentage but the absolute numbers remain the same. The ILO estimates that 129 million girls and boys aged 5–17, equivalent to 60 per cent of all child labourers, are still working in agriculture, many of them under hazardous conditions.

For the IUF, the extent of child labour in agriculture and rural areas cannot be separated from rural poverty and the lack of decent work in agricultural and rural areas. Agriculture remains the domain of poverty, violence, child labour, death and injury on the job. Agricultural workers are still specifically excluded from labour legislation in some of the richest countries of the world, countries which are major producers and exporters of food. Agriculture is one of the most dangerous sectors to work in. It ranks alongside mining and construction and, according to the ILO's own statistics, is the sector with the most fatal accidents. Children working in agriculture, as we have heard from some of the Government representatives, are regularly exposed to pesticides, have to work with dangerous machinery and tools, have to handle heavy loads and are exposed to extremes of temperature and weather.

The Report before us highlights that most working children in agriculture work on family farms and smallholdings, but it is a grave mistake to assume that this is benign child work. These children are often involved in hazardous work and deprived of the opportunity to go to school. We have also clear evidence that children continue to work on tea, sugar, bananas and cotton plantations and in the production of other products that we all take for granted.

The IUF participated, along with other trade unions, at the Hague Conference and one of the things that concerned us was that there was that there was a reluctance among some governments and employers to have any sectoral reference in the road map. We do not understand this position. Children work in industries, in specific sectors, and there need to have specific plans to deal with the sectors where most child labour takes place.

The IUF welcomes the recognition in the Hague road map preamble that agriculture has the highest incidence of child labour, but regrets that it is not more comprehensively tackled in the principles and actions. We, however, welcome the acknowledgement in paragraphs 251 and 253 of the Director-

General's Report that meeting the 2016 targets and the ultimate goal of the effective abolition of child labour require a breakthrough in agriculture and the recognition that it is now important that agriculture becomes a priority area in eliminating child labour. To this end, it is important that IPEC works with agricultural and rural workers' trade unions at all levels, grass roots through to international.

The need to focus on agriculture was, however, already recognized on World Day against Child Labour, 2007, when the International Partnership for Cooperation on Child Labour in Agriculture was established. The IUF is a member of that partnership, along with other United Nations organizations and the International Federation of Agricultural Producers. The partnership issued a statement to the Hague Conference which pointed out that the elimination of child labour in agriculture would be more rapidly achieved if there was policy coherence at national and international levels around a number of things, including, firstly, the establishment and full application of laws on child labour in agriculture, fisheries and forestry, and an effective enforcement of child labour legislation, including through labour inspection. Secondly, rural strategies aimed at reducing poverty, improving rural livelihoods and mainstreaming child labour concerns into agricultural policy-making. Too often, ministries of agriculture are not included. Thirdly, there should be strategies to improve access to quality and relevant education for all girls and boys in agricultural and fishing communities. Fourthly, there should be better health and safety in agriculture as one of the ways of eliminating hazardous work of children. Fifthly, youth employment opportunities in agriculture and rural areas, including agricultural skills training, have to be part of policy development.

We therefore welcome Minister Donner's statement this morning that what is needed is an integrated approach combining decent work, social protection and the elimination of child labour. To this end, we also commend the plan of action on promoting rural employment for poverty reduction adopted by this Conference in 2008 and repeat the call made by the Workers' group then for the ILO to ensure that adequate resources are allocated so that this comprehensive plan can be implemented.

Finally, we welcome the acknowledgement in paragraph 141 of the Report that organized workplaces are inevitably free of child labour and that barriers to freedom of association in those areas of the global economy where child labour is most prevalent – in unprotected, informal work, in domestic service and in agriculture – are also significant barriers to the elimination of child labour.

In the Right of Association (Agriculture) Convention, 1921 (No. 11), the ILO recognized the need for special attention to be given to ensuring what was then called the right of association and combination for agricultural workers. That need remains as pressing today as it was in 1921.

Freedom of association, guaranteeing that agricultural workers have the right, and can exercise the right to belong to a trade union and to be represented by a trade union, is desperately needed so that agricultural and rural workers can increase their bargaining power with their employers and have an effective political voice with governments to advocate for policies that will ensure decent rural employment for adults, quality education for rural

children and the elimination of child labour in agriculture.

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*Original French:* The PRESIDENT (Mr NKILI)

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The comments that you have made, the examples that you have given and the issues that you have raised are all evidence of our collective commitment to putting an end to child labour. The different statements have also highlighted the fundamental role of education in the process of eliminating child labour and the importance of combating poverty.

As was underscored on a number of occasions, this real scourge of child labour is not an inevitability and it affects all of us. The global movement

against child labour, and the fast-approaching deadline of 2016, chosen by the ILO as the date by which the worst forms of child labour should be abolished, are giving new impetus to the efforts made and the new measures established.

Within this context, I sincerely hope that our discussions today will revive global support for combating child labour and for intensifying this battle.

As indicated in the Global Report, and as it has been said today during our discussions, child labour has, of course, had a very long history but it must have no future.

*(The Conference adjourned at 6.55 p.m.)*



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As a result of close cooperation between the three parties, nationwide employment and labour relations remain sound and stable. This has shown that the tripartite mechanism has organizational advantage and a positive role in pushing for economic turnaround.

The way towards world economic recovery and sustainable development is still long. Enterprises and entrepreneurs are very important forces in the promotion of economic and social development. We hope that the international community and the ILO will support enterprises and entrepreneurs by promoting favourable conditions and efforts to build a peaceful and harmonious international environment.

The China Enterprise Confederation will, as always, make efforts to further strengthen communication and cooperation with the ILO and employers' organizations in other countries.

Let us join hands to fight against the financial crisis, achieve world economic recovery as far as possible and create an even better future.

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Mr MOSII (*Worker, Indonesia*)

The protection of domestic workers, both within and outside the country, is one of the ILO's breakthroughs at this 99th Session of the International Labour Conference, just as it has been a major task to involve all the parties concerned in the attainment of decent work and the elimination of poverty.

Next year we shall adopt a Convention on this subject, and as a Member of the ILO my country will have the responsibility of ratifying it. Each country has its own problems, especially the developing countries. Let us try our utmost to solve the problems we are confronted with as we deliberate on the proposed Convention.

We thank the ILO for its support, especially through the ACTRAV programme (HIV/AIDS, gender equality, the Global Jobs Pact, etc.) and we hope the programme will continue.

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*Original French: Mr PIETTE (Government, Belgium)*

First of all, Belgium considers that it is inconceivable to sacrifice the promotion of employment and the living standards of both employed and unemployed workers at the altar of budgetary austerity. The crisis has had many consequences, including the adoption of national and international measures to restrict expenditure. These should be subject to an impact study, the point of which would be avoiding that the most vulnerable members of society are once again the primary victims.

Secondly, Belgium intends to reaffirm that standard-setting activities should remain the nerve centre of the ILO. Apart from compliance with standards, it would be useful to commit to looking at other possible avenues, such as the legal capacity to interpret certain state obligations.

This leads me back to my first point:

The crisis has taken many forms, causing many victims among workers and their families. The initial responses of the public authorities enabled us to save jobs, but were challenged by budgetary austerity policies. Are these measures tenable in the long term in a context in which, as you have said, the financial world has broken the social contract? Belgium feels that it is vital, and realistic, to promote the recovery of employment without renouncing our budgetary objectives.

Abandoning job-creation measures before they result in net creation of jobs would lead, in the long

term, to a deterioration of the economic health of States, including social instability. In fact, abandoning these measures will lead to an increase in those excluded from the labour market and, first and foremost, the weakest of that group. Even in a period of growth, it is they who suffer the most from long-term unemployment and for whom the costs of reinsertion are highest.

Premature anti-crisis measures would not only lead to increased exclusion from the labour market, but also to an increase in public expenditure linked to the increase in those receiving benefits. Moreover, this would lead to a decrease in consumption and also a reduction of tax income.

Therefore, before taking hasty decisions, it is essential to do a preliminary analysis on the impact of potential measures to emerge from the crisis on the impact on employment and on the budget. This should apply not just to the national authorities, but also to the austerity programmes imposed by international bodies.

Will dialogue started by the ILO with other institutions make it possible to modify the thinking which has thus far not included the employment dimension?

Moving on to the standard-setting function of the ILO, we recall in all our work that the declarations and the Pact are appropriate responses to the crisis. In an uncertain world, Belgium affirms that employment should be a goal and a macroeconomic priority and that the ILO will have to find new ways to make existing standards apply.

The current crisis should not be the time to diminish efforts undertaken by the Organization to make sure that standards are applied and respected. This is an essential point. Perhaps we should have had more time to better ensure the proper link between the work of the Committee on the Application of Standards and the Committee for the Recurrent Discussion on Employment. It is not a question of deciding now whether we should consolidate or create a new instrument. We have to think about this vision in the short term in order to strengthen the role of the ILO as the guardian of the Conventions.

Finally, in the same spirit, many States are concluding bilateral agreements; one third of them including a social clause. Belgium suggests that we explore enabling the ILO to interpret and to ensure respect for these social clauses, this only being done on a voluntary basis by the States. That will be an additional tool for the Organization to move towards social justice and truly decent work.

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*Original French: Mr BEETS (Government, Netherlands)*

During this Conference we have been dealing with a very serious injustice: child labour. Last Friday, we discussed the Global Report on child labour, the previous Global Report having been discussed in 2006. Following that discussion, the Governing Body adopted the Global Action Plan to Eliminate Child Labour, which set the goal of abolishing the worst forms of child labour by 2016.

The Global Report indicates that there are 215 million children imprisoned in child labour, 115 million of whom are victims of the worst forms of child labour.

The Global Report also shows that the reduction in the number of child labourers seems to have been slowing down before the full reflection of the consequences of the economic crisis. These are unacceptable figures. We must not accept this situation

and we must increase our efforts if the worst forms of child labour are to be abolished by 2016.

One of the actions set out in the action plan is to organize a world conference to give impetus to the global fight against child labour and to evaluate progress made towards achieving the 2016 target.

At the request of the ILO, the Netherlands was delighted to host such a conference in The Hague one month ago. Minister Donner chaired the conference along with the Vice-Chairpersons Mr Lima Godoy, representing the Employers' group, and Mr Adyanthaya, representing the Workers' group.

The conference clearly showed the political will to tackle all forms of child labour and, in particular, to abolish the worst forms of child labour by 2016, as witnessed by the large number of ILO Members who participated, including many ministers and representatives of the social partners. Representatives of relevant international, regional and civil society organizations also participated. Commitments made during the conference include holding national meetings with all relevant parties and setting aside funds.

Inspiring examples of projects were discussed, one of which was Brazil's success in implementing conditional cash transfer programmes. These programmes give money to poor households in order to ensure that children are sent to school. Brazil has made numerous efforts in this regard and has achieved good results. Brazil has agreed to organize the next World Conference on Child Labour in the run-up to 2016. It will be particularly useful to ensure follow up to the conference in The Hague and to evaluate the progress made towards meeting the 2016 goal.

The World Conference, which was held in The Hague, adopted the "Road map for achieving the elimination of the Worst Forms of Child Labour by 2016". The road map emphasizes that governments are primarily responsible for the fight against child labour. Education and social protection measures are particularly important for abolishing child labour, as illustrated by the example of Brazil. Establishing a social protection base is one of the most important actions set out in the road map. The Netherlands also supported the implementation of a social protection base in the ILO context. We are looking forward to the recurrent discussions on social security at the next International Labour Conference, and the possibility of including the abolition of child labour in these recurrent discussions. The road map explains clearly the priority actions for governments, employers' organizations and workers' and non-governmental organizations, and gives useful advice to achieve the 2016 target. The road map will pave the way to a future where children will no longer be the victims of abuse and oppression and in which they will be able to develop their talents.

It is important that we follow the progress made and set out in this road map. It is absolutely essential to see which measures work, which do not, and what remains to be done to tackle child labour. We count on your support, as members of the ILO, to take note of the road map as a basis for action and to strengthen efforts to achieve a world without child labour.

Mr Tapiola, who spoke on behalf of the Director-General of the ILO at the end of the World Conference in The Hague, invited Minister Donner of the Netherlands to take the energy of that conference to

the International Labour Conference, which would welcome the integration of the road map into discussions on the Global Report on child labour. He also noted that the road map would inspire new actions and decisions. The road map clearly emphasizes the leading role of the ILO in all issues relating to child labour, and can assist in efforts to achieve the abolition of child labour.

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*Original Russian: Ms ABDYKALIKOVA (Minister of Labour and Social Protection, Kazakhstan)*

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On behalf of the Government of Kazakhstan, I would like to share with you the experience that we have in risk management strategy in the sphere of labour policy.

During this year, the President of Kazakhstan has confirmed the planned strategic development plan for Kazakhstan up to the year 2020.

The financial and economic crisis has made it necessary to implement a number of measures intended to make our economy more resilient and sustainable. This has been possible thanks to the resources we were able to build up during the period of growth.

The Government is implementing an employment strategy for the second year, the so-called road map, and this has had a substantial impact on stabilizing the labour market situation. Over the last year, we have carried out over 5,200 projects and set up over 258,000 new jobs. Over 100,000 people were sent for vocational training and a large number of those subsequently found employment.

Very significant resources are being invested in providing employment for the young and for vulnerable population groups. Payment of unemployment benefits from the State Social Insurance Fund in the event of job loss has been extended to six months.

I would like to draw your attention to the role of business in the anti-crisis measures. Over 8,000 enterprises employing over one quarter of all workers have supported the Government and trade union initiatives and signed memorandums on job security and workers' rights.

The Government, this year, has allocated around US\$1 billion for implementing the road map, and a total of 3,224 projects have been implemented to create 127,000 new jobs.

Targeted investments within the framework of the road map enable us to increase employment in areas such as the reconstruction and modernization of public utilities, the construction and maintenance of roads, the renewal of our social infrastructure, and various local projects.

Recognizing that the social consequences of the crisis will continue to be felt even after economic indicators start showing an upturn in the economy, the Government at the end of 2009, together with UN organizations, held a regional conference to examine the social consequences of the economic crisis in countries of Eastern Europe, Central Asia and Turkey. The outcome of the conference was the Alma-Ata Ministerial Declaration, which noted that the protracted effect of the crisis could lead to great difficulties for many families and working men and women; that the crisis has come on top of a structural imbalance and institutional deficiencies, which highlights the need to strengthen employment strategy and social protection capable of responding quickly to existing and new problems; that we need to develop measures on the basis of social dialogue

### *1.1.2 Samenstelling van de Koninkrijksdelegatie*

#### **MINISTER ATTENDING THE CONFERENCE**

Mr. DONNER, Piet Hein, Minister for Social Affairs and Employment

#### **Accompanied by:**

Ms. VAN GILS, Suzanne, Spokesperson, Ministry of Social Affairs and Employment

Mr. VAN EENENNAAM, Boudewijn, Permanent Representative, Geneva

#### **GOVERNMENT DELEGATES (G)**

Mr. BEETS, Lauris, Director International Affairs, Ministry of Social Affairs and Employment

Ms. TERSTAL, Susanna, Deputy Permanent Representative, Permanent Representation of the Kingdom of The Netherlands

#### **SUBSTITUTE DELEGATES**

Mr. BEL, Wim, deputy director Directorate for International Affairs, Ministry of Social Affairs and Employment

Mr. DRIESSEN, Edo, First Secretary, Permanent Mission, Geneva

#### **ADVISORS**

Ms. PISO, Inge, Senior Policy Advisor, Ministry of Social Affairs and Employment

Ms. WIDERA, Ghislaine, Senior Policy Advisor, Ministry of Social Affairs and Employment

Mr. VAN DIJK, Wiebren, Policy Advisor, Ministry of Social Affairs and Employment

Ms. NAUTA, Marrit, Policy Advisor, Ministry of Social Affairs and Employment

Ms. SANDEE, Dagmar, Policy Advisor, Ministry of Social Affairs and Employment

Ms. VAN SCHAİK, Marije, Policy Advisor, Ministry of Social Affairs and Employment

#### **OTHER PERSONS ATTENDING THE CONFERENCE (G)**

Mr. BRANDS, Ronald, Expert advisor

Ms. DE BIE, Lisette, Ministry of Social Affairs and Employment

Mr. FRANCKEN, Ferdinand, Policy Advisor, Ministry of Foreign Affairs

Ms. VAN DER KLUGT, Fia, Policy Advisor, Ministry of Foreign Affairs

Ms. VAN WISSEN, Rianne, Ministry of Social Affairs and Employment

Ms. VLUG, Hannie, Ministry of Social Affairs and Employment

Mr. LEYENAAR, Peter, Permanent Mission, Geneva

Ms. VAN DER WILDT, Inge, Ministry of Social Affairs and Employment

#### **EMPLOYERS DELEGATE (E)**

Mr. RENIQUE, Chiel, Confederation of Netherlands Industry and Employers VNO-NCW

#### **SUBSTITUTE DELEGATE (E)**

Mr. RATS, Joep, Confederation of Netherlands Industry and Employers VNO-NCW

#### **EMPLOYERS ADVISORS**

Mr. KONING, Bob, consultant, Confederation of Netherlands Industry and Employers VNO-NCW

#### **OTHER PERSONS ATTENDING THE CONFERENCE (E)**

-

**WORKERS DELEGATE (W)**

Ms. VAN WEZEL, Annie, Policy Advisor, Netherlands Trade Union Confederation (FNV)

**SUBSTITUTE DELEGATE**

Mr. HASSELAAR, Jan Jorrit, Policy Advisor, National Federation of Christian Trade Unions in the Netherlands (CNV)

**WORKERS ADVISORS**

Ms. VAN WESTERLAAK, Lucia, Policy Advisor, Netherlands Trade Union Confederation (FNV)

Ms. KRAAMWINKEL, Margriet, Policy Analyst, Netherlands Trade Union Confederation (FNV)

**OTHER PERSONS ATTENDING THE CONFERENCE (W)**

Ms. DROPPERS, Ester, National Federation of Christian Trade Unions in the Netherlands (CNV)

Ms. WEDDA, Conny, National Federation of Christian Trade Unions in the Netherlands (CNV)

Ms. BOONSTRA, Klara, advisor

**GOVERNMENT DELEGATE OF THE NETHERLANDS ANTILLES**

Ms. ELS, Virlene, Policy Advisor, International Labour Affairs

**WORKERS DELEGATE OF THE NETHERLANDS ANTILLES**

Mr. COVA, Alcides, Sentrak di Sindikatonan Korsou

**EMPLOYERS DELEGATE OF THE NETHERLANDS ANTILLES**

Mr. KARMAN, Marinus, Chamber of Commerce, Curacao Netherlands Antilles

**GOVERNMENT DELEGATE OF ARUBA**

Ms. WEVER, Muzaninn, Policy Advisor, Legal and International Affairs

**WORKERS DELEGATE OF ARUBA**

Mr. GEERMAN, Jose Rudolf, President, Workers Organization

**EMPLOYERS DELEGATE OF ARUBA**

Mr. DE CUBA, Enrique, representative employers organization

## **1.2 Agenda van de Internationale Arbeidsconferentie van 2010 ( 99<sup>ste</sup> zitting)**

### Vaste Onderwerpen

- 2.1 (a) - Rapport van de Directeur-Generaal  
(b) - *Global Report* in het kader van de follow-up van de Declaratie over fundamentele principes en rechten op het werk; thema 2010: Kinderarbeid
- 2.2 Programma- en budgetvoorstellen en andere aangelegenheden
- 2.3 Informatie en rapporten inzake de toepassing en naleving van verdragen en Aanbevelingen:
  - 2.3.1 - Rapport van het Comité van Deskundigen dat toeziet op de naleving van Verdragen en Aanbevelingen
  - 2.3.2 - Rapport m.b.t. algemeen onderzoek over de Verdragen
  - 2.3.3 - Rapport met informatie over ratificaties en normgerelateerde activiteiten

### Behandeling onderwerpen door de Beheersraad op de agenda geplaatst

- 3.1 Decent work voor huishoudelijk personeel (standard setting – eerste discussie)
- 3.2 HIV/AIDS op de werkplek (tweede discussie – aannemen van een Aanbeveling)
- 3.3 *Recurrent discussion* over het strategische doel werkgelegenheid
- 3.4 Evaluatie van de werking van het mechanisme van de follow up 1998 ILO Declaration on Fundamental Principles and Rights at Work.





## **Report of the Chairperson of the Governing Body to the Conference for the year 2009–10**

This report on the work of the Governing Body is submitted to the Conference in accordance with section 5.5.1 of the Standing Orders of the Governing Body. It covers the period since the last general session of the Conference (June 2009), i.e. the 305th (June 2009), 306th (November 2009) and 307th (March 2010) Sessions of the Governing Body. It focuses only on the highlights of the Governing Body's year, on the basis of the respective agendas, and does not cover any matter otherwise before the Conference.

For more extensive and detailed information on the work of the Governing Body, including the minutes of the three sessions under consideration, or the documents submitted to the committees and to the Governing Body itself, please refer to the Governing Body web site.<sup>1</sup>

### **1. International Labour Conference**

#### **Matters arising from the work of the 98th Session (2009) of the International Labour Conference**

##### ***The worldwide economic and employment crisis: Strategy to give effect to the Global Jobs Pact***

At its November meeting, the Governing Body reviewed actions undertaken by constituents and the Office to give effect to the Global Jobs Pact adopted by the 98th Session of the International Labour Conference (June 2009). Prior to its discussions, the Working Party on the Social Dimension of Globalization had discussed policy coherence and international coordination with the Minister of Foreign Affairs of Brazil, Mr Celso Amorim. In a wide-ranging address, Minister Amorim stressed that a new and more inclusive global governance was needed to protect the most vulnerable members of society from the adverse effects of the global economic and social crisis. He called on the ILO to continue to play a leading role in promoting a job-based recovery and a fairer globalization, which also benefited poor countries, that had borne the brunt of the crisis. The Governing Body received reports of discussions in the Employment and Social

<sup>1</sup> Visit [www.ilo.org](http://www.ilo.org) and follow the link to the Governing Body.

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Policy,<sup>2</sup> Sectoral and Technical Meetings<sup>3</sup> and Technical Cooperation Committees<sup>4</sup> which had also discussed aspects of the Organization's follow up to the Pact. The Governing Body adopted the following decision on "Moving from crisis recovery to sustainable development":<sup>5</sup>

The voices of the real economy, represented by the constituents of the International Labour Organization (ILO), are needed in the shared international effort to shape recovery from the continuing global jobs crisis and build a future of strong, sustainable and balanced global growth.

A more balanced economic growth pattern must not lose sight of the need to urgently address large-scale unemployment, underemployment and rising income inequality. These issues deserve the same high-level political priority that has been given to the rescue of financial institutions. The ILO, guided by its tripartite nature, can give an important contribution in this regard.

Taken together, the 2008 Declaration on Social Justice for a Fair Globalization and the Global Jobs Pact represent a balanced, comprehensive and tripartite agreement about the appropriate response to the global crisis. These documents should guide the activities of the Office at all levels.

The 2008 Governing Body Officers' statement remains as relevant today as it was a year ago.

Getting those who have lost their jobs back to work and ensuring that the millions of young women and men who start looking for work each year get a good start in their working lives is a vital first step for recovery and sustainable growth and development. Making the transition then from crisis response to stronger, more sustainable, equitable development and a fair globalization will need an employment-oriented framework for the medium and longer term. Its primary goal must be decent and productive work for the world's workforce of over 3 billion.

In this context the Global Jobs Pact sets out a policy package of practical measures, to counteract the immediate crisis and set a course for sustainable recovery.

The Governing Body:

- (a) encouraged constituents to advocate and promote the Global Jobs Pact;
- (b) requested constituents to share information through the Office on actions taken, best practices, lessons learned and future plans to give effect to the Pact, including through specific seminars and workshops;
- (c) requested the Director-General to:

<sup>2</sup> GB.306/12(Rev.).

<sup>3</sup> GB.306/13.

<sup>4</sup> GB.306/14(Rev.).

<sup>5</sup> GB.306/3/1, para. 67, and proposals put forward by the Workers' and Employers' groups.

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- (i) take into account its guidance on the strategy being developed and implemented by the Office to support constituents in giving effect to the Pact;
  - (ii) deepen support for countries applying the Pact in coordination and with the full involvement of the workers and employers;
  - (iii) deepen the research and analysis by the Office of the action taken by it and the constituents in the implementation of the Pact;
  - (iv) work with constituents to include Global Jobs Pact responses in Decent Work Country Programmes and orient Office workplans towards constituents' crisis response priorities;
  - (v) consult with the Officers on the agenda for the March 2010 session of the Governing Body to ensure that it addresses:
    - how best to further develop the Office's technical capacity with the necessary personnel at global and regional levels with the skills to support the implementation of the Pact. This would enable the ILO to make the necessary contributions to all levels in close cooperation with governments, employers and workers' organizations; and
    - implementation measures undertaken to give effect to the Global Jobs Pact and related issues, thus providing an input to forthcoming multilateral discussions; and
  - (vi) with the full engagement of constituents, seek additional resources from countries and the multilateral agencies to fund policy initiatives within the framework of the Pact and increase the Office's capacity to respond to constituents' requests. The Governing Body encouraged those nations that could do so to expand support for the ILO to make this urgent work possible.

At its March session, the Governing Body continued to focus on strategies to give effect to the Global Jobs Pact. The Employment and Social Policy Committee had examined in detail the Office's work with constituents and international partners. The Working Party on the Social Dimension of Globalization had focused on recovering and sustaining growth and development with guest speakers Mr Compton Bourne, President of the Caribbean Development Bank and Ms Helen Clark, Administrator of the UN Development Programme. The Governing Body highlighted and welcomed the approval of the resolution "Recovering from the crisis: A Global Jobs Pact", by ECOSOC in June 2009, as well as the decision "UNDP response to the financial and economic crisis: Promoting the Global Jobs Pact" by the UNDP Executive Board. The seminar "Emerging from the Jobs Crisis: What Do We Know About Experiences That Work?", organized by the International Institute for Labour Studies during the March 2010 session following an initiative by France and Brazil presented at the November 2009 session, allowed for an exchange of practices and experiences in the implementation of the Global Jobs Pact. The Governing Body, in addition to reviewing the reports of these committees, examined the work of the ILO in the multilateral system<sup>6</sup> which had focused to a very large extent on crisis and recovery. Many meetings and bodies had supported the Global Jobs Pact including the UN Economic and Social Council, the Pittsburgh G20 Leaders Meeting, the UN Development Programme and regional meetings in all parts of the world. Following a wide-ranging discussion of the importance of accelerating progress towards a job-rich

<sup>6</sup> GB.307/4(Rev.).

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recovery, the Director-General concluded the debate with a synthesis of the major challenges constituents and the Organization faced in taking forward the approach of the Global Jobs Pact.<sup>7</sup>

***Follow-up to the adoption of the resolution concerning gender equality at the heart of decent work – Action Plan for Gender Equality 2010–15***

In November 2009, the Governing Body examined a paper<sup>8</sup> outlining the approach by the Office to give effect to the resolution concerning gender equality at the heart of decent work. The document set out the way forward, on the basis of Office-wide consultations carried out to identify priority actions and activities for the implementation of the conclusions, in line with the Programme and Budget for 2010–11 and the Strategic Policy Framework 2010–15. The Governing Body endorsed the approach proposed by the Office, and requested the Director-General to: (a) communicate the Conference resolution concerning gender equality at the heart of decent work to the governments, employers' and workers' organizations of member States; (b) take steps to give effect to the Conference conclusions concerning gender equality at the heart of decent work in a coordinated and efficient manner at headquarters and in the field, and report regularly to the Governing Body on progress and results achieved; and (c) continue the follow-up actions outlined in this paper and develop new initiatives, in particular in the context of the current crisis.

A major effort was immediately undertaken to disseminate the conclusions widely, with the result that they are regularly at the centre of ILO interventions in national, regional and international advocacy and training activities. The Office is using the ILO Action Plan for Gender Equality 2010–15, which reflects the mainstreaming of gender-responsive delivery across the four pillars of the Decent Work Agenda, to track implementation of the conclusions in a coordinated and efficient manner. In March 2010, the Governing Body gave guidance on the document outlining the first phase of the Action Plan,<sup>9</sup> which is aligned to the Programme and Budget 2010–11 outcomes. The Governing Body appreciated the manner in which this tool would combine the ILO's gender mainstreaming strategy and its results-based management approach towards achieving decent work for all women and men. The Office will report regularly to the Governing Body on progress and results achieved, in particular in the context of the global economic crisis and member States' responses, through programme implementation reports,<sup>10</sup> a mid-term stocktaking report in 2013, and a final report in 2015.

<sup>7</sup> <http://www.ilo.org/public/english/bureau/dgo/speeches/somavia/2010/gbsynthesis.pdf>.

<sup>8</sup> GB.306/3/2.

<sup>9</sup> GB.307/16/1.

<sup>10</sup> GB.307/PFA/2, Appendix III, page 166 (English text).

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**Agenda of the 100th Session (2011) of the Conference  
Agenda of the 101st Session (2012) of the Conference  
Arrangements to deal with the item “Employment and  
social protection in the new demographic context”,  
placed on the agenda of the 98th Session (2009) of  
the Conference**

In November 2009, the Governing Body had before it documents concerning the agenda of the 100th Session (2011) of the International Labour Conference,<sup>11</sup> proposals for the agenda of the 101st Session (2012) of the Conference,<sup>12</sup> and Arrangements to deal with the item “Employment and social protection in the new demographic context” placed on the agenda of the 98th Session (2009) of the Conference.<sup>13</sup>

The Governing Body decided to postpone the consideration of the first two questions until March 2010, and took note of the document on the third, which informed it that consultations were under way on this issue and a new document would be submitted in March 2010.

In March 2010, the Governing Body had before it a consolidated document covering these three questions.<sup>14</sup> The Governing Body decided that the 101st Session (2012) of the International Labour Conference would be held in Geneva; to include in the agenda of the 101st Session (2012) of the Conference a recurrent item discussion on the strategic objective of fundamental principles and rights at work covering all four categories of fundamental principles and rights; to postpone, until its 308th Session (June 2010), consideration of the items that would complete, respectively, the agenda of the 100th Session (2011) of the Conference – one item remains to be included – and the agenda of the 101st Session (2012) of the Conference – two items remain to be included. The Governing Body also decided to postpone until its 308th Session (June 2010) the consideration of items for future sessions of the Conference.

The Governing Body further decided to include in an appropriate way the theme of the item “Employment and social protection in the new demographic context” within the recurrent item discussions respectively on employment (2010) and social protection (2011).

## **2. Improving the functioning of the Governing Body and of the International Labour Conference**

At its 305th Session (June 2009), the Governing Body established a Working Party on the Functioning of the Governing Body and the International Labour Conference, composed of 16 Government, eight Employer and eight Worker representatives. It met twice in November 2009 and March 2010. In addition, informal consultations took place from 11 to 12 February 2010 and a series of informal meetings between the Regional

<sup>11</sup> GB.306/2/1.

<sup>12</sup> GB.306/2/2.

<sup>13</sup> GB.306/2/3.

<sup>14</sup> GB.307/2(Rev.).

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Coordinators, the secretariats of the Employers' and Workers' groups and representatives of the Chairperson of the Working Party were also organized. At its first meeting, the Working Party decided to focus the first phase of its work on the functioning of the Governing Body.

The Governing Body has noted an emerging convergence on the main directions of a potential reform of the functioning which would entail:

- giving priority to policy- and decision-making debates, including the follow-up of Governing Body and International Labour Conference decisions;
- alignment with the 2008 ILO Declaration on Social Justice for a Fair Globalization;
- creating more space for a strategic discussion in the context of the challenges of globalization and the enhanced role of the ILO in the international and multilateral arena;
- a focus on supervision and governance of the Office, but avoiding micromanagement;
- ensuring tripartism with the full engagement of all three groups, including through more secretariat support for Governments.

Nevertheless different options and proposals are still under discussion. The Office was requested to present a new consolidated paper to be discussed at the 309th Session of the Governing Body (November 2010).

### **3. Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work**

In March 2010, the Governing Body examined an Office report<sup>15</sup> which highlighted the manner in which the fundamental principles and rights at work had been promoted and realized in each of the cases of non-ratification. The Governing Body noted the successful decade of the Declaration's annual review that had resulted in particular in: (i) a high participation rate by reporting States (up to 99 per cent); (ii) a quality promotional dialogue for the realization of the fundamental principles and rights at work; (iii) the establishment of a country baseline system; and (iv) an average ratification rate of 90 per cent for ILO fundamental Conventions. Speakers also stressed the need for the ILO to continue its promotional work and technical cooperation on fundamental principles and rights as a matter of priority. The capacities of the labour administrations, as well as the employers' and workers' organizations should be strengthened to enable them to better support the respect, promotion and realization of fundamental principles and rights at work in their respective countries. The momentum should be kept and the Office should continue to respond to technical cooperation requests. The four categories of fundamental principles and rights were interrelated and reinforced each other. Technical cooperation should take this fact into account and resource gaps should be addressed. The plans of action adopted in the follow-up to the Declaration should guide the work of the Office in this regard, in line with the Decent Work Agenda and the programme and budget outcomes on fundamental principles and rights at work.

<sup>15</sup> GB.307/3(& Corr.).



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## 4. Complaints under article 26 of the ILO Constitution

### Observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)

A Supplementary Understanding was signed by the Government of Myanmar on 26 February 2007, establishing a mechanism through which victims of forced labour could seek redress. The trial period of the Supplementary Understanding had previously been extended for a 12-month period from 26 February 2009.

At its November 2009 session, the Governing Body examined a report<sup>16</sup> on the functioning of this mechanism up to 28 October 2009. On the basis of the discussion held, the Governing Body adopted the following conclusions:

The Governing Body:

- (a) took note of the report of the Liaison Officer and listened with interest to the statement made by the Permanent Representative of the Government of the Union of Myanmar;
- (b) in the light of the information available, and considering the interventions made during the debate, it concluded as follows:
  - full compliance with the Forced Labour Convention, 1930 (No. 29), implementation of the recommendations of the Commission of Inquiry and the complete elimination of the use of forced labour in Myanmar have not yet been achieved; all activity must be targeted to this end;
  - the Governing Body recalls its previous conclusions and those of the International Labour Conference and reconfirms their continuing validity; this concerns particularly accessible material in local languages for awareness raising and the need for an authoritative statement by the senior leadership against the continued use of forced labour and the need to respect freedom of association;
  - the Governing Body notes the Government's cooperation regarding the complaints submitted, as well as the joint Government/ILO awareness-raising activities; in continuing the arrangements under the Supplementary Understanding, the capacity of the ILO to deal with complaints throughout the country should be strengthened; cases of forced labour should be reported and followed up consistently so that the practices cease and the perpetrators are prosecuted and punished; particular attention should be paid to monitoring infrastructure projects such as oil and gas pipelines; the Governing Body calls for and encourages progress towards achieving greater compliance with the international obligations of Myanmar, including Convention No. 29, particularly where local practices do not respect the aim of abolishing forced labour;
  - the Governing Body is deeply concerned about the continued imprisonment of a number of persons who have complained of being subjected to forced labour or who have been associated with such complaints; this is in total contradiction

<sup>16</sup> GB.306/6.

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with the Government of Myanmar's own commitments under the Supplementary Understanding and puts into question the good faith necessary for the implementation of the Supplementary Understanding; if this situation is not promptly remedied, it will undermine the advances made to date; the Office should continue to examine potential legal implications of the failure to comply with Convention No. 29;

- the Governing Body calls for the immediate release of all persons currently detained being complainants, facilitators and others associated with the Supplementary Understanding complaints mechanism, as well as for the unconditional release of all imprisoned political and labour activists;
- the Governing Body repeats its previous call for the Government of Myanmar to facilitate, as provided for in article 8 of the Supplementary Understanding, the adjustments to the staff capacity of the Office of the Liaison Officer so that an increased workload could be met; this includes the presence of an additional international recruited professional appointed by the ILO.

In March 2010, the Governing Body further reviewed the operation of the Supplementary Understanding up to 9 March 2010,<sup>17</sup> and the results of the ILO's mission to Myanmar, from 17 to 24 January 2010, during which a further extension of the trial period of the Supplementary Understanding was signed. The following conclusions, drawn from the discussion, were adopted by the Governing Body:

The Governing Body took note of the report of the Liaison Officer, the statement made by the Permanent Representative of the Government of the Union of Myanmar and the subsequent discussion. In light of the debate, it made the following conclusions:

The recommendations of the Commission of Inquiry for compliance with the Forced Labour Convention, 1930 (No. 29), have still not been implemented, and the primary objectives of the eradication of forced labour in both law and practice, as well as ending the impunity which allows forced labour to continue, remain unachieved. Sustained action at all levels, including by the local authorities, is necessary.

The further extension until 25 February 2011 of the trial period of the Supplementary Understanding, agreed during the High-Level ILO mission visit, is noted as an encouraging step. The complaints mechanism established by the Supplementary Understanding continues to function, particularly in cases of the recruitment of minors into the military. There is a need for the national application of a proper and accountable recruitment system.

It is imperative that the Government strictly ensures, in accordance with the provisions of the Supplementary Understanding, that there is no judicial or retaliatory action, or any other form of harassment of complainants, their representatives, facilitators and/or any other relevant persons involved in the complaints. Without this, the necessary confidence in the complaints mechanism is absent. It is crucial that access to the complaints mechanism is facilitated.

Certain positive developments have been noted regarding the earlier conclusions of the Governing Body, such as: the Government's agreement in principle to a simply worded brochure in the local language; increased local media reporting on the rights contained in the Supplementary Understanding; the continuation of joint awareness-raising seminars and training; and the imposition of prison sentences on certain military as well as civilian personnel for the use of forced labour and under-age recruitment.

In considering these steps the Governing Body looks forward to an early agreement on the brochure wording and its wide distribution in the near future, particularly in rural

<sup>17</sup> GB.307/6.

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areas. It further encourages the continuation of joint awareness-raising and training activities, which should be broadened further to encompass the wider community.

While welcoming the release of 13 out of the 17 persons imprisoned for activities which have been the subject of procedures under the Supplementary Understanding, the Governing Body calls for the urgent release of the four persons associated with the operation of the Supplementary Understanding who remain in prison (U Zaw Htay, U Htay Aung, U Nyan Myint and Maung Thura Aung).

The Governing Body strongly reiterates its call for an early release of all of the imprisoned labour activists referred to in its previous conclusions (these include, among others, Su Su Nway, U Min Aung, U Myo Aung Thant, U Thurein Aung, U Wai Lin, U Nyi Nyi Zaw, U Kyaw Kyaw, U Kyaw Win and U Myo Min).

The Governing Body expresses serious concern at the delay in the approval of the visa application submitted for an additional international professional staff member to strengthen the capacity of the Liaison Officer to meet the growing work demands under both the initial Understanding and the Supplementary Understanding. It trusts that the Government will take immediate action to remedy this situation.

The Governing Body shares the concerns expressed in this debate and during the 98th Session of the International Labour Conference (2009), concerning the absence of freedom of association rights, which is an area intimately linked to the elimination of forced labour. The Governing Body welcomes the fact that the January 2010 ILO mission discussed with the Government the basic principles of trade union legislation. The Governing Body thus urges the Government to continue to seek and make use of information and advice from the Office so that early progress can be made concerning the legal framework for respecting freedom of association.

The Government should take immediate steps, without waiting for any future legislative action, to guarantee in practice the right of workers to organize freely in accordance with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), ratified by Myanmar, in order to promote and defend their occupational interests. This is particularly important in the context of any industrial conflicts.

### **Report of the Commission of Inquiry set up to examine the observance by Zimbabwe of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98)**

In November 2009, the Governing Body had before it a document for information on the developments since the establishment, in November 2008, of the Commission of Inquiry in respect of the complaints submitted under article 26 of the Constitution by Workers' and Employers' delegates to the June 2008 session of the International Labour Conference concerning the observance by Zimbabwe of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).<sup>18</sup> The document reported that a preliminary goodwill mission to Harare by senior ILO officials and the Commission of Inquiry had taken place from 18 to 23 May 2009, followed by a further on-the-spot mission by the Commission from 11 to 26 August 2009. During its missions, the Commission had enjoyed the cooperation of the Government of Zimbabwe.

<sup>18</sup> See GB.306/17/1.

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At its 307th Session (March 2010), the Governing Body took note of the report of the Commission of Inquiry.<sup>19</sup> At the same session, the Governing Body approved the Commission's suggestion that the ILO pursue its assistance to the Government and social partners in relation to the implementation of the Commission's recommendations.

## **5. Enhanced programme of technical cooperation for the occupied Arab territories**

In November 2009, the Governing Body discussed the ILO's support to the occupied Palestinian territory and its impact on the livelihoods and living conditions of the Palestinian people. The period under review has, in fact, witnessed an expanded ILO technical cooperation programme that is aligned with the Strategy of the Ministry of Labour for the Development of the Labour Sector and aims at creating an environment conducive to decent work.

The areas of ILO intervention principally relate to strengthening labour market governance and rights, promoting employability through skills upgrading and local economic development, strengthening entrepreneurship for private sector growth through the development of cooperatives and micro-, small and medium-sized enterprises, social dialogue and social protection, gender mainstreaming and women's economic empowerment. Special attention was paid to address the situation in Gaza whereby innovative skills development projects were implemented in the construction sector focusing on alternative technologies.

Members of the Workers' and Employers' groups expressed their appreciation for the assistance extended through the technical assistance programme and welcomed the proposal for the development of a national decent work strategy. They underlined the fact that assistance should continue to be provided as much remains to be done. Members of the Government group also stressed the importance of further reinforcing the ILO programme in the occupied Palestinian territory, which is a key to achieving social and economic progress.

## **6. Meetings**

In March 2010, the Governing Body took a number of decisions concerning arrangements for and attendance at ILO meetings. It thus approved the agenda, date and venue for the 15th Asian Regional Meeting,<sup>20</sup> and approved the request of the Government of Chile to hold the 17th American Regional Meeting in Santiago, Chile, in the first half of December 2010.<sup>21</sup> The Governing Body responded favourably to a request from the Council of Ministers of Labour and Social Affairs of the Gulf Cooperation Council States to be represented as an observer at Governing Body meetings,<sup>22</sup> and noted that its Officers had authorized the Director-General to invite MERCOSUR to be represented as an

<sup>19</sup> See GB.307/5.

<sup>20</sup> GB.307/16/5.

<sup>21</sup> GB.307/17/1(Rev.).

<sup>22</sup> GB.307/17/2.

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observer at all ILO meetings.<sup>23</sup> Finally, on the recommendation of its Officers, the Governing Body approved a list of intergovernmental and international non-governmental organizations wishing to be represented as observers at the present session of the Conference.

## **7. Freedom of association – 354th, 355th and 356th Reports**

During the past year, the Committee on Freedom of Association examined 182 cases, and in 172 cases followed up the measures taken by member States to give effect to its recommendations. The Committee continued to observe an important increase in the number of complaints against alleged violations of freedom of association submitted to the special procedure, but was also able to note with interest significant positive developments in the matters before it, including the release of detained trade union leaders and members. In June and November 2009 and March 2010, the Governing Body took note of the introduction to the 354th, 355th and 356th reports of the Committee on Freedom of Association, and approved the recommendations of the Committee on Freedom of Association with respect to the cases in these reports.<sup>24</sup>

## **8. Programme, Financial and Administrative Committee**

### **Use of Special Programme Account**

In November 2009 and in March 2010, the Governing Body decided to allocate US\$500,000 from the Special Programme Account to support measurement of decent work<sup>25</sup> and US\$1.3 million from the Special Programme Account to strengthen the statistical capacity of the Office,<sup>26</sup> respectively.

### **Results-based strategies for 2010–15**

In November 2009, the Governing Body endorsed the results-based strategies<sup>27</sup> on Human Resources,<sup>28</sup> Information Technology,<sup>29</sup> Knowledge<sup>30</sup> and Technical

<sup>23</sup> GB.307/Inf. 4.

<sup>24</sup> GB.305/5, GB.306/7 and GB.307/7, respectively.

<sup>25</sup> GB.306/PFA/3.

<sup>26</sup> GB.307/PFA/7/2.

<sup>27</sup> GB.306/PFA/12/1.

<sup>28</sup> GB.306/PFA/12/2.

<sup>29</sup> GB.306/PFA/ICTS/1.

<sup>30</sup> GB.306/PFA/12/3.

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Cooperation<sup>31</sup> covering the period of the Strategic Policy Framework 2010–15. All the strategies followed a common structure and contained an explicit results framework identifying the expected outcomes and indicators for measuring progress over time. They also included resource implications, interlinkages with other strategies and elements of risk management.

## Human resources management

The Governing Body endorsed in November 2009 a Human Resource Strategy aligned to the Strategic Policy Framework for 2010–15 and taking into account the objectives of the Declaration on Social Justice for a Fair Globalization and the Global Jobs Pact. The Strategy is designed to improve the skills and performance of the staff, the capacity of management, and the capacity of the Office based on the knowledge, talent and commitment of its human resources. It essentially refocuses human resources management around the following four key outcomes: talent and leadership; accountability; teamwork and collaboration; and an enabling working environment.<sup>32</sup>

The Governing Body approved an amendment to the Staff Regulations concerning the term of office of the Director-General. It also approved amendments improving benefits to be paid in the event of death, accident or illness attributable to the performance of official duties.<sup>33</sup> It further approved an increase in the base salary for the Professional and higher categories resulting from the annual report and recommendations of the ICSC, as endorsed by the United Nations General Assembly.<sup>34</sup> Reports were also received relating to the General Assembly on the annual report of the Board of the United Nations Joint Staff Pension Fund,<sup>35</sup> and to the Board of the ILO Special Payments Fund.<sup>36</sup>

## ILO accommodation

The Building Subcommittee of the Programme, Finance and Administrative Committee met in November 2009 and March 2010. The Building Subcommittee received reports on ILO accommodation worldwide and ongoing renovation work on the headquarters building.<sup>37</sup> In November 2009, the Governing Body earmarked an amount of 750,000 Swiss francs (CHF) in the Building and Accommodation Fund to be used for urgent works for the resurfacing of the remaining floors in the parking areas and in March 2010, an estimated amount of CHF205,000 for the replacement of smoke detectors in the headquarters building. The Governing Body received updates on the status of discussions with the Swiss authorities in relation to the development of lands held by the ILO and authorized the Director-General to enter into arrangements he considered appropriate

<sup>31</sup> GB.306/TC/1.

<sup>32</sup> GB.306/PFA/12/2.

<sup>33</sup> GB.306/PFA/17.

<sup>34</sup> GB.306/PFA/18 and GB.307/PFA/10.

<sup>35</sup> GB.307/PFA/11/1.

<sup>36</sup> GB.307/PFA/11/2.

<sup>37</sup> GB.306/PFA/BS/1, GB.306/PFA/BS/2 and GB.306/PFA/BS/3.



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relating to granting public access to ILO land, including clarification of the respective responsibilities of the parties concerned.<sup>38</sup>

## **Information technology**

The Information and Communications Technology Subcommittee of the Programme, Finance and Administrative Committee met in November 2009 to consider the Information Technology (IT) Strategy for 2010–15. Following consultations, the strategy was endorsed by the Governing Body.<sup>39</sup>

## **Programme and Budget for 2008–09: Treatment of the net premium earned**

In March 2010, the Governing Body proposed to the International Labour Conference that in derogation of article 11.5 of the Financial Regulations, the one-half of the 2008–09 net premium earned not distributed through the Incentive Fund, amounting to CHF14,869,967 be credited to the Building and Accommodation Fund to finance partially the refurbishment of the headquarters building, subject to several conditions. Should the Governing Body determine that these conditions are not satisfied by March 2011, the derogation would be revoked and the funds credited to member States.<sup>40</sup>

## **Audits**

In March 2010, the Governing Body received and considered the second report of the Independent Oversight Advisory Committee. The Governing Body also considered the report of the Chief Internal Auditor for 2009 and the report on follow-up action taken by the Office on the report of the Chief Internal Auditor for 2008. At the same session, the Governing Body approved revisions to the Internal Audit Charter.<sup>41</sup>

## **International Public Sector Accounting Standards (IPSAS) and changes to the Financial Rules**

In November 2009, the Governing Body took note of the revised implementation plan which indicated that the first financial statements and external audit fully based on IPSAS were planned for the financial period beginning 1 December 2011.<sup>42</sup> The Governing Body also approved changes to the Financial Rules.<sup>43</sup>

<sup>38</sup> GB.306/9/1(Rev.) and GB.307/9/1(Rev.).

<sup>39</sup> GB.306/9/1(Rev.).

<sup>40</sup> GB.307/9/1(Rev.).

<sup>41</sup> GB.307/9/1(Rev.).

<sup>42</sup> GB.306/PFA/7.

<sup>43</sup> GB.306/PFA/8(& Corr.).

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## **International Training Centre of the ILO, Turin**

In November 2009, the Governing Body discussed and provided guidance on an action plan proposing long-term solutions for adequate and stable funding for the Centre.<sup>44</sup> In March 2010, the Governing Body received a report on steps already implemented as well as medium-term measures that were planned to improve the financial stability of the Centre.<sup>45</sup>

### **Evaluation**

In November 2009, the Governing Body took note of the Annual Evaluation Report for 2008–09 requesting the Director-General to continue efforts to align the evaluation function with the implementation of the Declaration on Social Justice for a Fair Globalization. The Governing Body also requested the Director-General to take into consideration the findings and recommendations contained in the papers summarizing the results of the independent evaluations.<sup>46</sup>

## **9. Committee on Legal Issues and International Labour Standards**

### **Compendium of rules applicable to the Governing Body: Further proposals for revision, including to introduce inclusive language for the purpose of promoting gender equality**

During its 306th Session, the Governing Body adopted the revised Compendium of rules applicable to the Governing Body, as annexed to the report and as further revised in the Spanish version of the introductory note and the Standing Orders of the Governing Body, taking into account the proposals made in the course of the discussion of the Committee.<sup>47</sup> The Governing Body requested the Office to publish it without delay. The proposals were developed on the basis of the criteria used to develop the original Compendium in 2006 and in light of the discussion in the Committee in March 2009. They concerned revisions to the introductory note and Standing Orders of the Governing Body, including to ensure wording reflecting the principle of gender equality, as well as the addition of two annexes and adjustments to existing annexes.

<sup>44</sup> GB.306/PFA/6/3.

<sup>45</sup> GB.307/PFA/4.

<sup>46</sup> GB.306/9/1(Rev.).

<sup>47</sup> See GB.306/10/1, para. 8.

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## **Standing Orders of the Conference: Further proposals regarding representation of Employers' and Workers' delegates at the International Labour Conference**

Following discussions in November 2008 (303rd Session), March 2009 (304th Session) and November 2009 (306th Session), the Governing Body recommended several amendments to the Standing Orders of the International Labour Conference in order to take action in relation to an act or omission on the part of a government that has prevented a delegate or adviser from attending the Conference.<sup>48</sup> The text of the proposed amendments, by which the Governing Body recommends the introduction of a new type of complaint, concerns articles 5 and 26ter of the Standing Orders.

## **Constitution of the International Labour Organization: Proposal for possible revisions to introduce inclusive language for the purpose of promoting gender equality**

During its 306th Session and following a discussion in the Committee on Legal Issues and International Labour Standards of considerations relating to ensuring that the wording of the Constitution of the International Labour Organization reflected the principle of gender equality, the Governing Body decided to request the Office to prepare a document on the subject for the purpose of introducing gender-inclusive language, with a view to its submission to the 309th Session of the Governing Body. During its 307th Session, the Governing Body considered matters relevant to the preparation of the proposals, including process, drafting methods and possible approaches, to be submitted for its further consideration at the 309th Session of the Governing Body.<sup>49</sup>

## **Measures relating to the representation of Employers and Workers at the International Labour Conference: Addressing tripartite imbalance within delegations**

At its 98th Session (2009), the Credentials Committee of the International Labour Conference examined cases of delegations which comprised a disproportionately low number of advisers to the Workers' delegate as compared to the number of advisers to the Government delegates. This had been justified by the concerned Governments with current budgetary restrictions. The Credentials Committee, through the Conference, therefore requested the Governing Body to consider possible measures to improve the situation in this regard. After consideration of the factual and legal background and possible measures aiming at improving the situation, including possible amendment to the Standing Orders, further consultations in order to explore possible convergence of views were expected.<sup>50</sup>

<sup>48</sup> See GB.306/10/1, para. 19.

<sup>49</sup> See GB.307/10/1(Rev.), paras 13–23.

<sup>50</sup> See GB.307/10/1(Rev.), para. 12.

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## **Standing Orders of the Conference: Practical arrangements for the discussion at the 99th Session (June 2010) of the International Labour Conference of the Global Report prepared under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work**

During its 307th Session, the Governing Body decided to invite the Conference, at its 99th Session, to adopt ad hoc arrangements for its discussion of the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.<sup>51</sup> The arrangements included those previously adopted over a four-year cycle and extended for use at the 98th Session of the Conference, and also addressed timing and procedures in order to organize the discussion on the Global Report at the 99th Session of the Conference in an interactive manner.

### **Improvements in the standards-related activities of the ILO**

At its 294th Session (November 2005) the Governing Body adopted a standard-setting strategy<sup>52</sup> and at its 300th Session (November 2007)<sup>53</sup> an interim plan of action to implement this strategy. In November 2009, the Governing Body initiated discussions on elaborating a definitive action plan, in light of the ILO Declaration on Social Justice for a Fair Globalization (the 2008 Declaration).<sup>54</sup> The standards policy and supervisory system components of the interim plan have not been finalized. The technical cooperation and information and communication components were finalized in 2007.

Following this discussion, the Governing Body invited the Office<sup>55</sup> to make every effort to facilitate the continuation of the consultations on standards policy, and to start consultations on the issue of the interpretation of international labour Conventions; to make the necessary arrangements for the organization in 2010 of a meeting of a tripartite working group of experts to examine Convention No. 158 and Recommendation No. 166 on termination of employment (1982). The Governing Body also invited the Office to submit a plan of action for the promotion of the OSH instruments; to implement a new reporting cycle under article 22 of the Constitution (three years for fundamental and priority Conventions, and five years for technical Conventions, on the basis of a classification of standards by strategic objective) and to invite the Committee of Experts on the Application of Conventions and Recommendations to examine the criteria on the basis of which it would examine comments received from the social partners outside of that cycle. The Governing Body also decided that the need to revise the article 22 report forms on the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), should be subject to further discussion.

<sup>51</sup> See GB.307/10/1(Rev.), para. 32 and appendix.

<sup>52</sup> GB.294/LILS/4 and GB.294/9(Rev.).

<sup>53</sup> GB.300/LILS/6 and GB.300/13(Rev.).

<sup>54</sup> GB.306/LILS/4(Rev.).

<sup>55</sup> GB.306/10/2(Rev.).

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The document submitted to the Governing Body in March 2010<sup>56</sup> dealt with these different questions and contained an update on progress on the implementation of the interim action plan. At that session the Governing Body approved<sup>57</sup> the proposed plan of action on OSH standards, as revised, as well as a new article 22 report form on Convention No. 29. It asked the Office to develop further plans of action for the ratification and effective implementation of fundamental Conventions and the work in fishing standards, in light of the comments made during the discussion; to report to the Committee on the ongoing review of the article 22 report forms concerning OSH Conventions; and to report to the Committee on the implementation of the modifications to the article 22 reporting cycle adopted at the 306th Session (November 2009) of the Governing Body.

Separate and then tripartite consultations took place, respectively in February and March 2010, on standards policy and the interpretation of international labour Conventions. It was decided that the consultations should continue as regards interpretation, and a document on standards policy would be submitted for debate and guidance to the Governing Body in November 2010.

### **General status report on ILO action concerning discrimination in employment and occupation**

In November 2009 the Governing Body had before it, for debate and guidance, a general status report on ILO action concerning discrimination in employment and occupation.<sup>58</sup> This document described recent measures and trends regarding ILO action in this connection, paying attention to certain thematic areas on which the Organization had been particularly focusing. The special focus areas were: gender equality; discrimination based on race or ethnicity; migrant workers; indigenous and tribal peoples; workers with disabilities; discrimination based on real or perceived HIV/AIDS status; and workers of the occupied Arab territories. The document concludes that, parallel to considerable efforts being made on the question of gender equality, there was increasing focus on discrimination based on these grounds, and the ILO had earned a lead role within the UN system in these areas. Under the new Strategic Policy Framework and Programme and Budget for 2010–11, the ILO needed more than ever to have a coherent and integrated approach to promoting non-discrimination on the grounds set out in Convention No. 111, as well as emerging grounds.

### **Ratification and promotion of fundamental and governance ILO Conventions**

In 1995 the Director-General launched a campaign for the promotion of ratification of the fundamental Conventions. The ILO Declaration on Social Justice for a Fair Globalization, while recalling the importance of the fundamental Conventions, identified four Conventions concerning tripartism, employment policy and labour inspection that were the “most significant from the viewpoint of governance”. These were: Labour Inspection Convention, 1947 (No. 81), the Employment Policy Convention, 1964 (No. 122), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

<sup>56</sup> GB.307/LILS/3.

<sup>57</sup> GB.307/10/2(Rev.).

<sup>58</sup> GB.306/LILS/5.

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Moreover, at the 98th Session of the Conference (2009), the relevance of the Conventions concerning governance, at the same time as that of the fundamental Conventions, was highlighted in the context of a crisis exit strategy, as set out in the Global Jobs Pact. Given this, the Director-General's promotion campaign was extended to include the governance Conventions in 2009.

The document submitted to the Governing Body in November 2009 <sup>59</sup> contained information on the ratification prospects and possible obstacles to ratification in respect of both groups of Conventions, as well as a proposed plan of action to achieve widespread ratification and effective implementation of the governance Conventions, in parallel to the ongoing ratification campaign for the eight fundamental Conventions.

Regarding the fundamental Conventions, the report noted that since November 2011, 11 new ratifications had been registered. To reach the goal of universal ratification, set for 2015, 5,150 ratifications are still needed, for an overall total of 1,464 (183 per Convention). The 150 outstanding ratifications represent 54 countries as 129 member States have now ratified all the fundamental Conventions.

The Governing Body noted the information in the document and approved the proposed plan of action, with certain adjustments.

### **Choice of Conventions and Recommendations on which reports should be requested under article 19 of the Constitution – Proposal for an article 19 questionnaire concerning fundamental principles and rights at work instruments**

Under the follow-up to the 2008 Declaration, the subject of the General Surveys has been linked with those of the recurrent reports dealing with the different strategic objectives and discussed by the Conference. Thus, this year, the General Survey to be discussed by the Committee on the Application of Standards will concern employment standards, in line with the report to be discussed by the Committee on the strategic objective of employment. The theme for the General Survey and the recurrent report for 2011 will be social protection (social security). In March 2010, the Governing Body included on the agenda of the 101st Session (2012) of the International Labour Conference a recurrent item on the strategic objective of fundamental principles and rights at work, covering all four categories of fundamental principles and rights.<sup>60</sup> At the same time, the Governing Body chose the same subject for the General Survey. It consequently requested governments to submit reports under article 19 of the Constitution on the fundamental Conventions and approved the report forms concerning these instruments.<sup>61</sup>

<sup>59</sup> GB.306/LILS/6.

<sup>60</sup> GB.307/2.

<sup>61</sup> GB.307/LILS/4 and GB.307/10/2(Rev.).



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## **Maritime Labour Convention, 2006**

### ***Form for reports on the application of ratified Conventions (article 22 of the Constitution)***

At its 306th Session (November 2009), the Governing body approved the approach recommended by the Office for the article 22 report form for the MLC, 2006.<sup>62</sup> After consultations, the form was adopted by the Governing Body in March 2010.<sup>63</sup>

### ***Preparation for entry into force***

In November 2009, the Governing Body also had before it a document on preparations for entry into force of the MLC, 2006.<sup>64</sup> It was decided that, notwithstanding Article XIII of the MLC, 2006, since the governments of ratifying Members were called upon to undertake significant implementation before entry into force, particularly in order to have already phased in the certification of certain ships by that date, the Office should take the steps necessary to establish a “preparatory tripartite MLC, 2006, committee”, modelled on the future Article XIII special tripartite committee. Its mandate would be to keep under review the preparations by Members for implementing the MLC, 2006, and prepare the work for the future special tripartite committee on any questions that might need to be dealt with as a matter of urgency after entry into force of the Convention, including the rules of procedure of the committee. It established its composition. It is foreseen that this Committee will meet in September 2010.

### **Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART)**

At the Governing Body’s 306th Session, the Committee on Legal Issues and International Standards (LILS) reviewed the Joint Committee’s findings and proposals on allegations submitted by teachers’ organizations concerning non-observance of the Recommendations concerning teachers. Based on the recommendations of LILS, the Governing Body authorized the Director-General to communicate the relevant parts of the report to the concerned governments and teachers’ organizations. At the Governing Body’s 307th Session, members of the Committee on Sectoral and Technical Meetings and Related Issues (STM) commended the report of the Tenth Session of the Joint ILO–UNESCO Committee of Experts (CEART), hosted by UNESCO in Paris, 28 September–October 2009, and reiterated their support for the work of the CEART to promote high professional standards and status of teachers. Based on the STM’s recommendations, the Governing Body: authorized the Director-General to transmit the report to the Governments of member States, the relevant employers’ and workers’ organizations, and relevant intergovernmental and international non-governmental organizations concerned with education and teachers; and to take into consideration, where appropriate, in consultation with the Director-General of UNESCO, the Joint Committee’s proposals for future action by the ILO and UNESCO, which are contained in its report, in planning and

<sup>62</sup> GB.306/LILS/7/1 and GB.306/10/2(Rev.).

<sup>63</sup> GB.307/LILS/5 and GB.307/10/2(Rev.).

<sup>64</sup> GB.306/LILS/7/2 and GB.306/10/2(Rev.).

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implementing future ILO activities. Separately at the same session, LILS recommended, and the Governing Body decided, to forward the report to the International Labour Conference at the present session for examination by the Committee on the Application of Standards.

## 10. Subcommittee on Multinational Enterprises

In November 2009, and in line with the strategic objectives set out in the Strategic Policy Framework 2010–15 and Programme and Budget for 2010–11, the Governing Body decided that the work the Office should focus on is: (i) promoting public policies that enhance the positive social and employment effects of the operations of multinational enterprises; (ii) promoting sustainable enterprise management practices consistent with the principles of the Multinational Enterprises and Social Policy (MNE) Declaration to multinational enterprises and their supply chains; and (iii) strengthening the labour dimensions of corporate social responsibility (CSR) initiatives.

Key means of action for fulfilling these priorities during the period 2010–11 were adopted by the Governing Body in March 2010 as: (i) establishing a “helpdesk” to provide expert advice on the realization of international labour standards and the Tripartite Declaration of Principles concerning MNE Declaration; (ii) collaborating with the International Training Centre of the ILO (Turin Centre in providing training and capacity building on the instrument; (iii) field testing of an alternative modality to evaluate the effect given to the MNE Declaration; and (iv) working closely with other intergovernmental organizations that may help raise awareness of the MNE Declaration.

With regard to the first point, the Subcommittee received detailed reports from the Office on the users of the service, types of questions, regional origin as well as on the functioning of the Office-wide expert team responding to the inquiries. It was recommended that the Office should prioritize action with regard to further outreach and a better knowledge management system.

With regard to the third point, the Governing Body, during its November 2009 session, requested the Office to undertake an exercise consisting of the following elements: (i) completing within the next two years: (1) a global desk review for the period 2007–10; and (2) concrete exercises at the country and sectoral levels; and (ii) subsequently, completing a flagship report informing about the main trends and findings, building on items (1) and (2). It moreover decided, following completion of this exercise, and no later than 2011, to review its 1979 decision to report periodically on the effect given to the MNE Declaration, in the light of the experience gained.

With regard to the other points, notable work includes: (a) activities that the Office has undertaken, in close collaboration with the International Training Centre of the ILO, to build capacity of ILO staff and constituents on the implementation of the MNE Declaration and the labour dimension of corporate social responsibility; a programme to promote international labour standards and the MNE Declaration through curricula development and promotion via a Global Business Schools’ Network; (b) the Office’s role in promoting the MNE Declaration in the context of the revision process of the OECD Guidelines, the Office’s involvement in the development of the ISO Guidance Standard on Social Responsibility (ISO 26000) and the ILO’s participation in activities of the UN Global Compact at the global, regional and country levels; and (c) the organization, at the request of the MNE Subcommittee, of an ILC 2010 side event with John Ruggie, the Special Representative of the United Nations Secretary-General on human rights and transnational corporations and other business enterprises, providing a briefing on the proposed United

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Nations “Protect, Respect and Remedy” framework to better manage business and human rights challenges and its implications for the ILO.

## 11. Committee on Employment and Social Policy

In November 2009, the Governing Body noted the discussion held in the Committee on Employment and Social Policy on the following agenda items: (i) Global economic and jobs crisis; (ii) Update of the first Global Wage Report with a focus on minimum wage policy development; and (iii) Flexicurity and employment services: (iii)(a) Combining flexibility and security for decent work; and (iii)(b) ILO support for the role of public employment services in the labour market.

With regard to item (i), the Committee noted the wide range of crisis response measures and stimulus packages that were being implemented around the world. It stressed the need to focus on the operational implementation of the Global Jobs Pact, which included evaluating policies and identifying effective measures, as well as national recovery packages. It also welcomed the ILO’s engagement with the G20 and recommended that the Office mobilize all possible resources to support this important effort.

Concerning item (ii), the Committee discussed the importance of reliable and accurate data that could be used in such reports and the need for the Office to further strengthen collaboration with sources of national statistics on wages. A consensus was not reached on the definition of, or a specific research agenda for, the flexicurity concept (item (iii)(a)). The Committee noted that in Europe, the Office already had an ongoing research agenda on flexicurity and that the European Commission and European member States had supported the Office’s continuing engagement in this work. The Committee’s final discussion (item (iii)(b)) in 2009 concerned ILO support to public employment services in the labour market. It noted the importance and range of government efforts to enhance public employment services. It also noted the existence of private employment agencies and that the Office’s work should contribute to strengthen the overall system, particularly in order to respond to the current financial and economic crisis.

At its March 2010 session, the Committee continued to focus on strategies to give effect to the Global Jobs Pact. An innovative, wide-ranging interactive discussion with the six special-assignments coordinators was conducted that particularly focused on the Office’s work with constituents and international partners.

The Committee also considered the proposed content and structure for the Recurrent item report on social security (2011) and provided valuable guidance that the Office take into account in preparing the report. In the third agenda item, the Committee discussed the Chairperson’s summary of the High-level Tripartite Meeting on Collective Bargaining (Geneva, 19–20 November 2009), highlighting the central role of collective bargaining in recovery from the economic crisis and endorsing a bi-dimensional approach, composed of: (a) a horizontal approach establishing a universal social protection floor; and (b) a vertical approach, providing higher levels of protection using the basic floor as a foundation.

In the final discussion item in March 2010, the Committee was provided with a brief update on the preparations and progress in preparing the first recurrent item report on employment, to be discussed at the 99th Session of the International Labour Conference. The report, *Employment policies for social justice and a fair globalization*, will address the role of the ILO in the twenty-first century in matters of employment policy in the context of the Decent Work Agenda and the Declaration on social Justice for a Fair Globalization.

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## 12. Committee on Sectoral and Technical Meetings and Related Issues

In its work last year, the Governing Body, through its Committee on Sectoral and Technical Meetings and Related Issues, addressed numerous pressing issues related to specific economic sectors.

Further pursuing its examination of the sectoral aspects of the economic downturn and possible early signs of recovery, the STM Committee shared experiences from its members' countries and discussed the findings contained in the reports produced by the Office for the November 2009 and March 2010 sessions on sectors as diverse as tourism, public services, education, health, textiles and civil aviation.

To allow a wide sharing of best practices and foster sectoral social dialogue at the international level, the Governing Body had asked the Office to hold a number of timely meetings addressing issues of an urgent nature for sectors affected, such as: the Impact of the Financial Crisis on Financial Sector Workers; Decent Work in Local Government Procurement for Infrastructure Provision; the Impact of the Food Price Crisis on Decent Work; and promotion of the ratification of the Private Employment Agencies Convention, 1997 (No. 181). The outcomes of these meetings' work were examined by the Committee and the dissemination of these results endorsed by the Governing Body.

The Committee also turned its attention to matters related to occupational safety and health. Following the Governing Body's November 2009 decision to amend the mandate of the Meeting of Experts to Consider a Draft Code of Practice on Safety and Health in Agriculture and its holding, the Governing Body decided that the code of practice would be finalized by a second meeting of experts to be convened later this year. It also took an important step to assist member States to implement Recommendation No. 194 by adopting the revised list of occupational diseases, developed by the Meeting of Experts on the Revision of the List of Occupational Diseases.

To provide further assistance to countries in ratifying and implementing the Work in Fishing Convention, 2007 (No. 188), the Governing Body had asked the Office to convene a Tripartite Meeting of Experts to Adopt Port State Control Guidelines for Implementation of the Work in Fishing Convention, 2007 (No. 188). The resulting guidelines adopted by the meeting in mid-February 2010 will be submitted to the Governing Body at the Committee's next session in November 2010.

While relying on Meetings of Experts as a very successful, traditional format, a new, more consultative form of meetings had been pursued in relation to human resource policies and practices concerning teachers, in accordance with previous Governing Body decisions. In its deliberation on the Interregional Consultative Workshop on an ILO Human Resource Toolkit of Good Practices for the Teaching Profession, the Committee welcomed the outcome and approach taken.

The Committee closely followed developments in shipping, fishing, education and the media sector. Based on the Committee's discussion and recommendations, the Governing Body endorsed further ILO participation in bodies formed in collaboration with the International Maritime Organization (IMO), the Food and Agriculture Organization (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO)

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and the World Intellectual Property Organization (WIPO), respectively, thus further promoting the concept of decent work throughout the multilateral system.<sup>65</sup>

### 13. Committee on Technical Cooperation

In November 2009 the Committee on Technical Cooperation discussed the ILO's technical cooperation strategy and tripartism in the context of the United Nations reform process. It examined the engagement of ILO constituents in the UN reform process and national development planning, and adopted a technical cooperation strategy.<sup>66</sup> The strategy is composed of the following outcomes:

- *ILO extra-budgetary and RBSA resources are aligned with Decent Work Country Programme and programme and budget outcomes.* To achieve this outcome, the ILO seeks to further align technical cooperation with the priorities and capacity needs of the constituents, as expressed in the outcome-based workplans, Decent Work Country Programmes, the programme and budget, Strategic Policy Framework and other policy decisions. It would also increase international partnerships and policy dialogue to enhance the impact of ILO technical assistance, and mobilize resources through the RBSA and more predictable, un-earmarked renewable partnerships, or through direct project support to Decent Work Country Programmes and programme and budget outcomes. At the same time, the Office would seek to increase access to One UN and other UN funds, to expand public-private partnerships and to widen the donor base.
- *ILO technical cooperation programmes and projects fully meet results-based management and ILO quality requirements.* To ensure quality in ILO technical cooperation, the Office will foster better quality control of technical cooperation programmes and projects. All ILO technical cooperation proposals undergo a rigorous appraisal process, and support and oversight structures are in place to ensure regular implementation monitoring, evaluation and dissemination of lessons learned. The Office will also foster more specific knowledge on operational intervention methods.
- *Through technical cooperation, ILO constituents attain technical and institutional capacity to successfully engage in development planning through Decent Work Country Programmes, in the context of UNDAFs and UN reform.* To achieve this outcome, the Office will enhance capacity building through technical cooperation. To this effect, the Committee requested the Office to prepare a paper on capacity development for ILO tripartite constituents for discussion in November 2010.

At the same session, the Committee also discussed the implementation of Decent Work Country Programmes, technical cooperation in support of the ILO's response to the global economic crisis, and the United Nations policy for post-conflict employment creation, income generation and reintegration. It also adopted a strategy proposed in a paper on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work with regard to technical cooperation priorities and an action plan regarding the elimination of forced labour.

In March 2010, after receiving a panel of three United Nations Resident Coordinators, the Committee discussed the role of Decent Work Country Programmes in the enhanced

<sup>65</sup> GB.306/13 and GB.307/13(Rev.).

<sup>66</sup> GB.306/14(Rev.).

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technical cooperation strategy. It adopted a number of principles related to Decent Work Country Programmes, including:

- the programming of specific Decent Work Country Programme outputs to ensure institutional capacity building for constituents to strengthen their participation in the Decent Work Country Programme process and in development planning as a whole and, where necessary, to strengthen the coordination of inputs of employers' and workers' organizations;
- promoting the programming of specific outputs to support country-level action on priorities emerging from the ILO's governance structures, including on international labour standards;
- promoting the development of Decent Work Country Programmes that actively involve constituents, are fully results-based, and aim at sustainable resource mobilization strategies, including through donor funding and, where possible, strive for eventual aid independence through increased national ownership.

The Committee was also orally briefed on operational aspects of the International Programme on the Elimination of Child Labour (IPEC). It was particularly highlighted that IPEC: (a) continued to give input to the Millennium Development Goal Summit taking place later in the year; (b) was preparing to provide support in the reconstruction effort in Haiti; (c) considered the relationship between child labour and international migration a priority for further study; and (d) also considered that it was essential to continue mainstreaming gender in the programming and delivery of IPEC activities in policy-level work. There was broad support for and recognition of ongoing South–South cooperation initiatives to eliminate child labour.

The Committee also discussed a paper on the implementation of the Tripartite Agreement on Freedom of Association and Democracy in Colombia.

## **14. Issues dealt with in supplementary reports of the Director-General**

### **Tripartite Meeting of Experts on Strategies for the Extension of Social Security Coverage** (Geneva, 2–4 September 2009)

The discussions of the Committee on Employment and Social Policy during the November 2008 session of the Governing Body included a review of the progress of the Global Campaign on Social Security and the Extension of Coverage for All,<sup>67</sup> and it was agreed by the Governing Body that it would be timely to hold a Tripartite Meeting of Experts on Strategies for the Extension of Social Security Coverage, which was held in Geneva from 2 to 4 September 2009. The meeting was attended by Government experts invited from 12 countries, 12 experts nominated following consultation with the Employers' group, an equal number nominated following consultation with the Workers' group, and around 30 observers, reflecting considerable interest evinced, both amongst

<sup>67</sup> ILO: *Social security standards and the ILO campaign for the extension of social security*, GB.303/ESP/3 (Geneva, 2008).

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ILO members wishing to be represented and the UN and other international organizations and NGOs.

The chair's summary of the discussions endorsed in particular the concept of a two-dimension strategic framework for the extension of social security. The horizontal dimension of that strategy envisages that countries which have not yet achieved universal or widespread coverage should first aim to put in place a basic set of social security guarantees for all, corresponding broadly to the Social Protection Floor promoted by the UN Chief Executives' Board as one of its nine joint Crisis Initiatives earlier in 2009,<sup>68</sup> and which is itself strongly reflected in the Global Jobs Pact adopted at the ILC 2009.<sup>69</sup> The social floor benefit package would serve as a foundation for developing the vertical dimension of coverage to provide higher levels of protection when the fiscal space expands with further economic development.

All speakers agreed that the discussions were well reflected in the Chairperson's Summary and provided valuable guidance for the Office for its future action in social security. The guidance received during the meeting will also be a basis for the drafting of the Office's report for the recurrent item on social security to be held at the 2011 Conference. That report will also reflect further on the nature of a possible mechanism to support the formulation of comprehensive social security extension strategies.

### **Follow-up to the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)**

At its 306th Session, the Governing Body was informed<sup>70</sup> of the approval by the International Organization for Standardization (ISO) of a technical standard *ISO/IEC 24713-3 Information technology – Biometric profiles for interoperability and data interchange – Part 3: Biometrics based verification and identification of seafarers*. The ISO sent a copy of the biometric profile standard to the ILO together with a note emphasizing some of the key points of the standard and making some recommendations to the ILO. The ISO/IEC 24713-3 standard is completely technically compatible with ILO Convention No. 185 but addresses, through the use of multiple other technical standards, some of the complex details that will arise once seafarers' identity documents are issued by a large number of different competent authorities and are verified by port and border control authorities around the world. The Office proposed the holding of a tripartite meeting to discuss the details of the new ISO/IEC 24713-3 standard and consider whether its technical recommendations should be followed. On the basis of the outcome of this meeting, a series of proposals will be prepared for the Governing Body that will address the ways in which the ILO should respond to the ISO/IEC 24713-3. This meeting is now scheduled for September 2010 and the outcome will be reported to the Governing Body.

<sup>68</sup> The "Social Protection Floor" is conceived as a combination of relevant services (including education and health) and cash transfers, and is described in the papers of the UN Chief Executives' Board following their meeting in April 2009.

<sup>69</sup> The role and description of the basic social protection floor is set out in Section 12 of the ILO Global Jobs Pact.

<sup>70</sup> GB.306/17/3.

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At its 307th Session (March 2010), the Governing Body had a document <sup>71</sup> before it in which the Office proposed that at its 309th Session (November 2010), it would have before it a document concerning the appointment of a review group and a special review board. These two bodies are required in order to implement the arrangements provided for by Article 5, paragraph 6, of Convention No. 185 relating to its approval of a list of ratifying Members which fully meet the minimum requirements established by the Convention concerning processes and procedures for the issue of seafarers' identity documents, including quality-control procedures.

## Measuring decent work

The Governing Body reviewed progress on measuring decent work at both its November 2009 and March 2010 sessions. <sup>72</sup> It may be recalled that the latest phase of this work began in September 2008 with a Tripartite Meeting of Experts. The Experts prepared a report for the Governing Body proposing further work on definitions indicators and a framework for preparing Decent Work Country Profiles. The issue was also examined by the 18th International Conference of Labour Statisticians in December 2008. The November 2009 Governing Body:

- (a) reviewed the experience gained in the pilot phase, including the model used by the Office, to benefit from the expertise and experience of constituents for decent work country profiles;
- (b) provided guidance on broadening collaboration with member States beyond those involved in the pilot phase, with a view to compiling a comprehensive set of decent work country profiles by 2015;
- (c) provided guidance on the development of statistics in areas where constituents identified a lack of adequate indicators, including access to decent work for migrant workers and workers with disabilities, and of numerical indicators for progress on fundamental principles and rights at work;
- (d) endorsed the use of a Special Programme Account allocation of US\$500,000 to continue the work;
- (e) requested the Office to mobilize extra-budgetary resources to enable a comprehensive set of profiles to be prepared over the period covered by the Strategic Policy Framework 2010–15; and
- (f) requested the Director-General to provide a report to the Governing Body at its 307th Session (March 2010) giving a strategic overview of the way in which the programme on measuring decent work is linked to the priorities in the Programme and Budget for 2010–11 and the Strategic Policy Framework 2010–15, and to provide a report on the development of numerical indicators for progress on fundamental principles and rights at work during 2010.

The March 2010 Governing Body discussed a report on:

<sup>71</sup> GB.307/16/7.

<sup>72</sup> GB.306/17/5 and GB.307/16/3.



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- (a) the role of decent work country profiles in the strategic orientations of the work of the Office, with special regard to Decent Work Country Programmes; and
  - (b) work on indicators of progress on fundamental principles and rights at work.

The Governing Body noted that the profiles could prove most useful in designing country programmes and assessing progress on decent work as called for in the 2008 Social Justice Declaration. A further report was requested on indicators of progress on fundamental rights at work.

### **Promotion of the ratification of the 1986 Instrument of Amendment of the Constitution of the International Labour Organization**

In March 2010, the Governing Body discussed the promotion of the ratification of the 1986 Instrument of Amendment of the Constitution of the International Labour Organization, notably in reference to a request by the Africa group following the adoption by the Labour and Social Affairs Commission of the African Union in 2009 of a resolution on the ratification of the 1986 instrument. Following a discussion of the status of ratification of the amendment, which included a suggestion to update the instrument once it had entered into force insofar as it referred to the former division of Europe into Western and Eastern parts, the Governing Body took note of the information provided by the Office concerning the number of ratifications received and its measures to promote the 1986 Instrument of Amendment, and requested the Office to relaunch the campaign by increasing its efforts in promoting the ratification of the said instrument.<sup>73</sup>

<sup>73</sup> GB.307/16/6(Rev.).

## **2.1 (b) - *Global Report* in het kader van de follow-up van de Declaratie over fundamentele principes en rechten op het werk; thema 2010: Kinderarbeid**

### **Algemene discussie over het *Global Report* in het kader van de follow-up van de Verklaring over fundamentele principes en rechten op het werk; thema 2010: effectieve uitbanning van kinderarbeid**

#### **Algemeen**

Het follow-up mechanisme van de in 1998 door de Internationale Arbeidsorganisatie (IAO) aangenomen Verklaring over fundamentele principes en rechten op het werk bestaat uit twee delen. Het eerste deel is de bespreking tijdens iedere maartzitting van de Raad van Beheer van de IAO van de jaarlijkse rapportage van de landen die niet alle fundamentele arbeidsnormen hebben geratificeerd. Het tweede deel van de follow-up is het zogenoemde *Global Report*. De Directeur-Generaal van de IAO presenteert ieder jaar tijdens de Conferentie een rapport over een van de vier categorieën van fundamentele rechten. Deze categorieën zijn:

- 1) de fundamentele vakbondsrechten (2004, 2008);
- 2) gedwongen arbeid en slavernij (2005; 2009);
- 3) kinderarbeid (2006; 2010);
- 4) discriminatie op het werk (2007; 2011).

Het *Global Report* dient als basis voor:

- het vaststellen van de effectiviteit van de door de IAO verleende ondersteuning aan een lidstaat;
- het vaststellen van prioriteiten en actieplannen voor technische samenwerking voor de periode van vier jaar volgend op de bespreking in de Conferentie.

#### **Vooraf: The Hague Global Child Labour Conference 2010**

Op 10 en 11 mei 2010 heeft Nederland, in samenwerking met de ILO, de wereldwijde conferentie *The Hague Global Child Labour Conference 2010, Towards a World without Child Labour, Mapping the Road to 2016* georganiseerd. Met de conferentie, waaraan meer dan 500 deelnemers uit 80 landen deel hebben genomen (waaronder ca. 25 ministers) is hernieuwde aandacht en energie gevraagd voor de strijd tegen kinderarbeid, in het bijzonder de ergste vormen daarvan. Tijdens de conferentie is de *Roadmap for Achieving the Worst Forms of Child Labour by 2016* aangenomen, een beleidsdocument met concrete afspraken en beleidssuggesties voor overheden, sociale partners, NGOs en internationale organisaties. Dit document kan als leidraad dienen voor het uitbannen van de ergste vormen van kinderarbeid in 2016, een doelstelling die in 2006 door de IAO-leden is gesteld.

#### **Presentaties**

Dit jaar is het *Global Report "Accelerating Action against Child Labour"* besproken. Het rapport schets een beeld van de wereldwijde ontwikkelingen in de strijd tegen kinderarbeid. Tijdens de bijeenkomst op 11 juni is dit rapport toegelicht door de heer Tapiola (plv. DG IAO). Hij gaf daarbij aan dat de positieve trend uit het rapport van 2006 (een wereldwijde afname van kinderarbeid) is voortgezet, maar dat er desondanks reden tot zorg is. Zo zijn in de cijfers van 2010 (215 miljoen kindarbeiders, waarvan ca. 130 miljoen in de ergste vormen), die gebaseerd zijn op gegevens uit de periode tot en met 2008, de effecten van de crisis nog niet voldoende verdisconteerd. Ook zijn er grote regionale verschillen. In de afgelopen jaren is de kinderarbeid in Sub-Sahara Afrika bijvoorbeeld toegenomen (!) terwijl in Latijns-Amerika een aanzienlijke afname heeft plaatsgevonden. De heer Tapiola concludeerde dat het doel van 2016, de uitbanning van de ergste vormen van kinderarbeid, niet gehaald zal worden als er niet versneld en opgeschaald wordt.

Uitbanning van alle kinderarbeid komt zonder veranderd beleid nog niet binnen bereik.

### **Discussie**

Op de inleiding van de heer Tapiola volgde een paneldiscussie met vertegenwoordigers van overheden en sociale partners uit verschillende regio's. Namens Nederland nam minister Donner deel aan deze discussie. Hij werd gevraagd om de uitkomsten van de Haagse conferentie te delen en gaf hierbij aan dat hij de timing van de conferentie van groot belang achtte omdat landen in deze tijd geneigd kunnen zijn om de strijd tegen kinderarbeid achter te stellen bij maatregelen voor economisch herstel. Hij ging in zijn interventie uitgebreid in op het uitkomstendocument van de conferentie, de Roadmap, en gaf aan dat dit document praktische handvatten bevatte voor actie tegen de ergste vormen van kinderarbeid. Hierbij was geen sprake van pasklare, one-size-fits-all oplossingen, maar van suggesties voor acties en interacties, die al naar gelang de nationale omstandigheden kunnen worden toegepast. Verder onderstreepte de minister dat uit de conferentie is gebleken dat er wel degelijk politieke wil bestaat om kinderarbeid uit te bannen. Hij refereerde hierbij aan de ervaringen die in Brazilië zijn opgedaan en bedankte dat land voor het aanbod om in 2013 een volgende wereldwijde kinderarbeidconferentie te organiseren.

De overige leden van het panel lichtten, vanuit hun nationale context toe wat overheden, werkgevers- en werknemersorganisaties kunnen doen om kinderarbeid uit te bannen.

Hierna was er gelegenheid tot een reactie van de woordvoerders van de werkgevers en de werknemers. Werkgevers spraken hierin hun waardering uit voor de door Nederland georganiseerde conferentie. Daarnaast onderstreepten ze dat sommige arbeidsactiviteiten nuttig kunnen zijn voor kinderen om vaardigheden te ontwikkelen. Uiteraard gold dit niet voor de ergste vormen van kinderarbeid, maar bepaalde soorten werk zouden (in beperkte mate) door kinderen moeten kunnen worden uitgevoerd. Werknemers gaven aan dat ze binnen het werk van het ILO internationale programma tegen kinderarbeid (IPEC) een grotere rol weggelegd zagen voor de sociale partners. Daarnaast wezen ze erop dat kinderarbeid vaak is ingebed in de cultuur en niet alleen een gevolg is van economische omstandigheden. Ook de werknemers uitten hun waardering voor de Roadmap en drongen erop aan deze in IAO-verband nader te bespreken.

In de middagsessie reageerden de overheden met statements op het Global Report en op de paneldiscussie. Hierbij werd door veel overheden (19 van de 30 interventies, waaronder interventies van Canada, Australië, de EU Lidstaten, Nigeria, Malawi, China en Oezbekistan) steun en waardering uitgesproken voor de in Den Haag totstandgekomen Roadmap.

### **Vervolg**

Gezien het grote draagvlak van werkgevers, werknemers en overheden voor het uitkomstendocument van de *The Hague Global Child Labour Conference 2010* heeft de IAO Beheersraad, die en marge van de IAC is bijeengekomen, onder het agendapunt "Questions arising out of the International Labour Conference, requiring immediate attention" besloten om de Roadmap te agenderen voor de Beheersraad van november. In het Technical Cooperation Committee zal dit document worden gesproken. Mogelijk zal de IAO deze Roadmap dan omarmen en voor de uitvoering hiervan middelen beschikbaar maken.

## **2.2 PROGRAMMA- EN BUDGETVOORSTELLEN EN ANDERE AANGELEGENHEDEN**



## 2.2 Programma- en budgetvoorstellen en andere aangelegenheden

Hoofdonderwerpen waren de financiële verklaringen van de external auditor, alsook het zogenaamde *net premium*. De financiële verklaringen zijn in het PFAC en marge van de ILC besproken.

### Financiële verklaringen

Het ILO Bureau stelde in het PFAC dat de verklaringen meer informatie leverden, vanwege de nieuwe IPSAS-werkwijze. Het Turijn centrum viel hier echter nog niet onder, hetgeen het komend jaar zou moeten veranderen. Tevens waren nu ook grote bedragen opgenomen die voorheen niet in financiële verklaringen werden opgenomen, zoals bedragen gerelateerd aan het gebouw, *hedging instruments*, maar ook liabilities, zoals de kosten voor gezondheidszorg van gepensioneerde ILO werknemers. In totaal beschikt de ILO over 161 miljoen aan *net assets*. Volgens het ILO Bureau was daarom sprake van een goede financiële situatie.

De *external auditor* gaf een zogenaamde *unqualified opinion* over de financiële verklaringen over 2008-09. Zij stelde tevreden te zijn dat de ILO in lijn was met IPSAS, maar gaf tevens aan dat het belangrijk was voor de ILO om meer gecoördineerd te werk te gaan met het oog op volledige implementatie van IPSAS in 2012. De uitdaging hierbij was vooral om financiële data te verzamelen op een wijze die vereist is door IPSAS. Voor meer gedetailleerde informatie zij verwezen naar het rapport van de *external auditor*.

Voorts was door de *external auditor* geen fraude aangetroffen en zou later in de zomer nog een brief naar de ILO worden gestuurd met aanbevelingen op het gebied van management en IT (o.a. IRIS).

In de hierop volgende discussie was er voornamelijk aandacht voor het ontbreken van een lijst met aanbevelingen in het rapport van de external auditor. Werkgevers en enkele overheden vroegen of de genoemde brieven konden worden gedeeld met de ILO leden. Ook werd gevraagd of de implementatie van IPSAS nu wel of niet *on track* was.

De *external auditor* gaf aan dat dit de eerste keer was dat zij de audit van de ILO had uitgevoerd. Ditmaal was nog vooral gekeken naar financiële controlemechanismen. Naar management zou later worden gekeken. Dan zou er ook weer een lijst met aanbevelingen volgen. Het was niet gebruikelijk de managementbrieven te delen met anderen dan het betreffende management. Het ILO Bureau stelde dat IPSAS nog steeds in 2012 volledig zou moeten zijn ingevoerd, maar dat het wel krap zou worden.

In het *Financiële Comité* zijn de financiële verklaringen en het rapport van de *external auditor* zonder verdere discussie aangenomen.

### Net Premium

De bestemming van het net premium was reeds uitvoerig behandeld in het PFAC van de Beheersraad van maart jongstleden. Daar was na lange onderhandelingen een delicaat compromis bereikt. De coördinator van de Afrikaanse groep had voor het comité informeel te kennen gegeven dit compromis open te breken als ook maar één overheidsdelegatie in het v over dit onderwerp zou spreken (Afrika wilde eigenlijk niet dat de helft van het net premium zou terugvloeien naar lidstaten). Nederland heeft derhalve een gezamenlijk met de Nordics voorbereide verklaring niet afgelegd, om het bereikte compromis niet in gevaar te brengen. Ook de nationale verklaring van NL over de procedure die tot het compromis had geleid is om deze reden niet uitgesproken. Werkgevers en werknemers spraken kort hun steun uit voor het bereikte compromis, waarbij werkgevers tevens hun zorgen uitten over het functioneren van de PFAC tijdens de besprekingen over het *net premium* in maart. De werkgeversvertegenwoordigers gaf aan te hopen dat de Beheersraad



deze zaken op zou pakken en dat deze hervorming zou leiden tot een betere uitvoering door de Beheersraad van zijn bestuursrol.

Ook het concept-besluit over het *net premium* is zonder verdere discussie aangenomen.





### **2.3 Comité inzake de toepassing en de naleving van verdragen en aanbevelingen**

In het *Comité inzake de toepassing en naleving van verdragen en aanbevelingen* werd, als ieder jaar, een speciale zitting gewijd aan de naleving door *Birma/Myanmar* van Verdrag nr. 29 (dwangarbeid). De meeste sprekers riepen in hun interventie op tot de onmiddellijke vrijlating van Dawn Aung San Suu Kyi en alle politieke gevangenen. Het werk van de IAO *Liaison Officer* werd ondersteund en gewaardeerd en de derde verlenging van het klachtenmechanisme met 12 maanden (tot 25 februari 2011) werd breed verwelkomd. De meeste sprekers erkenden weliswaar dat de regering van Birma enige vooruitgang boekt, maar deze vooruitgang blijft beperkt tot het publiceren van een brochure en diverse krantenartikelen met als doel voorlichting over dwangarbeid. Ook boekt de regering enige voortgang in het behandelen van zaken van kindsoldaten in het leger. Het werk van de *Liaison Officer* breidde zich echter uit en Birma/Myanmar heeft tot nu toe de visumaanvraag voor een additioneel staflid voor het ILO *Liaison Office* nog niet goedgekeurd. De meeste sprekers riepen de regering van Birma/Myanmar op te voldoen aan de aanbevelingen van de IAO onderzoekscommissie. Birma/Myanmar opgeroepen om de wetgeving in conformiteit te brengen met Verdrag nr. 29 en dat overtredingen van Verdrag nr. 29 worden bestraft.

Ook *Wit-Rusland* werd opnieuw in het comité besproken. Het niet in vrijheid opereren van vakbonden in Wit-Rusland is al jaren onderwerp van discussie binnen de IAO. Er is duidelijk enige vooruitgang geboekt. Het registreren van vakbonden blijft problematisch door het vereiste van een "legal adress". De IAO onderzoekscommissie heeft aanbevelingen gedaan voor fundamentele wetswijzigingen, onder andere met betrekking tot registratie van vakbonden. Deze zijn nog steeds niet doorgevoerd. Het Comité riep de regering wederom op om de aanbevelingen van de IAO onderzoekscommissie door te voeren en de wetswijzigingen en een actieplan met duidelijke deadlines voor te leggen aan de IAO.

*Zimbabwe* werd dit jaar niet besproken in afwachting van de bevindingen van de IAO onderzoekscommissie, die dit voorjaar in Zimbabwe is geweest.

*Guatemala* werd dit jaar besproken in het comité vanwege het klimaat van straffeloosheid en geweld en het vermoorden van vakbondsleden. Ondanks verschillende ILO technische assistentie missies en een internationale Commissie tegen straffeloosheid in Guatemala was het geweld en straffeloosheid de laatste jaren toegenomen. Het comité sprak zijn bezorgdheid uit over het feit dat de politieke wil ontbrak om de sociale dialoog te versterken en vakbondsleden te beschermen. Ook riep het comité de regering van Guatemala op om wetswijzigingen door te voeren en een IAO high level mission te accepteren.

De algemene discussie was dit jaar gewijd aan het onderzoek naar de IAO werkgelegenheidsinstrumenten. De IAO heeft onderzoek gedaan naar Verdrag nr. 122 (werkgelegenheidsbeleid), Verdrag nr. 142 (human resources development), Verdrag nr. 181 (particuliere bureaus voor arbeidsbemiddeling) en de bijbehorende aanbevelingen. Het merendeel van de sprekers benadrukten het belang van werkgelegenheid als een basisrecht, dat essentieel is voor de menselijke waardigheid. Een baan leidt tot betere integratie in de maatschappij en een weg uit armoede. Het belang van een activerend werkgelegenheidsbeleid was essentieel in de financieel en economische crisis. Vele interventies verwezen naar het belang van



het ILO Global Jobs Pact (juni 2009) dat enkele goede richtsnoeren bevat om de werkgelegenheidssituatie in de huidige crisis te verbeteren.

### **2.3.1 LIJST INDIVIDUELE GEVALLEN**



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**Index of observations regarding which  
governments are invited to supply  
information to the committee**

Report of the Committee of Experts  
(Report III (PART 1A), ILC, 99th Session, 2010)

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Country	Convention number (The page numbers in parentheses refer to the English version of the report of the Committee of Experts)
Belarus	87 (page 69)
Burundi	182 (page 287)
Cambodia	87 (page 87)
Canada	87 (page 90)
Central African Republic	138 (page 289)
Costa Rica	98 (page 111)
Czech Republic	111 (page 412)
Egypt	87 (page 132)
Georgia	98 (page 145)
Guatemala	87 (page 149)
India	100 (page 422)
Islamic Republic of Iran	111 (page 426)
Mauritania	29 (page 248)
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Morocco	182 (page 327)
Myanmar	29 (page 252) – Special sitting 87 (page 175)
Peru	169 (page 781)
Russian Federation	111 (page 450)
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Thailand	122 (page 582)
Turkey	87 (page 204)
Ukraine	95 (page 622)
Uzbekistan	182 (page 388)
Bolivarian Republic of Venezuela	87 (page 210)

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### **2.3.2 EU / IMEC VERKLARINGEN**





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in the past. Of course, many other cases could have been chosen among the 800 comments made by the Committee of Experts but a difficult choice had to be made.

17. The Employer member of Costa Rica stated that last year the Committee had discussed the same case under the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and she expressed surprise that the case was on the list again because the Committee had urged the Government to adopt legislative measures in consultation with the social partners and the employers had promoted two draft laws which were first on the list for discussion by Parliament. Although these laws had not yet been adopted, that was because trade unions had obstructed the process. In addition, all governments needed time and in her country the Government had assumed office only one month earlier.
18. The Employer member of Georgia expressed surprise at the fact that his country had been selected for discussion at the Committee since pursuant to the discussion which had taken place two years ago, the Government had closely cooperated with the ILO in building robust social dialogue institutions. On behalf of the 1,500 members of his organization, he expressed his readiness to continue this positive relationship with the ILO and promote social dialogue in his country. He hoped that the discussion would not jeopardize the efforts to build a social partnership and emphasized that what was needed was advice and support from the ILO. The inclusion of his country in the list of cases was difficult to understand.
19. The Worker member of Colombia stated that the international labour Conventions and their ratification had helped to build a more fair, decent and human society and make the tripartite framework a reality. In the case of Colombia, there was absolutely no compliance with the recommendations adopted by the Committee on the Application of Standards. The situation was currently very difficult for the trade union movement in Colombia. By removing Colombia from the list, that situation was in a way being tolerated. This year, 28 trade union members had been murdered and during the mandate of this Government 557 union members had been murdered. Trade unionists had been treated as enemies. He declared that the widows and orphans of union members warranted discussion of that case.
20. Another Worker member of Colombia stated that there was disagreement and consternation because the case of Colombia was not being discussed. He reported that 64 per cent of the murders of trade unionists in the entire world occurred in Colombia. The most recent had taken place only two weeks after a strike in the palm oil sector. Moreover, workers had been dismissed because of their union membership, as was the case of workers of a textile company that were all dismissed within a period of one week of joining the union. He cited another case in which 139 workers at a banana plantation were dismissed and removed from their workplace by force after having joined a trade union. One worker died on this occasion. He stressed that it was extremely unfair that Colombia was not on the list.
21. Another Worker member of Colombia declared that the previous speakers had sufficient reasons to express their dissatisfaction. He also pointed out that it was not normal practice that there were objections after the adoption of the list. The list had become shorter over the years. Some time ago, the International Labour Conference would last for one month and 40 or 42 countries would be selected for the list. He declared that in that context, the General Confederation of Workers (CGT) of Colombia had submitted a document detailing all the anti-trade union activities that had occurred in Colombia.
22. Following the adoption of the final list of individual cases to be discussed by the Committee, the Employer and Worker spokespersons conducted an informal briefing for Government representatives.

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## Working methods of the Committee

23. The Chairperson announced, in accordance with Part V(E) of document D.1, the time limits for speeches made before the Committee. These time limits were established in consultation with the Vice-Chairpersons and it was the Chairperson's intention to strictly enforce them in the interest of the work of the Committee. The Chairperson also called on the members of the Committee to make every effort so that sessions started on time and the working schedule was respected. Finally, the Chairperson recalled that all delegates were under the obligation to abide by parliamentary language. Interventions should be relevant to the subject under discussion and be within the boundaries of respect and decorum.
24. The Worker members recalled the changes that had taken place over the last year as a result of the observations made by the Conference Committee at its previous session, particularly with regard to time management and the lack of discipline shown by certain speakers, the number of double footnotes proposed by the Committee of Experts, and the fact that it had been impossible to discuss a case of progress because of lack of time. They expressed the firm hope that the strict measures proposed with regard to time management and the order in which governments were placed on the final list of individual cases would bear fruit in terms of the balance that should be sought between the right of constituents to present the situation regarding the application of Conventions in their countries, in law and in practice, and the right of all to be heard. The Worker members were committed to respecting the new rules in that regard without, however, excluding the possibility of working on the Saturday of the second week.
25. The Government member of Austria, speaking on behalf of the Government members of the Industrialized Market Economy Countries (IMEC), expressed full support for the changes in procedure outlined in the document on work of the Committee (C. App./D.1) with a view to improving time management. These included the proposed time limits and their strict enforcement by the Chair as well as the automatic slotting of individual cases in the second week. IMEC looked forward to applying these improved working methods without night sessions. The speaker also expressed support for the fact that the discussion had begun with the discussion of the General Survey given the short timeframe for discussing the General Survey and officially transmitting the content of that discussion to the Committee on the Strategic Objective of Employment (Employment Committee). Considering that the tight timetable did not leave room for tripartite negotiated outcomes, IMEC proposed to adopt a record of the Committee's discussions on the morning of Friday, 4 June, and officially transmit this record to the Employment Committee. The Chair of the Committee on the Application of Standards could also give a short introduction before the Employment Committee. In view of further improvements to be made to the working methods of the Committee, including a review of the impact of the introduced changes, IMEC fully supported the continuation of the Tripartite Working Group on the Working Methods of the Conference Committee to ensure ongoing open and transparent discussion of important issues and the most effective use of the limited time available to the Committee.
26. The Government member of Oman, also speaking on behalf of the Council of Ministers of Labour and Social Affairs of the Gulf Cooperation Council (GCC), comprising Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates and Yemen, noted that the Gulf countries had reviewed the proposed amendments to the Conference Committee's working methods, and commended the Tripartite Working Group on the Working Methods of the Conference Committee on the efforts deployed in this respect. He further highlighted the need for the Tripartite Working Group to continue its work in view of its contribution in developing the Conference Committee's work in a manner which met its increasing challenges and to take into account the obstacles that were detected by the Conference Committee, through practice, or those that were mentioned by member States. With respect

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tripartite governance process. The Employer members expressed a set of objections with respect to the general observation on wages, especially the unilateral establishment by the Committee of Experts of new reporting requirements for four wage Conventions and the promotion of the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), which did not take into account the concerns expressed during the tripartite debate on the 2008 General Survey on labour clauses in public contracts. These concerns focused on the discriminatory aspects of Convention No. 94, its negative impact on job creation and taxpayers, and its inconsistency with European Union law. The Employer members stated that, at a time of stress on sovereign debt, Convention No. 94 was the wrong solution at the wrong time, highlighting its substantive defects. Recalling the Governing Body's decision of November 1998 that the Convention be re-examined in due course, the Employer members called for a re-examination of the Convention by the LILS Committee as a matter of urgency, invited States parties to this Convention to consider denouncing it; the next denunciation was September 2012–13. They also requested the Office to stop promoting this Convention. Moreover, all General Surveys conducted since 1990 should contain an insert that included the tripartite discussion and debate on the General Survey.

54. With specific reference to the Indigenous and Tribal Peoples Convention, 1989 (No. 169), the Employer members referred to observations on certain countries made by the Committee of Experts, according to which certain governments were asked, pursuant to *Article 15(2)* of Convention No. 169, to suspend the implementation of existing projects, the exploitation or exploration of activities and implementation of infrastructure projects and the exploration and exploitation of natural resources. The Employer members pointed out that such requests did not have a basis in the Convention and had to be eliminated as soon as possible. The Committee of Experts was not a court of law and could not, in effect, request economic activity to stop.
55. Turning to the Termination of Employment Convention, 1982 (No. 158), the Employer members recalled that it was one of the most contentious ILO Conventions and expressed the view that this instrument was basically an obstacle to a dynamic labour market that facilitated the creation of productive employment. A tripartite meeting of Experts was planned for next year to consider what to do with this no longer relevant instrument. The eight observations made by the Committee of Experts on this Convention confirmed the existence of major flaws in the instrument, especially its detrimental effect on enterprises by tending to delay or make difficult and expensive necessary dismissals, thus endangering the viability of enterprises. Recalling that the Convention would again be open to denunciation in 2015–16, the Employer members called upon the Committee of Experts and the Office to provide objective and balanced information about the Convention, including ways to mitigate its rigidities as far as possible, and to refrain from promoting it.
56. In this context, the Employer members opposed the Experts' attempts to read provisions of Convention No. 158, into obligations under other Conventions, particularly when the Government had not ratified them. For example, in the observation on Belarus and Convention No. 122, the Experts called the Government's attention to certain provisions of Convention No. 158. First, it needed to be emphasized that the latter Convention had not been ratified by Belarus. Moreover, the Experts seemed to suggest that "short-term contracts", the use of which was restricted under Article 3(2) of Convention No. 158, was contrary to the promotion of "full and productive employment" in Convention No. 122, and that governments had to give some job guarantee "to satisfy the employment needs of the workers, whose short-term contract of employment had ended". The Employer members' firm view was that Convention No. 122, did not in any way limit the use of short-term contracts.

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57. Finally, with respect to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Employer members recalled that the text and legislative history of both Convention No. 87 and Convention No. 98 made clear that Convention No. 87 did not expressly provide for a right to strike. Convention No. 87 at most contained a general right to strike which nonetheless could not be regulated in detail under the Convention. Yet, the Committee of Experts had continued a detailed critique of ratifying countries' strike policies, especially on "essential services", applying a "one size fits all approach" and failing to recognize differences in economic or industrial development and current economic circumstances. This was in sharp contrast to the Experts' 1953 General Survey on Conventions Nos 87 and 98, where the Experts stated: "The object of this Convention is to define as concisely as possible the principles governing freedom of association, whilst refraining from prescribing any code or model regulations." and it was not until its third General Survey on Conventions Nos 87 and 98 in 1959, that the right to strike was mentioned at all in a single paragraph and only with respect to the public sector – ten years after the Conventions were adopted. The Experts' views on the right to strike expanded to seven paragraphs in the 1973 General Survey, and included opinions on temporary and general prohibitions of strikes, strikes in the public sector and essential services, strike restrictions based on maintaining public order and economic development, and recourse to state dispute resolution procedures. This regulation of restrictions on the right to strike further grew to 25 paragraphs in the 1983 General Survey, and included further refinement of the 1973 General Survey as well as adding first time views on requisitioning and minimum service, restrictions related to the objectives of the strike, restrictions on the methods used, provisions imposing a waiting period on strikes, and sanctions against strikes. In the 1994 General Survey, this evolved into a separate chapter on the right to strike encompassing 44 paragraphs and numerous new subjects for detailed comment by the Experts. The Employer members considered that the Committee of Experts' approach undermined tripartism in standard-setting and supervision, particularly given the fact that whenever the right to strike was part of a Convention No. 87 case in the Conference Committee, it was impossible to reach a conclusion on that issue. They once again asked the Committee of Experts to reconsider their interpretation on the right to strike that had progressively expanded since 1959 and that had no basis in Conventions Nos 87 and 98.
58. The Employer members acknowledged that the work of the Committee of Experts, especially its observations on compliance with ratified Conventions, was of utmost importance to the work of the Conference Committee, but expressed the view that the Committee of Experts had to show in the written materials that they took account of what was discussed in the Conference Committee. This would be in the interest of maintaining the integrity of the tripartite governance process mandated by article 23 of the ILO Constitution and article 7 of the Standing Orders of the Conference.
59. The Government member of Austria, speaking on behalf of IMEC, highlighted that the ILO supervisory system was unique in the international framework of human rights procedures. The Conference Committee had the responsibility to help ensure that the capacity, visibility and impact of the ILO supervisory system continued to evolve positively, despite the inherent challenges. Noting that one of the main ILO activities since the last Conference was the promotion of the Global Jobs Pact, the speaker observed that the ILO's response to the employment and social policy consequences of the economic and financial crisis continued to be prominent on the Conference agenda. Quoting from the Global Jobs Pact, he stated that to prevent a downward spiral in labour conditions, the Conference Committee had to place special emphasis on fundamental principles and rights at work and their implementation through effective governance mechanisms. Not ensuring fundamental principles and rights at work at such a critical time would represent not only a moral failure to uphold universally recognized rights, but would also represent a failure of economic policy to ensure growth and recovery. This year, the Conference Committee was

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entering a new phase of the implementation process of the Social Justice Declaration, which led to synchronizing the instruments to be studied by the General Survey with the yearly recurrent item. IMEC appreciated the efforts of the Office in elaborating improved questionnaires which resulted in an increased response rate, and believed that this was the right way to maintain the authoritative value of General Surveys. Also this year, the Conference would start the cycle of recurrent discussions with the strategic objective of employment, which was the first time that the discussion of the General Survey by the Conference Committee would contribute to the recurrent discussion. IMEC hoped that the new approach would increase the synergy between standards and the other activities of the ILO and would therefore enhance the impact of the standards system.

60. IMEC welcomed the Committee of Experts' continuous efforts to enhance the quality of reporting and appreciated the improvements of the presentation in an accessible format, such as the country profiles. IMEC had always supported the discussion of significant cases of progress in the Conference Committee, as well as the efforts by the Committee of Experts to clarify the criteria for identification of cases of "good practices" in comparison with cases of "progress", which clarified that cases of good practice were always cases of progress but not necessarily vice-versa. IMEC attached great importance to the combination of the work of the supervisory bodies and the practical guidance given to member States through technical cooperation as one of the key dimensions of the ILO supervisory system. IMEC appreciated the heightened attention given to this complementariness by the Committee of Experts, which had led to an enhanced follow-up of cases of serious failure. This was also due to the Conference Committee's increasingly systematic references to technical assistance in its conclusions.
61. With reference to the 60th anniversary of Convention No. 98, IMEC reiterated its strong support for collective bargaining and social dialogue as essential tools to achieve the strategic objectives of the Organization. The speaker underlined that collective bargaining had an important role to play in the response to the crisis because it was a flexible and responsive tool that allowed for a balance of working conditions and new economic realities, while protecting the rights of workers. IMEC took note of the Committee of Experts' observations with respect to the relevance and application of the ILO wage-related Conventions in the context of the global financial crisis and its acknowledgment that the crisis had increasing impact on the wage incomes of millions of global workers. IMEC agreed that wage protection was particularly important in times of crisis and that the Global Jobs Pact offered a good set of options for supporting recovery and helping put the economy on a sustainable track, which included putting relevant wage-related standards at the centre of crisis responses.
62. Finally, the speaker highlighted IMEC's concern that, despite an ever-increasing workload, the Committee of Experts was still operating at less than full capacity, as it had been almost continually for the past decade. He was happy to note that new Experts had been appointed, but observed that there were still remaining vacancies. Therefore, he reiterated IMEC's appeal to the Director-General to fill all vacancies on the Committee and to ensure that the Committee was adequately resourced to complete its work effectively.
63. The Government member of the Bolivarian Republic of Venezuela, speaking on behalf of the Government members of the Group of Latin America and Caribbean Countries (GRULAC), reiterated his firm commitment to the ILO supervisory mechanisms but expressed his concern about the work and the report of the Committee of Experts. In relation to the working methods of the Committee of Experts, he drew attention to the fact that the mandate of the Committee of Experts did not include resolving controversies, issuing judgements on conflicting demands of interested parties, issuing injunction measures, resolutions, judgements, decrees or awards, and its opinions or comments were not mandatory. The Committee of Experts' function was to determine if the provisions of a

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specific Convention were complied with. He reaffirmed his deep concern that the Committee of Experts exceeded its mandate when it gave mandatory nature and form to its opinions. These excesses might be used as detrimental requests in dialogue processes and also constituted an obstacle to the good political will of governments in their efforts to generate permanent solutions. He expressed the view that within the Committee of Experts' observations and conclusions there were measures with an injunctive nature and that the Committee of Experts made its own assessment of the facts submitted to the Committee on Freedom of Association, which was contrary to the principle of *non bis in idem* and duplicated the work of the Committee when what was desirable was mutual respect and spirit of cooperation.

64. The speaker highlighted that the Committee of Experts tended to take into consideration the views of the social partners but did not give equal footing to the information presented in a timely manner by governments, which violated impartiality and objectivity. He also highlighted that the Committee of Experts no longer valued the need for reasonable timeframes that a State needed in order to initiate administrative, legislative and judicial measures, and for the Office to be able to react to requests for technical assistance. He also expressed the view that the Committee of Experts interpreted Conventions which was delegated to the International Court of Justice in the Constitution. He stressed the need to activate efforts to safeguard the principles of independence, objectivity and impartiality as well as transparency, which should guide the Committee of Experts in its tasks. He highlighted renovation as a way to provide the body with a critical spirit and to encourage revision, rectification and innovation in order to achieve the objectives for which the Committee was created. He strongly urged the Committee of Experts to ensure that the nature of the comments remained within the limits of its constitutional mandate. He trusted that the Committee of Experts' Subcommittee on the Working Methods would continue to examine such methods so that independence, objectivity and impartiality, which were essential for a supervisory body, were within the future work of the Committee. He trusted that in the near future the functioning of the Committee of Experts could be regulated so as to ensure procedures which were predictable, transparent and objective, since 84 years of existence had provided enough elements to guide its operation.
65. The Government member of Brazil pointed out the context of the international economic crisis that principally affected the most vulnerable groups, and stressed the importance of Convention No. 98 and wage protection as being particularly appropriate. The role of workers and their capacity to engage in collective bargaining should continue to be reinforced. Her Government supported ILO efforts aimed at preventing wage arrears and protecting workers' wage claims in the case of the employer's insolvency. Revitalizing the national economy through socially responsible public spending represented an equally important element. In this regard, she noted that Brazilian legislation granted preferential treatment to workers' wage claims and also recognized the control of public spending as a priority issue so as to avoid excessive public deficit. Her Government sought to promote economic development by investing in labour-intensive sectors which was expected to generate more and better quality jobs. In the same vein as the Committee of Experts, her Government recognized the importance of maintaining decent minimum wage levels. Adjusting the minimum wage, which had increased by 73 per cent since 2003, facilitated workers' protection during the crisis and maintained demand. Recalling her Government's commitment to international labour standards, she concluded by indicating that the instrument of ratification of the Labour Relations (Public Service) Convention, 1978 (No. 151), would be communicated to the Office in the coming days while the Workers with Workers with Family Responsibilities Convention, 1981 (No. 156), would be submitted to the Parliament in conformity with the Decent Work Country Programme.

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239. In reply to the statement made by the Government member of Sudan, the Worker members indicated that if no Government representative was present when the conclusions were read out on a case that concerned it during the last of the Committee's sittings devoted to the examination of cases, the Committee had no choice but to read the conclusions. The Worker members expressed their acknowledgement to the Government of Sudan for having accepted ILO technical assistance and indicated that they did not wish to insist formally on the issue of the independent verification of the situation in the country.
240. The Government member of Austria speaking on behalf of the Government members of the member states of the Industrialized Market Economy Countries (IMEC), expressed support for the Committee and the ILO's supervisory system, given the important role they play. While recognizing that ILO supervisory bodies were not infallible, IMEC supported the independence, objectivity and impartiality of the Committee of Experts. The Committee of Experts was a critical element in a supervisory system that was uniquely equipped to promote the application of international labour standards in all countries, regardless of their economic, social and cultural conditions. Possible inaccuracies in the Committee of Experts' report demonstrated the need for adequate resources to enable the International Labour Standards Department to cope with an increased workload. The Director-General was called upon to ensure that the essential work of this Department was among his top priorities.
241. Turning to the working methods of the Committee, the speaker underlined that the new procedure for strict time management had brought notable progress in the management of discussions. All participants of the discussion had respected the established time limits. A short meeting for the finalization of conclusions had still been necessary on 13 June 2010, and it was hoped that such a session could be avoided in following years. Improvements regarding the decorum of meetings were also necessary. The established good practice of the distribution of a preliminary list of cases, in combination with the new system for the automatic scheduling of individual cases, helped countries to prepare in a timely manner for their cases. It would be helpful if the final list of cases could always be distributed on the Friday of the first week of the Conference. Many of the difficulties of the Committee involved the composition of the list of individual cases, which was a process that required significant compromise. Agreement on the list of cases was essential for the functioning of the Committee, and governments should not be involved in this process. Worker members and Employer members were urged to bridge their differences in this regard before the next session of the International Labour Conference, so as to facilitate the productive work of the Committee. IMEC was confident that the Worker members and Employer members were committed to the working methods of the Committee and that the list of cases would continue to be based on respectful consultations resulting in a balanced list consistently following the criteria of selection agreed to by the social partners.
242. The speaker further emphasized the importance of freedom of expression in all ILO bodies, which required that opinions be expressed in an atmosphere of respect and dignity. It was regrettable that decorum had not been maintained in the final sitting of the Committee. It would have been unfortunate if the Committee had to consider more drastic measures in this regard. The Tripartite Working Group on the working methods of the Conference Committee on the Application of Standards should continue to meet with a view to assessing any changes in the Committee's working methods and examining the possibility of further improvements, particularly with regard to time management and decorum in the Committee's sessions.
243. The Chairperson said that the Committee had achieved its objectives. The new rules on speaking time had been respected during the discussion and had led speakers to express what was essential as briefly as possible. The spirit of collaboration and participation had prevailed in the Committee and had produced positive results. In conclusion, he gave



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thanks to the Worker and Employer Vice-Chairpersons, as well as the Reporter of the Committee, for the work accomplished. He also expressed the thanks of the Committee as a whole to the Representative of the Secretary-General, the secretariat and the interpreters.

Geneva, 15 June 2010

*(Signed)* Mr Sérgio Paixão Pardo  
Chairperson

Mr Christiaan Horn  
Reporter

man Rights Ombudsperson had requested personal security measures which had not been provided. In March 2010, Luis Felipe Cho had been tortured and murdered after having received threats as a result of his trade union activities. Nevertheless, the Labour Ministry had indicated that Luis Felipe Cho was not a trade unionist. The speaker requested that the documents testifying the trade union registration of Luis Felipe Cho should appear in the records. He indicated that the programme for the protection of trade unionists was in the same state as the public prosecution service for crimes against trade unionists, to which the Government kept referring in each Conference although it had been abolished since 2005.

To conclude, he requested that the conclusions be included in a special paragraph with concrete proposals to resolve immediately the serious anti-union situation.

**The Employer member of Guatemala** regretted the lack of regional balance in the composition of the list of cases to be examined by the Committee, which affected the credibility of the supervisory system, especially when it was the result of reasons that had no place in the world of labour. In its observation, the Committee of Experts had referred to three basic questions: violence against trade union members; legislative issues; and problems that affected the export processing sector (*maquilas*), which in fact was the clothing and textile industry.

As for violence against trade union members, he reiterated the Employers' commitment to investigate and identify responsibilities. In this respect some contacts have been made with the General Prosecutor of the Republic. Support had also been given to strengthening and professionalizing the labour inspection. However, it should be remembered that the climate of indiscriminate violence in the country had affected all the sectors of the population and that many of the acts of violence against trade union members could have had motivations other than their trade union activities. That should be taken into account, because it could not be confirmed that there existed a climate of anti-union violence in Guatemala. The existing low rate of trade union membership must not be attributed to those motives, but rather to the informality of the economy and the crisis in trade union leadership.

Some legislative aspects, such as the right to strike were not covered by Convention No. 87. He noted, however, that within the framework of the Tripartite Commission on International Labour Affairs, employers had been promoting changes in the system of strikes so that strikes could be declared more easily as long as they took into account the right of workers who did not support it to continue working. This initiative had not been supported by workers. As for the requirement of Guatemalan nationality in order to become a trade union leader, that was difficult to change because it would be necessary to change the Constitution.

The positive results of social dialogue, which allowed for a consensus on the need to reform the system of sanctions in cooperation with the ILO and pursuant to the guidelines agreed upon in the Tripartite Commission on International Labour Affairs, should be emphasized. It was hoped that the other pending legislative questions could be solved through social dialogue. As for the clothing and textile sector, he stressed that this sector represented 23 per cent of the country's exports and 8 per cent of formal employment, and was one of the sectors that offered the best employment guarantees. He added that collective bargaining was carried out in that sector directly, without conflicts, between workers or their delegates and employers, resulting in greater benefits for workers and greater productivity for businesses. However, when there were conflicts, those were dealt with on two levels: first through voluntary mediation by the Centre for

Alternative Resolution of Conflicts of VESTEX; and then through the general labour inspectorate.

**The Government member of the Bolivarian Republic of Venezuela** spoke on behalf of the Government members of the Committee Government members of the Group of Latin America and the Caribbean (GRULAC) countries. He observed that the Committee of Experts had noted that the Government had held consultations on the development of a road map but that consensus had not been reached between the workers' and employers' organizations. He nevertheless welcomed the fact that a road map had been developed in compliance with the Committee's recommendations in June 2009. The GRULAC countries also drew attention to the technical assistance that the ILO had provided on the modernization of the country's legislation and urged that the Government's request be granted that all necessary assistance be made available rapidly and as an integrated package. The Government had shown its intention to collaborate by accepting the high-level mission in 2008, as well as other technical assistance missions.

**The Government member of Belgium**, speaking on behalf of Austria, Belgium, Germany and the Netherlands, declared that the Government of Guatemala had, since 1991, and up until 2010, been the subject of several observations of the Committee of Experts for non-observation of freedom of association. Since 2005, five high-level missions and several technical assistance programmes had been sent by the ILO to Guatemala without achieving concrete legislative results. A Tripartite National Commission for full implementation of the Convention as well as a road map had been established. The tripartite nature of that Commission must be preserved in order to guarantee the full participation of the social partners in that process. It was urgent that adequate measures be taken to punish those responsible for acts of violence committed against trade union members and that the results of the investigations carried out were made public. Through such steps, the Government would prove its political willingness to combat credibly violence committed against trade union members, to combat impunity and to adhere to the recommendations accepted by Guatemala within the framework of periodical review by the United Nations Human Rights Council. Creation by the Government of a committee of experts for nominating candidates for the Supreme Court could be favourably received, especially if the committee permitted the participation of civil society.

**The Worker member of Colombia** recalled that the present case had been examined on 14 occasions over the last 20 years for the same reasons. The Committee had adopted various recommendations that had been ignored by the Government. Consideration should be given to what measures the ILO could take in cases of persistent violence and harassment against trade unionists, impunity, legal and institutional obstacles to forming or joining trade unions, and lack of social dialogue. The measures taken so far by the ILO had not succeeded in improving the situation. What could be done in the face of a Government that, though professing goodwill, had not taken action to change the situation? The Employer and Worker members of the Committee should devise more effective measures. The situation could not be ignored and hoping that it would improve over the coming year was not sufficient. Deeper and more sincere political will was needed, based on democracy and effective social dialogue, to remove obstacles to the exercise of freedom of association. Such will did not exist in Guatemala.

**The Government member of the United States**, referring to a public submission that had been received in 2008, from the American Federation of Labour and Congress of Industrial Organizations (AFL-CIO) and six Guatemalan unions under the Labour Chapter of the United States—

Dominican Republic–Central America Free Trade Agreement stated that her Government was reviewing many of the issues the Committee of Experts had been examining with regard to Guatemala's application of the Convention. Effective enforcement of Guatemalan labour laws and the human and trade union rights of Guatemalan workers were a high priority for her Government. Her Government was disappointed by the lack of progress that had been made to date. The Government of Guatemala had acknowledged the serious challenges before it and had availed itself of ILO technical assistance on several occasions, including a number of high-level missions, the latest of which had led to the elaboration of a road map, prepared by the Government, that had outlined steps needed to be taken to address the observations of the Committee of Experts. In light of the ILO's efforts to provide necessary assistance, it was especially troubling to note that the grave violence against trade unionists had not been stemmed, that the numerous shortcomings in the operation of the criminal justice system persisted and that the situation of impunity remained as serious as ever. There was a clear and continuing need to improve labour law enforcement to ensure that workers could establish organizations in full freedom, including in export processing zones, and that those organizations could plan and carry out their activities freely. She urged the Government to redouble its efforts, in close cooperation with the ILO and with the full involvement of the social partners, to bring about as soon as possible concrete and sustainable improvements with regard to all aspects of freedom of association and the right to organize in Guatemala.

**The Worker member of Brazil** drew attention to the long-unresolved legislative problems, which consisted of restrictions on the establishment of organizations, as half plus one of the number of workers at an enterprise was required; restriction of the right to freely elect union leaders, as they must be Guatemalan and work at the enterprise or in the same economic activity to be eligible for election; restriction of the free exercise of activities, given that a majority of workers were needed to declare a strike; the possibility of imposing compulsory arbitration in disputes in the public transport sector and fuel-related services; prohibition of solidarity strikes; and a bill requiring high percentages for the establishment of trade unions. Furthermore, official union registration had been delayed for up to a year and a half. The right of unions to join federations and confederations had also been obstructed. He highlighted in particular the situation of the Trade Union Confederation of Guatemala (UNSITRAGUA), which, though formed in 1985, had yet to be registered; the Government had recently, and with surprising rapidity, accepted the registration of a new federation with the same name, made up of four organizations of doubtful activity. Taking into account the background of violation of the Convention in various respects, a high-level mission in 2008 had approved a tripartite agreement to modernize legislation and bring it into line with the Convention. In addition, the Committee of Experts had taken note of the ongoing technical assistance in the country. Such measures, like the Government's promises, had been repeated since the year 2000. The Committee, however, should not maintain the same attitude as it had for the last ten years.

**The Employer member of Spain** observed that the climate of increasing violence in Guatemala could be demonstrated by the deaths of more than 6,000 people, as had been indicated by the Government. The increase in drug trafficking was also a matter of concern. First, priority must therefore be given to ensuring a climate of stability and normality in all activities and to strengthening the fight against impunity. Second, it was important to identify and investigate whether acts of violence and crimes against trade unionists were a consequence of their union

activities. Although some progress had been made with regard to constitutional protection (*amparo*), steps must be taken to expedite freedom of association proceedings and guarantee effective penalties. Third, the road map formulated by the Government was a positive step; it must be implemented as a priority in an incisive manner, in line with the conclusions of the two high-level missions. Fourth, it should be borne in mind that the issue involved the whole of Guatemalan society: not only did it require firm political will on the part of the authorities; but employers' and trade union organizations must assume responsibility too. A constructive attitude, open to finding regulatory solutions and ready to work effectively against alleged acts of intimidation and violence, was key.

**The Worker member of France** stated that the gravity and the number of violations of trade union rights in Guatemala remained appalling, making it one of the most dangerous countries in the world for trade unionists. The types of crimes committed against both trade unionists and agricultural workers' leaders stood out because of their cruelty and were allowed to happen, because they remained unpunished, and because trade unionists were seen as targets. Luis Felipe Cho had been tortured and brutally murdered after being threatened for carrying out trade union activities. His severely mutilated body was found on 6 March 2010. He was one of the six unionists from the real trade union movement, united in the MSICG, murdered since the beginning of 2010. He called upon the Government to bring the killers and instigators behind this murder to justice.

Referring to the conclusions this Committee made in 2009, he regretted that, since then, the situation had only degraded. The latest comments of the Committee of Experts were particularly severe when it concluded that the Government had failed to demonstrate sufficient political will to combat violence against trade union leaders and members and to combat impunity. The Committee of Experts also indicated that the conclusion of the Conference Committee concerning the lack of significant progress despite the repeated ILO missions and the very clear and firm recommendation of the ILO supervisory bodies, continued to be globally valid. Over the past 17 years, there had been technical missions and numerous reports from the Committee of Experts, recommendations from the Conference Committee and conclusions from the Committee on Freedom of Association. The latter had condemned the Government for letting the violence and impunity go on, and for refusing to cooperate with it. An international commission to combat impunity in Guatemala had been established. A road map had been drawn up last minute, but had not been implemented. The Government had refused to grant domestic workers the right to organize in trade unions. The Prosecution Service had not investigated crimes against trade union members, despite its commitment to do so. It was clear that, despite its declarations, the Government was unwilling to act to create a safer climate for trade unions, workers and peasants.

He expressed the hope that the Government would fully cooperate with its international partners and the ILO and was disappointed that no statement had been made by the European Union, which had been promoting and supporting human rights and democracy worldwide. He supported the request for a special paragraph on Guatemala in this year's report and called on the ILO to give more publicity to the allegations made against the Government and its negative attitude.

**The Government member of Panama** supported the statement by GRULAC and recognized the Government's efforts to apply the Convention and put into practice the Committee's recommendations. Panama and Guatemala, as members of the Central American Integration System (SICA), recognized the importance of freedom of associa-

Village Act and the Towns Act, into conformity with the Convention; amending paragraph 15 of Chapter VIII of the new Constitution; ensuring the total elimination of widespread forced labour practices; ensuring that perpetrators of forced labour be prosecuted and punished under the Penal Code; issuing an authoritative statement at the highest level clearly confirming the Government's policy for the elimination of forced labour and its intention to prosecute perpetrators; approving a simply worded brochure in accessible languages on the functioning of the SU; and eliminating problems in the physical ability of victims of forced labour or their families to complain and immediately ceasing the harassment, retaliation and imprisonment of individuals who used, or facilitated the use of, the complaints mechanism. Special sittings for this case had been held for a decade, and there continued to be substantial non-compliance with the Committee's conclusions, as well as the recommendations of the Commission of Inquiry. This persistent non-compliance challenged and affronted the supervisory function of the ILO and the ILO Constitution.

Referring to the conclusions of the Commission of Inquiry, the Worker members emphasized that necessary budgetary allotments needed to be made to assure the contracting of voluntary labour. The Committee of Experts, in its 2009 observation, stated that any budgetary allocations for this purpose were not adequate or not adequately utilized. Therefore a lack of progress was due to a lack of political will, and not because of resource constraints. Turning to the need for criminal prosecution of the intellectual and material perpetrators of forced labour practices expressed in the Commission of Inquiry's conclusions, the Worker members noted that the Committee of Experts, in its 2009 observation, had indicated that none of the complaints assessed and forwarded by the Liaison Officer to the Working Group had resulted, in 2009, in a decision to prosecute fully and convict criminally perpetrators of forced labour. This included a case where the explicit recommendation by the Liaison Officer for criminal prosecution was rejected. While the Government's agreement to continue the SU was favourable, the Government continued to undermine its effective implementation. The Committee of Experts had concluded that the Government persisted in imprisoning facilitators of complaints, and that complainants were subject to detention, harassment and judicial retaliation. In a number of cases, complainants chose not to pursue their claims out of fear of such reprisals.

The Worker members recalled the 2007 decision of the Governing Body to defer seeking an advisory opinion from the International Court of Justice (ICJ) on this case until the necessary time, and that the question for the ICJ could be whether the Government's cooperation with the Commission of Inquiry's recommendations "met the relevant threshold". Three years later, the Government was nowhere near the threshold, and this Committee should assume responsibility for the undermining, by the Burmese Government, of the supervisory system.

The Government member of Spain, speaking on behalf of the Government members of the Committee member States of the European Union and of the Government members of San Marino, Switzerland and Norway, expressed concern about the critical human rights situation in Burma/Myanmar, as reported by the Liaison Officer, the United Nations Special Rapporteur on the situation of human rights in Myanmar, as well as the UN Human Rights Council and the UN General Assembly. The authorities of

Burma/Myanmar should take steps to bring about peaceful transition to a democratic and civilian system of government and to make the planned elections credible, transparent and inclusive. The political and socio-economic challenges facing the country could only be addressed through genuine dialogue between all stakeholders, including ethnic groups and the opposition. The speaker called upon the Government to release all political prisoners and detainees, including Aung San Suu Kyi, and expressed grave concerns about the non-compliance by Burma/Myanmar with Convention No. 29.

The speaker welcomed certain positive steps taken by the Government of Burma/Myanmar, such as the renewal of the trial period of the SU complaints mechanism; the publication and distribution of the simple-worded brochure, in local languages, setting out the law against forced labour and the complaints mechanism under the SU; and the proposals that the Penal Code and Military Regulations on forced labour incur imprisonment of military personnel for the recruitment of minors. The speaker urged the Government of Burma/Myanmar to build on these steps by ensuring that proposed amendments to the laws and regulations were put in practice.

Full compliance with Convention No. 29 was far from being achieved. It was deeply regrettable that persons who had used the complaints mechanisms in order to denounce forced labour were imprisoned. This was contradictory to the Government's own commitment under the SU and, as had been indicated by the ILO Governing Body, would undermine the progress made to date. Therefore, imprisoned complainants should be released. The authorities were urged to put an end to the recruitment and use of child soldiers, and to pursue their collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict. He expressed deep concern that complaints against serving military personnel were difficult to pursue, especially in light of reports of their use of forced labour for portage and sentry guards. Finally, the speaker called upon the authorities to respect their commitment and reaffirmed the importance of the cooperation between the authorities of Burma/Myanmar and the ILO.

The Worker member of Malaysia indicated how the continued situation of forced labour in Burma/Myanmar was having a negative impact on the member countries of the Association of Southeast Asian Nations (ASEAN), and in particular on workers and trade unions. Emigration to avoid forced labour was a major contributing factor to the presence of more than two million migrants from Burma in Thailand, nearly 200,000 in Malaysia and undocumented numbers in Bangladesh. The social and legal issues involved, and the complex situation with respect to the Burmese migrant workers, were a huge financial and political drain on governments, and the workers' organizations in Thailand and Malaysia had to deal with the impact of unscrupulous employers' practices taking advantage of these migrants. Highlighting the continuing exaction of forced labour in North Arakan from hundreds of Rohingya villagers of Maungdaw Township, to build a fence and check posts along the Bangladesh border, he indicated that forced labour depriving the poor from their wages had been the primary root cause for emigration to Bangladesh. While the ILO and the broader international community had been trying to end human trafficking, the Government of Burma/Myanmar seemed to be doing the reverse. He concluded that the continuing forced labour and

denial of fundamental rights were driving workers from Burma to ASEAN and South Asian countries, weakening the social, economic and security conditions in these countries. If Burma wanted to be given due respect as a partner in ASEAN, its Government had to make the necessary changes to end forced labour.

**The Government member of Thailand** welcomed the continued cooperation and dialogue between the Government of Myanmar and the ILO. The developments within the last year were encouraging, namely the functioning of the complaint mechanism, training and awareness-raising activities, operational field missions, consultations between the Liaison Officer and the Working Group and the extension of the SU. The Myanmar Government had responded in a reasonably timely manner to complaints that had been lodged under the SU and progress was made regarding under-age recruitment in the military. The Government should be encouraged to continue this positive trend in partnership with the ILO to ensure the protection of complainants, facilitators and others associated with the filing of complaints. Awareness raising was a key element in addressing forced labour and it was crucial that state authorities and the general public be fully aware of the national laws prohibiting forced labour and the complaints mechanism. The Government's agreement on the final layout of the brochure on this mechanism, which would soon be available to the public was to be welcomed. Wide-ranging distribution of the brochure was necessary, especially in rural areas and in areas with a high number of reported complaints. It was apparent that Myanmar was willing to work with the international community, although more still needed to be done. The Government of Thailand stood ready to support and cooperate with Myanmar on this matter.

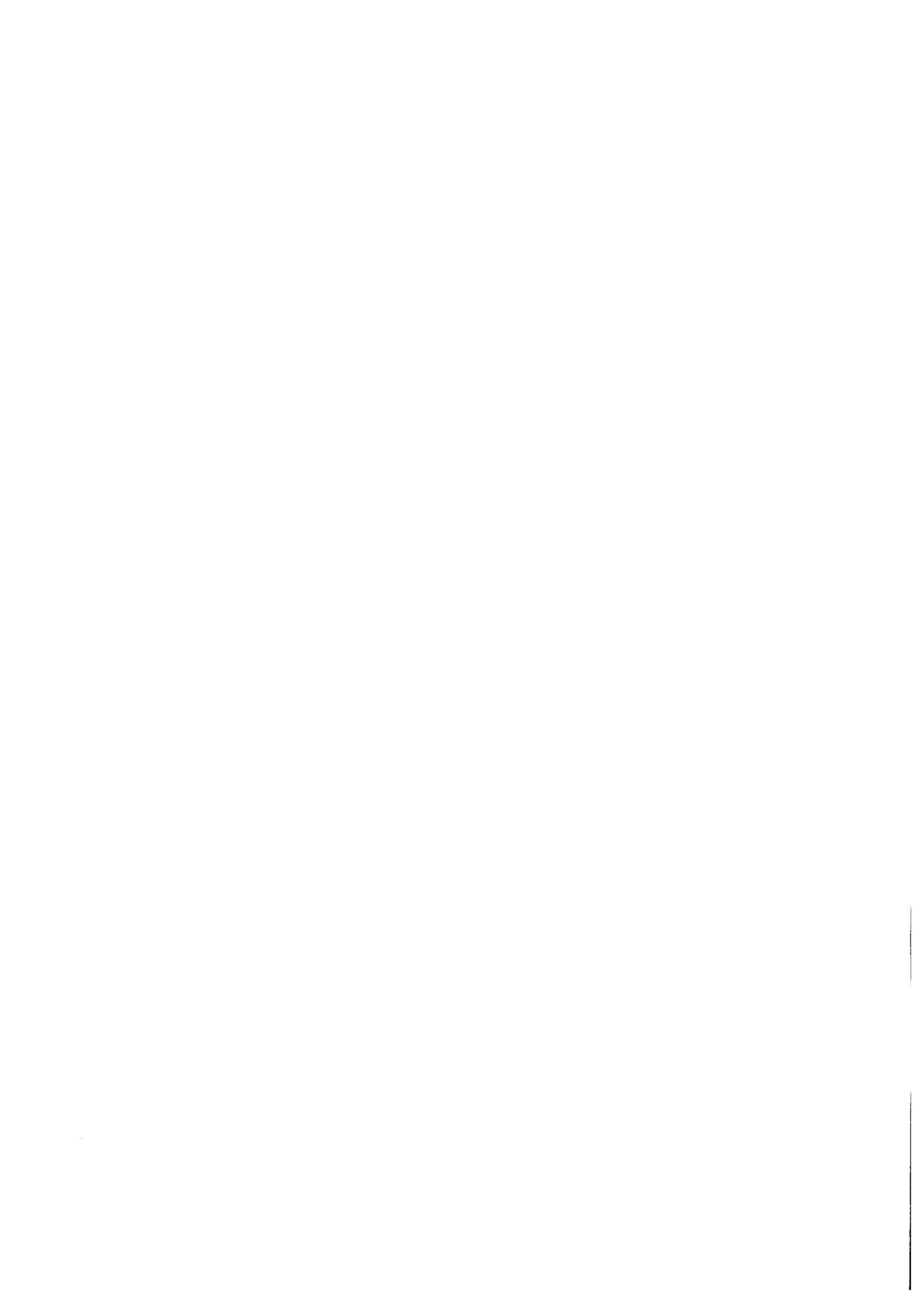
**The Government member of Norway** aligned herself with the statement made by the Government member of Spain indicating that, while some positive steps had been made, concern about the human rights situation and the lack of compliance with Convention No. 29 remained. Improvements of the legal framework needed to be accompanied by real efforts on the ground, and the ILO should be given unrestricted access to verify these efforts in practice. The speaker then drew attention to the situation in the states dominated by ethnic minorities, where armed conflicts and tensions made the population particularly vulnerable to forced labour and the recruitment of child soldiers. She urged the Government to allow access by international experts to these areas in order to verify compliance with national legislation and international commitments by Myanmar.

**The Worker member of Japan** referred to the information from a fact-finding mission conducted in February 2010 by a Japanese non-governmental organization to refugee camps along the Thai-Burmese border, which indicated that all new refugees were victims of forced labour exacted by the Burmese army. She also referred to the death of a 15-year-old child soldier in Pyontaza in May 2010, who was killed for refusing to join the army and she expressed the view that this death was a by-product of the army's policy whereby soldiers must fulfil recruitment quotas. The resolution adopted by the International Labour Conference in 2000, which recommended that all member countries review their relations with the Government of Burma, had not been properly implemented. She noted that according to the report of the Burmese National Planning and Economic Development Ministry, by March

2010, the pledged amount of foreign direct investment in the country exceeded US\$16 billion. This was a significant increase from last year, largely due to investment in the oil and gas sector. The Government was heavily dependent on the exports from this sector, accounting for more than 40 per cent of the country's income. Thailand, Singapore and China are the top three countries making direct investment to Burma. This investment served to support the Government and contributed to maintaining the situation of forced labour. She urged governments and employers making investments in Burma to review their relations with the country. Referring to the conclusions of the Selection Committee of the International Labour Conference in 2006, she called for the establishment of a reporting mechanism on steps taken by international institutions, governments and organizations of employers and workers to implement the International Labour Conference Resolution of 2000. She also urged the Government to release Aung San Suu Kyi and other political prisoners.

**The Government member of the United States** commended the ILO, in particular the Liaison Officer and his deputy, for their excellent work, despite the difficult circumstances they often faced. It was now ten years ago that the International Labour Conference had adopted the unprecedented measures available under article 33 of the ILO Constitution in an attempt to secure Burma's compliance with the recommendations of the Commission of Inquiry relating to longstanding, methodical and gross violations of Convention No. 29. Recalling the three specific and clear recommendations made by the Commission of Inquiry, she noted, like some previous speakers that, since the last session of the Conference, there had been a number of steps forward. She encouraged the Government to continue and increase its efforts and urged it to ensure that the simply worded brochure on the complaints mechanism be translated into other local languages and broadly disseminated particularly in rural areas. Notwithstanding these positive steps, continuing and serious deficiencies remained, such as evidence of continuing forced labour throughout the country, the limited reach of the Supplementary Understanding and the discouragement of Burmese citizens from filing complaints, as well as retaliation, including imprisonment, against persons connected with the complaint mechanism. The legislative texts had still not been amended and penalties against forced labour remained inadequate particularly in cases involving military personnel. It was profoundly regrettable that the recommendations of the Commission of Inquiry had still not been implemented and much remained to be done on an urgent basis. Sustained action at all levels was therefore necessary to eliminate forced labour in Burma. The Committee of Experts had identified the types of concrete actions to be taken by the Government to this end and the ILO was willing and able to help it achieve the necessary results. It was incumbent upon the Government to continue to avail itself of the expertise and the assistance of the ILO, and it should take steps to permit additional staff resources so that the ILO Liaison Office in Burma could sufficiently meet the growing demands placed on it. This included issuing without further delay the visa for an international staff member. The Liaison Office should also be allowed to address all situations that fell within the scope of forced labour as defined by Convention No. 29. Only a truly democratic government could effectively guarantee its citizens their human and workers' rights. She urged the Government to release all politi-

**DEEL III**  
**BEHANDELING ONDERWERPEN DOOR DE BEHEERSRAAD OP DE AGENDA**  
**GEPLAATST**



### **3.1 DECENT WORK VOOR HUISHOUELIJK PERSONEEL (STANDARD SETTING – EERSTE DISCUSSIE)**





### **3.1 Decent work voor huishoudelijk personeel (standard setting – eerste discussie)**

Wereldwijd werken miljoenen mensen, veelal vrouwen, als 'domestic workers'. Onder het begrip 'domestic work' worden onder meer tegen betaling verleende huishoudelijke hulp en zorg aan huis geschaard. Domestic work speelt zich in veel landen in de informele sector af en is meestal weinig gereguleerd. Bovendien is er vaak sprake van een – voor de buitenwereld - onduidelijke arbeidsrelatie, aangezien domestic work binnen het huishouden plaatsvindt. Deze beperkte zichtbaarheid van domestic workers maakt dat aandacht voor deze groep wenselijk is.

De Beheersraad van de IAO heeft in maart 2008 besloten om Decent Work for Domestic Workers op de agenda van de 99<sup>e</sup> en 100<sup>e</sup> sessies van de IAC te zetten om in twee discussierondes te komen tot een eigenstandige standaard.

De IAO heeft middels het uitsturen van een vragenlijst naar alle leden de standpunten in kaart gebracht ten aanzien van (elementen van) een mogelijke standaard. Nederland heeft hierbij aangegeven dat voor de Nederlandse context een Aanbeveling voldoende zou zijn.

Uit de respons op de vragenlijst heeft een overgrote meerderheid van de tripartiete IAO-leden een voorkeur aangegeven voor een Verdrag, mogelijk in combinatie met een Aanbeveling. Het Bureau heeft op basis van de enquête een concept tekst ("proposed conclusions") opgesteld die tijdens de 99<sup>e</sup> ILC is besproken. Hierbij is nadrukkelijk uitgegaan van een Verdrag met bijbehorende Aanbeveling.

#### **Hoofdpunten discussie eerste lezing**

In de algemene discussie heeft Nederland in gezamenlijke statements met de EU-lidstaten en met de landen die deel uitmaken van de IMEC groep ("industrialized, market-economy based countries") de aandacht voor domestic workers verwelkomt en aangedrongen op een verwijzing naar de meerwaarde van domestic workers voor de economie als geheel. Daarnaast heeft Nederland aangedrongen op flexibiliteit bij de invulling van dit instrument, om recht te doen aan de nationale omstandigheden van landen. Hiermee wordt ook brede ratificatie mogelijk gemaakt.

Hierna werd al snel door de werkgevers aangestuurd op een stemming over de vorm van het instrument (een Aanbeveling, een Verdrag of een combinatie van beide). Nederland heeft, gezien het grote, internationale draagvlak voor een Verdrag met bijbehorende Aanbeveling in de stemming aangegeven dit te kunnen ondersteunen. Hiermee werd erkend dat er in veel landen behoefte bestaat aan een dergelijk Verdrag, al zou voor de Nederlandse context volstaan kunnen zijn met een losse Aanbeveling.

Vervolgens is de concept tekst van het Verdrag en de bijbehorende Aanbeveling per onderdeel besproken, waarbij de mogelijkheid bestond om amendementen in te dienen. Nederland heeft, veelal samen met de EU lidstaten, maar ook in kleiner verband met landen als Zweden, Noorwegen en Zwitserland, amendementen ingebracht, verdedigd en ondersteund.

Belangrijke discussies vonden plaats met betrekking tot de werkingssfeer van het instrument en de uitsluitingsgronden (paragrafen 3 en 5 van de voorgestelde conclusies), kinderarbeid (paragraaf 7), arbeidsvoorwaarden (paragrafen 9 en 16), arbeidstijden (paragraaf 12), sociale zekerheid (paragraaf 15), en migratie (paragraaf 16).



De definities zoals die nu zijn opgesteld bieden voldoende ruimte aan Nederland om bij eventuele ratificatie groepen die ten minste gelijkwaardig worden beschermd (zoals uitzendkrachten) van de werkingssfeer uit te sluiten.

Over een aantal onderwerpen zal volgend jaar nog uitgebreider gesproken moeten worden, zoals over sociale zekerheid en de elementen van een (al dan niet schriftelijke) arbeidsovereenkomst. Voor Nederland staat hierbij voorop dat de bepalingen in het Verdrag voldoende flexibiliteit kennen om eventuele ratificatie voor Nederland, maar ook voor andere landen, mogelijk te maken. In de Aanbeveling zouden dan meer uitgewerkte bepalingen kunnen worden opgenomen. Het Verdrag zou zich op hoofdlijnen en principes moeten richten en de meer gedetailleerde bepalingen zouden een plaats kunnen krijgen in de bijbehorende Aanbeveling.

Veel landen hebben in het verslag van het comité aangegeven dat zij op bepaalde punten volgend jaar de discussie nogmaals willen voeren.

De conclusies van deze IAC zullen de vorm kennen van voorgestelde conclusies ("proposed conclusions") die komend jaar in een tweede lezing bediscussieerd en aangenomen zullen worden.

### **3.1.1 EU / IMEC VERKLARINGEN**



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the case of the minimum age and child labour regulations. Such exceptions should be borne in mind when creating any minimum age regulations for domestic work. Different age thresholds might apply for migrant domestic workers, since they were often at greater risk of abuse or exploitation. The speaker recalled that domestic workers were often paid in kind as well as in cash. The quality and nature of accommodation for live-in domestic workers was very important. The issue of salary deductions for housing and food was complex, as was demonstrated by the diversity of the replies from the governments, some of whom suggested such deductions should be prohibited, while others considered they should be permitted.

14. Domestic workers were already covered by national and international laws in many fields, notably concerning fundamental principles and rights at work. The ILO had taken the position that domestic workers were included in the coverage of a Convention or Recommendation unless the instrument specifically excluded them. Countries should ensure that they extended the coverage of ratified instruments to domestic workers in practice. However, sometimes the exclusion of domestic workers could be considered appropriate or practical. The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), applied to all workers and employers, without distinction whatsoever, and one should try to ensure that domestic workers and their employers were indeed covered. Nonetheless, in some countries domestic workers did not fulfil the legal requirements for their representation by trade unions in collective bargaining.
15. The capacity of governments to implement regulations concerning domestic work varied widely. Several Conventions allowed the exclusion of domestic workers and many countries had declared such exclusions when ratifying an instrument. Governments had already expressed reservations about the implementation of regulation of domestic workers, given that they could not monitor families and households in the same way as companies. Entering private homes to inspect living and working conditions was difficult, given the conflict between respecting the right to privacy of householders and the right to safety and protection of domestic workers. In this regard, the speaker highlighted the role of governments. The Employers' group believed that a Convention should be reserved for unchanging principles on which broad tripartite consensus existed, and would be unsuitable for domestic work; the differences discussed earlier were too great for an overarching, unbending standard. A confused and inflexible text would make reporting on a Convention's implementation difficult for most governments. A Convention would have to be very general to take into account the differences, and would thus lack effectiveness. The Employers' group supported a Recommendation; it would be more appropriate since it would provide flexibility to cover such a diverse range of activities and enable member States to implement existing and new laws for domestic workers, as appropriate. It would also help member States extend existing national legislation to domestic workers where appropriate and viable, thus providing better protection for domestic workers against abuses than a non-ratified Convention.
16. The Worker Vice-Chairperson emphasized that the Committee had an important and historic mission to make "decent work for all" not just a slogan but a truly inclusive agenda, by ensuring that decent work applied to all domestic workers. Domestic workers had remained excluded from protection against abuse under the labour law in many countries, and also from many international treaties, including ILO Conventions. Specific ILO Conventions that permitted the exclusion of domestic workers from the scope of their provisions included the Minimum Age Convention, 1973 (No. 138), the Private Employment Agencies Convention, 1997 (No. 181), the Termination of Employment Convention, 1982 (No. 158), the Protection of Wages Convention, 1949 (No. 95), and the Social Security (Minimum Standards) Convention, 1952 (No. 102). Quoting from document GB.300/2/2, 300th Session (November 2007) of the Governing Body, she

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highlighted the unacceptable and unprotected situation endured by millions of domestic workers. Although domestic work took many forms and circumstances, domestic workers shared three features: they worked in private homes; were vulnerable to abuses; and lacked the legal protection enjoyed by other categories of workers. Domestic workers, who represented an important and growing segment of the labour force, provided society with many benefits: they freed up others for economic, educational and social activities; provided care to the sick, elderly and the young; supported families through their earnings; and contributed a significant portion of GDP through remittances. Domestic workers were “oil for the wheels” of the economy. Ensuring decent work for domestic workers would yield staggering multiplier effects.

17. The Workers’ group supported a Convention on decent work for domestic workers, supplemented by a Recommendation. There was a strong case for a Convention because the isolation of domestic work made it difficult for trade unions to reach out and organize domestic workers to improve their working conditions. It could be used by governments as a reference for improving the legal environment that would enable domestic workers to have the full range of protection and rights to decent work. The speaker was pleased to note that the majority of governments responding to the ILO questionnaire had supported a binding instrument, and that some had already taken initiatives to improve the situation of domestic workers.
18. The Worker Vice-Chairperson countered several points that had been raised against the formulation of a Convention. First, a binding instrument would not cause rigidity in the labour market; rather, it would promote a more robust and efficient labour market because everyone would be competing fairly within the same set of transparent rules and minimum standards. Contrary to the argument about labour market rigidity, governments had set standards for other workers. Secondly, a binding instrument would not lead to the loss of jobs for domestic workers. With improvements in labour standards, the world had seen growth, job creation and poverty reduction. Thirdly, the notion that different social, economic and cultural conditions across member States made standard setting difficult was heard every time the ILO considered a new standard, but member States had affirmed that ILO standards were universal and applicable to all countries when they adopted the ILO Declaration on Social Justice for a Fair Globalization. She recognized that while some countries would be able to apply new standards immediately, others might need ILO technical assistance. A standard should be seen as a goal that governments should aspire to reach. There was a need for balance between an instrument that was overly prescriptive and one that contained only broad principles. To do justice to this forgotten category of workers, minimum protections were to be set. Fourthly, the argument that a Convention would be difficult to apply because domestic work was performed in households was no reason to deny domestic workers the protection they needed. Finally, although domestic workers were already covered by the ILO Declaration on Fundamental Principles and Rights at Work, specific standards covered other categories of workers who were similarly covered under the Declaration. A specific Convention on domestic workers would facilitate the exercise of their rights under the Declaration, and address a “historic oversight”.
19. The Government member of Spain, speaking on behalf of Government members of Member States of the European Union (EU),<sup>2</sup> candidate countries,<sup>3</sup> potential candidate

<sup>2</sup> Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom.



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countries,<sup>4</sup> as well as Armenia, Republic of Moldova and Ukraine, stated that, in view of the decent work challenges posed by domestic work and the high number of domestic workers in all parts of the world, the EU welcomed the discussion, which should aim, among other things, at promoting the full application of existing ILO standards and tailor-made standards taking into account the special working conditions of domestic workers. While the EU recognized the valuable work performed by domestic workers and that domestic working arrangements often worked well, no forms of abuse could be tolerated. Noting that domestic work was carried out in a private setting, he noted that it was particularly important to protect workers' rights to personal and family privacy. Their isolation could hamper their capacity to organize themselves and to bargain collectively, and contributed to the low visibility of domestic work. That, together with the fact that domestic workers were mostly women and very often migrant workers, meant that they had a lower level of protection than other workers. Any instrument should address the issues of child labour and forced labour, as well as the right to education, and should highlight the importance of domestic work in the economy and in society as a whole, as it contributed to the creation of wealth by allowing family members to work and to balance their personal, family and professional life.

20. EU Member States were considering the possibility of a Convention supplemented by a Recommendation. Consensus and subsequent implementation should be a priority and a general and flexible instrument was therefore preferable. Recognizing that the discussions would not be easy, given the regulatory differences in different member States and the particularities of domestic work as compared to workers in a commercial or business environment, he outlined some of the issues to be discussed by the Committee, and stressed the importance of the task before it.
21. The Government member of Australia, speaking on behalf of Government members of the Asia-Pacific group (ASPAG),<sup>5</sup> remarked that the issue of domestic work was very significant to the ASPAG countries, which comprised both prime source countries and key destination countries for migrant domestic workers and had considerable local domestic workforces. Despite the challenges before the Committee, the group believed that it was critical to focus on the development of a clear, robust and meaningful instrument capable of being implemented under all national conditions, with clear and comprehensive guidance. In that respect, the efforts undertaken in some Asia-Pacific region countries to address the issue of domestic workers in their respective policies and legislation through tripartite consultations could serve as useful models and experience.
22. The Government member of the Bolivarian Republic of Venezuela, speaking on behalf of Government members of the Group of Latin American and Caribbean States (GRULAC),<sup>6</sup>

<sup>3</sup> Croatia and The former Yugoslav Republic of Macedonia (part of the Stabilisation and Association Process); Turkey.

<sup>4</sup> Albania, Bosnia and Herzegovina, Montenegro, Serbia.

<sup>5</sup> Afghanistan, Australia, Bahrain, Bangladesh, Brunei Darussalam, Cambodia, China, Fiji, India, Indonesia, Islamic Republic of Iran, Iraq, Japan, Jordan, Kiribati, Republic of Korea, Kuwait, Lao People's Democratic Republic, Lebanon, Malaysia, Maldives, Marshall Islands, Mongolia, Myanmar, Nepal, New Zealand, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Samoa, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Syrian Arab Republic, Thailand, Timor-Leste, Tuvalu, United Arab Emirates, Vanuatu, Viet Nam, Yemen.

<sup>6</sup> Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Plurinational State of Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador,

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recalled that, at the 301st Session (March 2008) of the Governing Body, her group had been in favour of including the issue of decent work for domestic workers in the agenda of the 2010 session of the ILC and of holding discussions with a view to the possible adoption of a Convention supplemented by a Recommendation. GRULAC recognized the need to address this issue, given that the specificities of domestic work made it necessary to improve the conditions and the protection of domestic workers, who were vulnerable to exploitation and violation of their human and labour rights, despite the important role these workers played in society and in the economy.

23. The Government member of Uruguay supported the GRULAC statement and, based on his country's experience with the protection of domestic workers, stressed that legislation to protect these workers did not have a negative impact on employment rates. The review and reform of labour law and workers' rights had started in 2006, but it had not had a negative impact on employment rates for workers, and employment of domestic workers had remained stable. He underlined the importance of social dialogue and noted that fundamental principles and rights had to be taken into account, in particular freedom of association and collective bargaining. Collective agreements for domestic workers had not affected employment rates and the informal economy had not been ignored. In fact, 50 per cent of the domestic workers reached had previously been part of the informal economy. That was a practical example of legislative change on workers' rights. He expressed support for the adoption of a Convention supplemented by a Recommendation.
24. The Government member of Switzerland expressed support for the adoption of an international instrument for the protection of the rights of domestic workers. It was very important to support this group of workers whose protection needed to be strengthened. This was particularly the case for migrant domestic workers, since they were often unaware of legislation in the country of destination. She stressed that the Committee should focus on substance rather than on the shape of a new international instrument, and recommended that the Conference, at the end of the first discussion, by means of the resolution, include the item "Decent work for domestic workers" in the agenda of the 100th Session of the ILC in 2011, with a view to adopting a Convention and/or a Recommendation.
25. The Government member of China stated that his country's domestic work industry had grown substantially in recent years. The protection of domestic workers was of great importance to the Chinese Government, and measures had been taken to protect their rights. Taking into account the differences between countries, he expressed a preference for the adoption of a Recommendation, although he would support the adoption of a Convention should this be feasible.
26. The Government member of Singapore welcomed the opportunity to exchange experiences and identify good practices and innovative solutions. Domestic workers, both local and foreign, performed essential household services and should be entitled to decent work. At the same time, domestic work differed from other types of paid work as employers did not hire domestic workers to increase their business profits, but rather to help in the household. Any new instrument should be designed to facilitate wide acceptance and application by member States. It should not be overly prescriptive or impractical to enforce, and should reflect the different national circumstances. Singapore would prefer to start with a promotional approach, with an instrument in the form of a Recommendation. The instrument should acknowledge the unique nature of domestic work, recognize the

Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, Bolivarian Republic of Venezuela.

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33. The Government member of the United Kingdom, speaking on behalf of the Government members of industrialized market economy countries (IMEC),<sup>8</sup> considered that domestic workers were more prone to abuse than other workers because of the specific nature of the work they performed. No form of abuse should be tolerated. She expressed the support of the IMEC group for a robust instrument that would ensure adequate protection for domestic workers. Because of differences in national circumstances and the fact that domestic work was performed in private households, flexibility would be necessary to ensure that the instrument would be broadly implemented and yield positive results for the workers involved.
34. The Government member of Norway supported the opening statement of the Government member of Spain, speaking on behalf of EU Member States and a number of other European countries, and also expressed her Government's support for a Convention supplemented by a Recommendation. The purpose of the instruments should be to extend legal protection to groups who did not already have the necessary protection. As regards the content of a new labour standard, the starting point should be that domestic workers deserved the same protection as other workers. Enforcement was important and Norway was prepared to step up efforts to ensure compliance. The fact that the workplace was also a private home called for adaptations, leaving room for member States to shape compliance arrangements with due regard for privacy and national conditions. Any instrument should provide a minimum level of protection as regarded working conditions, and guarantee all the ILO's fundamental principles and rights at work. Special regulations on live-in arrangements would need to be considered. While some of the proposed Conclusions for a Recommendation did not feature in its legislation, Norway would not oppose such regulations if they would be useful to other countries.
35. The Government member of Kuwait, speaking on behalf of the Gulf Cooperation Council (GCC) countries, namely Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates, and Yemen, highlighted the fact that decent work for domestic workers had acquired major importance in the Gulf region, where most domestic workers were migrant and temporary workers. The fight against human trafficking and forced labour was of major importance. Examples of steps taken by countries in the region included labour code provisions or special legislation. He emphasized that GCC countries were committed to promoting decent work for domestic workers and agreed with most of the provisions in the proposed instrument. The new instrument should take into account the specificity of domestic work, different socio-cultural conditions across countries, and provide for the regulation of recruitment and placement agencies in countries of origin which had a role in raising the awareness of migrant domestic workers to their rights and obligations as well as to the socio-cultural conditions in receiving countries.
36. The Government member of India stated that there were more than 6.4 million domestic workers in his country and recognized the vulnerability of domestic workers to abuse, sexual exploitation and human trafficking. However, there was no single solution for all countries; each country would have to address the issues in their own unique context. Underscoring his country's commitment to protecting domestic workers, he pointed out that a number of India's State Governments had taken steps to set minimum wages for domestic workers and extend social security to the unorganized sector. Since many countries had no laws regulating and safeguarding the working conditions of domestic

<sup>8</sup> Australia, Austria, Belgium, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Republic of Korea, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States.

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workers, a Convention might be difficult to ratify and would not have the desired impact. A Recommendation would, however, enable member States to develop feasible and practical standards and policies, and the ILO could assist member States in developing strategies.

37. The Secretary-General wished to share two considerations with delegates. First, he pointed out that the enormous interest shown in participating in the Committee on Domestic Workers and the media coverage around the world reflected the significance and importance of its work. The Committee was dealing with a complex issue that had never been addressed before and delegates had in their hands the potential to prepare a historic instrument. He encouraged delegates to reach a common understanding on an instrument that would generate hope and benefit a huge number of people. Secondly, the Decent Work Agenda was all about the dignity of work – including for domestic workers, who were often forgotten. Work was not just a cost of production but – for society and people – it was a source of personal dignity and peace in the community. It was the ILO’s role to identify these difficult issues. Protecting domestic workers would require a robust and strong response. He encouraged the Committee to go the extra mile and to produce a result of which everyone could be proud.
38. The Government member of Algeria noted that, despite efforts by governments to promote access to decent work to all workers following the global financial crisis, many people had no choice but to engage in domestic work. Policies and strategies were needed to improve their conditions of work and to ensure that they enjoyed the same rights as other workers, especially with regard to fundamental labour rights and the right to social protection. She strongly supported the adoption of an international instrument to protect such workers. Her Government had already put legislation in place to provide domestic workers with maternity leave, medical insurance and other rights.
39. The Government member of Argentina supported the GRULAC statement and stated that fundamental rights for domestic workers needed to be addressed urgently as they were a vulnerable group, largely composed of women. Her Government had initiated a profound reform of the legislation protecting domestic workers. A new bill currently in Parliament included the recognition of the right to freedom of association and collective bargaining, other fundamental principles and rights at work, maternity leave, health insurance, rest periods and the right to a decent wage. She fully supported the adoption of a Convention supplemented by a Recommendation.
40. The Government member of Morocco supported the Africa group statement and favoured the adoption of a Convention supplemented by a Recommendation. Any instruments should define the scope of domestic work and fix a minimum “social floor” of rights and protection, including on working time, weekly rest, annual leave and a fair wage. Instruments should also identify hazardous occupations for children aged between 15 and 18 and provide elements related to appropriate control mechanisms and sanctions. He mentioned that Morocco had also drafted a legislative bill aimed to improve the working conditions of domestic workers by defining, among others, the tasks to be performed under a domestic work relationship; the terms and conditions of employment, including wages; and possible penalties.
41. The Government member of the Islamic Republic of Iran welcomed the opportunity to develop synergies between social partners and governments with a view to achieving comprehensive mechanisms on domestic workers. These collaborative efforts should take into account the social and economic situation of developing countries, where domestic workers were often not adequately organized and represented. To ensure that domestic workers benefited from decent work, a number of conditions needed to be taken into account, including the reduced efficiency of normal monitoring procedures given the

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existing text took into account the fact that, in many countries, domestic workers were employed by multiple households. Secondly, the proposed amendment would exclude the millions who were employed by agencies and who needed the same protection as those who were hired directly by a household. The Private Employment Agencies Convention, 1997 (No. 181), lacked the specificity that would be provided under a separate Convention on domestic workers. The same standards should apply to all domestic workers, whether employed by a householder or an agency.

116. The Government member of Japan asked whether the definition in the proposed Conclusions included workers who were employed by a third party to provide domestic services and childcare to a household as well as people who perform domestic work under instructions given by a householder.
117. Responding to the question raised by the Government member of Japan, the representative of the Secretary-General explained that work performed within an employment relationship included both domestic workers directly recruited by the household and also domestic workers recruited by a third party to provide services to a household.
118. The Government member of the United Kingdom expressed support for the Employers' group's amendment.
119. The Government members of Argentina, Australia, Brazil, Indonesia, the United States, Kuwait, speaking on behalf of the GCC countries, and South Africa, speaking on behalf of the Africa group, opposed the amendment.
120. The Government member of Bangladesh recognized the need for a structure to guide the debate, but saw the need for flexibility. One could also take into consideration subsequent amendments, which would address the main points contained in the amendment under consideration.
121. The Employer Vice-Chairperson made reference to the list of Conventions that allowed for the exclusion of domestic workers that was reproduced in Report IV(1), and pointed out that the Private Employment Agencies Convention, 1997 (No. 181), was not listed there. He asked for the secretariat's opinion on whether domestic workers were excluded from that Convention or not.
122. The representative of the Secretary-General clarified that Article 2(4)(b) of the Private Employment Agencies Convention, 1997 (No. 181), allowed member States to "exclude, under specific circumstances, workers in certain branches of economic activity, or parts thereof, from the scope of the Convention". Hence, while the Convention did not explicitly exclude domestic workers, an inbuilt flexibility clause allowed ratifying member States to exclude them from its scope.
123. The Employer Vice-Chairperson withdrew the amendment. He nonetheless pointed out that the Employers' group would not be able to support any instrument unless there was a clear definition. Moreover, the Private Employment Agencies Convention, 1997 (No. 181), was important and should be referred to in the proposed instrument.
124. The Government member of the United States withdrew an amendment, which proposed to insert, after the word "performed", the words "that is not irregular or intermittent, and is the worker's occupation".
125. The Government member of the Netherlands, speaking on behalf of EU Member States, presented an amendment to insert the words "on a regular basis" after the word "performed". He explained that the EU Member States wanted the Convention to refer to

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professional workers and exclude from the instrument those individuals who performed domestic work sporadically.

126. The Employer Vice-Chairperson supported the proposed amendment.
127. The Government member of Bangladesh supported the proposed amendment. For example in rural areas in Bangladesh, persons undertook sporadic communal activities in domestic settings which should not be included in the definition of domestic work.
128. The Worker Vice-Chairperson understood the motivations of the amendment but asked for clarification from a representative of the EU Member States as to who would be excluded if the definition of domestic work were to be limited to work performed “on a regular basis”. Would individuals who performed domestic work part time, a few days per week, a few hours per day or regularly once a month be excluded?
129. The Government member of Spain, speaking on behalf of EU Member States, clarified that the intention of the proposed amendment was to exclude from the scope of the Convention those people who were performing occasional domestic work as a marginal activity, such as students or occasional babysitters. Such people were not professional domestic workers.
130. The Government member of Uruguay opposed the amendment. The proposed phrase “on a regular basis” was not clear and domestic work in his region was often performed by persons who had not received professional training.
131. The Government member of South Africa rejected the amendment proposed by the EU. Endorsing the statement by the Government member of Uruguay, he explained that the coverage of the proposed instrument should include domestic workers who worked without contracts and also untrained domestic workers who worked on a casual or daily basis.
132. The Government member of Spain, speaking on behalf of EU Member States, explained that the term “on a regular basis” was intended to exclude persons who, for example, worked on an occasional basis as babysitters or au pairs, and who should not be considered professional domestic workers.
133. The Worker Vice-Chairperson had hoped for a fuller explanation; it would be useful to have on record what exactly was meant by “regular”.
134. The Government member of the United States fully agreed with the explanation put forward on behalf of the EU, and elaborated by saying that workers who performed occasional chores such as driving, gardening and babysitting should not be covered by the scope of the instrument. He suggested that a working party could be established to draft a definition of “regular”, or alternatively the issue could be deferred. He cautioned against leaving it to national laws to define, as doing so would defeat the purpose of having universal standards. His Government would support the amendment if a definition of “regular” had been agreed.
135. The Government member of Namibia called for greater understanding among the industrialized countries of the situation in developing countries, where unskilled and poorly educated workers were very often employed to take care of children. Such workers did not necessarily work full time or live in the household, and might work for several employers; it would be interesting to know whether such workers would be classed as babysitters in the EU and the United States. In her view, they were most definitely domestic workers who needed to be protected by the Convention, which had to accommodate regional variations. She would like such workers to be professionalized, but that was not currently feasible. Including a term such as “regular” would limit the scope of

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would need to be found on difficult issues such as social security, health and safety at the workplace and working time. The ultimate aim remained decent work for domestic workers.

- 1120.** The Government member of Canada thanked the Chairperson for her work and the Office for the support provided to the Committee. The Office text of the proposed Conclusions balanced the views of all constituents and provided a good foundation for the development of practical and meaningful international standards for domestic work. In his opening statement, he had stated that a meaningful instrument should provide adequate protection to domestic workers, and offer flexibility in its implementation. The speaker expressed his country's concern that the important balance had not been maintained and that some provisions of the proposed Convention were far too detailed and prescriptive, and would be more appropriate in the proposed Recommendation. In addition, some provisions might be inconsistent with existing international labour standards. Those issues should be revisited in the second discussion.
- 1121.** The Government member of the United Kingdom, on behalf of the IMEC group, thanked the Chairperson, colleagues and the secretariat for a productive meeting. It was a historic International Labour Conference. While the discussions had been challenging, there had been good cooperation between all the parties involved. The commitment to providing decent work to domestic workers remained clear to all.
- 1122.** The Government of Kuwait, speaking on behalf of the GCC countries, joined the previous speakers in thanking the Chairperson, the Employers' group and the Workers' group. He reiterated the importance of improving the conditions of domestic workers, which he hoped was positively reflected in the proposed Conclusions of the Committee.
- 1123.** The Government member of the United States appreciated the work of the Chairperson and the Vice-Chairpersons. He recognized the difficulties in reaching agreement on any international standard, the strong and divergent views on what constituted decent work, and the need to fine-tune the proposed Conclusions drafted by the Committee. The proposed Conclusions provided the essence of what the constituents defined as decent work for domestic workers.
- 1124.** The Government member of South Africa, on behalf of the Africa group, expressed their appreciation to the Chairperson for having facilitated the work of the Committee.
- 1125.** The Government member of Switzerland welcomed the adoption of the proposed Conclusions with a view to the adoption of a Convention supplemented by a Recommendation. She stated that her delegation had followed the work of the Committee with great interest and thanked the Chairperson and the Office for handling a difficult but, at the same time, rich and substantive first discussion, which would contribute to the development of national measures. In addition to the standard contract at the cantonal level, social partners in Switzerland were in the process of negotiating a federal standard contract, including fixing a minimum wage for domestic workers. The Swiss delegation looked forward with much interest to the forthcoming international standards on decent work for domestic workers and welcomed the active participation of social partners and the commitment of national governments, which would allow the adoption of truly comprehensive and universal standards.
- 1126.** The Government member of El Salvador thanked the Committee for its work and mentioned that the Social Security Institute of El Salvador was currently extending social security coverage to domestic workers, a traditionally forgotten and exploited segment of the workforce. Since 1983, the Constitution of El Salvador had included the obligation to establish social security for domestic workers. Based on that, the new Government had

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adopted a regulation on the setting-up and application of a special health and maternity insurance system for domestic workers, including 12 weeks of maternity leave paid at 100 per cent of previous earnings. Those efforts were part of a five-year project to set up universal social protection coverage in the country, which the Government hoped to bring about with the technical assistance of the ILO.

- 1127.** The Government member of Algeria expressed her appreciation to the Chairperson, the Vice-Chairpersons and the secretariat for their work. Much work still lay ahead on the way to the final adoption of the instruments the following year, which she hoped would get the necessary attention.
- 1128.** The Government member of Indonesia also thanked the Chairperson, the Vice-Chairpersons and the secretariat. The report was a good foundation for future implementation. A follow-up to the discussion was necessary to achieve results that would ensure decent work for domestic workers and the commitment of all member States.
- 1129.** The Government member of the Libyan Arab Jamahiriya pointed out that the Committee had achieved an important victory in putting in place the foundations for international standards for domestic workers. This category of workers had suffered from discrimination. In the future, domestic workers should have their rights respected, and the Committee should be proud of that achievement. When the Committee's work was concluded the following year, there would be two international standards to protect such workers.
- 1130.** The Government member of the Philippines believed that the Committee's decision to recommend the adoption of a Convention supplemented by a Recommendation expressed the highest respect for domestic workers. Their vulnerability to abuse should not be a convenient excuse, but in fact a compelling reason to extend the same working and living conditions to them as to other workers. The Committee had recognized domestic workers not only as workers, but also as human beings and respected the inalienability of their human and labour rights. The rights-based approach required that States should detail how they implemented their obligations to domestic workers. While having a system in place for the protection of domestic workers, her country would be the first to acknowledge its gaps and weaknesses, in particular with regard to the trafficking of women and minors. Effective prevention of that crime required the combined efforts of both sending and receiving countries.
- 1131.** The Employer Vice-Chairperson pointed out that ensuring decent work for domestic workers was a formidable task, and had been the challenge before the Committee. He congratulated the Chairperson for conducting the Committee's discussions in an appropriate manner, and thanked the Worker Vice-Chairperson for her participation in the discussion. He extended his vote of thanks to the Government members with whom his group might have agreed on some occasions, and disagreed on others. Those discussions had been part of a democratic process, and his group appreciated their participation. He also thanked the members of the Employers' group for their support.
- 1132.** The Worker Vice-Chairperson expressed her sincere thanks to everyone for having made it possible to adopt the proposed Conclusions of the Committee. Everyone had known that the work of the Committee would not be easy but, in agreeing to have a Convention supplemented by a Recommendation, the Committee had made history. She felt that, thanks to the work of the Committee, the world was beginning to recognize the names and faces of domestic workers who had previously been invisible and ignored. The Worker Vice-Chairperson looked forward to working closely with the Committee members during the 2011 discussion to produce two instruments. The huge deficits which existed in



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## Proposed Conclusions

### A. Form of the instruments

1. The International Labour Conference should adopt standards concerning decent work for domestic workers.
2. These standards should take the form of a Convention supplemented by a Recommendation.

### B. Definitions

3. For the purpose of these standards:
  - (a) the term “domestic work” should mean work performed in or for a household or households;
  - (b) the term “domestic worker” should mean any person engaged in domestic work within an employment relationship;
  - (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.

### C. Proposed Conclusions with a view to a Convention

4. The Convention should include a preamble with the following wording:
  - (a) mindful of the commitment of the International Labour Organization to promote decent work for all through the achievement of the goals of the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization;
  - (b) recognizing the significant contribution of domestic workers to the global economy, which includes increasing paid job opportunities for workers with family responsibilities;
  - (c) considering that domestic work continues to be undervalued and invisible and is mostly carried out by women and girls, many of whom are migrants or members of historically disadvantaged communities, and who are therefore particularly vulnerable to abuses of basic human rights and to discrimination in respect of employment and working conditions;
  - (d) further considering that, in developing countries with historically high rates of unemployment, domestic workers constitute a significant proportion of the national workforce, are predominantly nationals drawn from the ranks of the unemployed and are among the most marginalized and vulnerable workers;
  - (e) recalling that international labour Conventions and Recommendations apply to all workers, including domestic workers, unless otherwise provided;

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- (f) noting that there are international labour Conventions and Recommendations which have particular relevance for domestic workers, such as, where appropriate, the Migration for Employment Convention (Revised), 1949, the Migrant Workers (Supplementary Provisions) Convention, 1975, the Workers with Family Responsibilities Convention, 1981, the Private Employment Agencies Convention, 1997, the Employment Relationship Recommendation, 2006, as well as the ILO Multilateral Framework on Labour Migration;
- (g) recognizing the special conditions under which domestic work is carried out that make it desirable to supplement the general standards with standards specific to domestic workers, to enable them to enjoy their rights fully, taking into account the right to privacy that each domestic worker and each household enjoys;
- (h) recalling other relevant international instruments, such as the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Convention against Transnational Organized Crime and in particular its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
5. (1) The Convention should apply to all domestic workers, provided that a Member which has ratified it may, after consulting representative employers' and workers' organizations and, in particular, organizations representing domestic workers and their employers, where they exist, exclude wholly or partly from its scope:
- (a) categories of workers who are otherwise provided with at least equivalent protection;
- (b) limited categories of workers in respect of which special problems of a substantial nature arise.
- (2) Each Member which avails itself of the possibility afforded in point 5(1) should, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organisation, indicate any particular category of workers thus excluded and the reasons for such exclusion and, in subsequent reports, specify any measures that may have been taken with a view to extending the application of the Convention to the workers concerned.
6. Each Member should take measures to ensure the effective protection of basic human rights for all domestic workers.
7. Each Member should take, in relation to domestic workers, measures to respect, promote and realize, in good faith, and in accordance with the ILO Constitution, the fundamental principles and rights at work, namely:
- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

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- 8.** (1) Each Member should set a minimum age for domestic workers in accordance with the provisions of the Minimum Age Convention, 1973, and the Worst Forms of Child Labour Convention, 1999, and not lower than that established by national laws and regulations for workers generally.
- (2) Each Member should ensure that domestic work performed by domestic workers who are under the age of 18 and above the minimum age of employment does not deprive them of, or interfere with, their education or vocational training.
- 9.** Each Member should take measures to ensure that domestic workers, like workers generally, enjoy fair terms of employment as well as decent working conditions and, where applicable, decent living conditions respecting the worker's privacy.
- 10.** Each Member should ensure that domestic workers are informed of their terms and conditions of employment, in an appropriate, verifiable and easily understandable manner, including, where possible and preferably, through written contracts in accordance with national laws and regulations, in particular:
- (a) the name and address of the employer;
  - (b) the type of work to be performed;
  - (c) the remuneration, method of calculation and regularity of its payment;
  - (d) the normal hours of work;
  - (e) the duration of the contract;
  - (f) the provision of food and accommodation, if applicable;
  - (g) the period of probation or trial period, if applicable;
  - (h) the terms of repatriation, if applicable; and
  - (i) termination of employment provisions.
- 11.** Each Member should take measures to ensure that domestic workers enjoy effective protection against all forms of abuse and harassment.
- 12.** (1) Each Member should take measures to ensure that domestic workers:
- (a) are free to negotiate with their employer whether to reside in the household;
  - (b) are not bound to remain in or with the household during the periods of daily and weekly rest or annual leave;
  - (c) are entitled to keep in their possession their travel and identity documents.
- (2) In taking these measures, due respect should be given to the right to privacy of both the domestic worker and the household.
- 13.** (1) Each Member should take measures to ensure that the normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave of domestic workers are not less favourable than those provided for workers generally in accordance with national laws and regulations.

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- (2) Weekly rest should be at least 24 consecutive hours per each seven-day period.
- (3) Periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls should be regarded as hours of work to the extent determined by national laws or regulations, collective agreements or any other means consistent with national practice.
- 14.** Each Member should take measures to ensure that domestic workers enjoy minimum wage coverage, where such coverage exists, and that remuneration is established without discrimination based on sex.
- 15.** (1) The wages of domestic workers should be paid directly to them in legal tender at regular intervals but not less often than once a month.
- (2) Taking into consideration point 15(1), national laws or regulations, collective agreements or arbitration awards may provide for the payment of a limited proportion of the remuneration of domestic workers in the form of allowances in kind, in conditions not less favourable than those applicable to other categories of workers generally, provided that measures are taken to ensure that such allowances are agreed to by the worker and are appropriate for the personal use and benefit of the worker.
- 16.** (1) Each Member should take appropriate measures, with due regard to the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are not less favourable than those applicable to workers generally in respect of:
- (a) occupational safety and health; and
- (b) social security protection, including with respect to maternity.
- (2) The measures referred to in point 16(1) may be applied progressively.
- 17.** (1) National laws and regulations should require that migrant domestic workers receive a written job offer or a contract of employment containing minimum terms and conditions of employment that must be agreed upon prior to crossing national borders for the purpose of taking up domestic work to which the offer or contract applies, without prejudice to regional, bilateral or multilateral agreements, the rules of a regional economic integration area, where applicable to migrant domestic workers.
- (2) Members should cooperate with each other to ensure the effective protection of migrant domestic workers' rights under this Convention.
- 18.** Each Member should take measures to ensure that all domestic workers, either by themselves or through a representative, have easy access to courts, tribunals or other dispute resolution procedures under conditions that are not less favourable than those available to workers generally.
- 19.** Each Member should establish effective means of ensuring compliance with national laws and regulations for the protection of domestic workers.
- 20.** (1) Each Member should take measures to ensure that domestic workers recruited or placed by an employment agency, including migrant domestic workers, are effectively protected against abusive practices, including by establishing the respective legal liability of the household and the agency.
- (2) Each Member should take measures to:

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- (a) establish criteria for the registration and qualifications of employment agencies, including for publicly available information on any past violations;
  - (b) ensure regular inspections of employment agencies to ensure compliance with relevant laws and regulations, and institute significant penalties for violations;
  - (c) provide accessible complaint mechanisms for domestic workers to notify authorities of abusive practices; and
  - (d) ensure that fees incurred by agencies are not deducted from the remuneration of domestic workers.
21. Each Member should implement, in consultation with representative employers' and workers' organizations, the provisions of this Convention through laws, regulations and collective agreements, as well as through additional measures consistent with national practice, by extending or adapting existing measures to cover domestic workers or by developing specific measures for them.
22. The Convention should not affect more favourable provisions applicable to domestic workers under other international labour Conventions.

#### **D. Proposed Conclusions with a view to a Recommendation**

23. The Recommendation should include a preamble indicating that the provisions of the Recommendation should be considered in conjunction with those of the Convention.
24. In taking measures to ensure that domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members should:
- (a) identify and eliminate any legislative or administrative restrictions or other obstacles to the right of domestic workers to establish their own organizations or to join the workers' organizations of their choice, and to the right of organizations of domestic workers to join workers' organizations, federations and confederations;
  - (b) ensure the right of employers of domestic workers to establish and join organizations, federations and confederations of employers of their choosing;
  - (c) take or support measures to strengthen the capacity of organizations of domestic workers to protect effectively the interests of their members.
25. In taking measures to ensure the elimination of discrimination in respect of employment and occupation among other things, Members should ensure that work-related medical testing respects the principle of the confidentiality of personal data and the privacy of domestic workers and should prevent any discrimination related to such testing.
26. When regulating the working and living conditions of domestic workers, Members should give special attention to the needs of domestic workers under the age of 18 and above the minimum age of employment defined by national laws and regulations, including in respect of working time and restrictions on undertaking certain types of domestic work.
27. (1) The terms and conditions of employment should be provided in an appropriate, verifiable and easily understandable manner including, where possible and preferably, through written contracts in accordance with national laws and regulations; when

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necessary, appropriate assistance should be provided to ensure that the domestic worker has understood those terms and conditions.

(2) The terms and conditions of employment should include the following particulars, in addition to those provided for in point 10:

- (a) the starting date of the employment;
- (b) job description;
- (c) paid annual leave;
- (d) daily and weekly rest;
- (e) sick leave and any other personal leave;
- (f) the rate of pay for overtime work;
- (g) any other cash payments to which the domestic worker is entitled;
- (h) any allowances in kind and their cash value;
- (i) details of any accommodation provided;
- (j) any authorized deductions from the worker's wages; and
- (k) the period of notice required by either the domestic worker or the employer for termination.

(3) Members should consider establishing a model contract for domestic work, in consultation with representative organizations of employers and workers and, in particular, organizations representing domestic workers and their employers, where they exist.

(4) Each Member should consider specifying, by means of laws, regulations or other measures, the conditions under which migrant domestic workers are entitled to repatriation, at no cost to the worker, upon the expiry or termination of the employment contract.

**28.** (1) Hours of work and overtime should be accurately calculated and recorded, and this information should be freely accessible to the domestic worker.

(2) Members should consider developing practical guidance in this respect, in consultation with representative organizations of employers and workers and, in particular, organizations representing domestic workers and their employers, where they exist.

**29.** With respect to periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls (commonly known as standby or on-call periods), national laws and regulations or collective agreements should regulate:

- (a) the maximum number of hours per week, month or year that a domestic worker may be required to be on standby and the means by which these might be measured;
- (b) the compensatory rest period to which a domestic worker is entitled if the normal period of rest is disturbed by standby; and

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- (c) the rate at which standby hours should be remunerated.
30. Members should consider specific measures, including appropriate financial compensation, for domestic workers whose normal duties are performed at night, taking into account the constraints and consequences of night work.
31. Members should take measures to ensure that domestic workers are entitled to suitable periods of rest during the working day, which allow for the taking of meals and breaks.
32. The day of weekly rest should be a fixed day in every period of seven days to be determined by agreement of the parties, taking into account work exigencies and the cultural, religious and social requirements of the domestic worker.
33. National laws and regulations, or collective agreements, should define the grounds on which domestic workers may be required to work during the period of daily or weekly rest and provide for adequate compensatory rest, irrespective of any financial compensation.
34. Time spent by domestic workers accompanying the household on holiday should not be counted as part of their annual leave.
35. When provision is made for the payment of a limited proportion of the remuneration in the form of allowances in kind, Members should consider:
- (a) establishing an overall limit on the proportion of the remuneration that may be paid in kind so as not to diminish unduly the cash remuneration necessary for the maintenance of domestic workers and their families;
  - (b) calculating the cash value of allowances in kind by reference to objective criteria such as the market value, cost price or prices fixed by public authorities, as appropriate;
  - (c) limiting allowances in kind to those clearly appropriate for the personal use and benefit of the domestic worker, such as food and accommodation; and
  - (d) prohibiting allowances in kind that are directly related to the performance of work duties, such as uniforms, tools or protective equipment.
36. (1) Domestic workers should be given at the time of each payment an easily understandable written account of the payments due to them, the amounts paid and the specific amount and purpose of any deductions which may have been made.
- (2) Upon termination of employment, any outstanding payments should be made promptly.
37. Members should take measures to ensure that domestic workers enjoy conditions not less favourable than those of workers generally in respect of the protection of workers' claims in the event of insolvency or death of the employer.
38. When provided, accommodation and food should, taking into account national conditions, include:
- (a) a separate, private room that is suitably furnished, adequately ventilated and equipped with a lock, the key to which should be provided to the domestic worker;
  - (b) access to suitable sanitary facilities, shared or private;

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- (c) adequate lighting and, as appropriate, heating and air conditioning in keeping with prevailing conditions within the household; and
  - (d) meals of good quality and sufficient quantity, adapted to the cultural and religious requirements, if any, of the domestic worker concerned.
- 39.** In the event of termination of employment, for reasons other than serious misconduct, live-in domestic workers should be given a reasonable period of notice and time off during that period to enable them to seek new employment and accommodation.
- 40.** Members should take measures to:
- (a) identify, mitigate and prevent occupational hazards specific to domestic work;
  - (b) establish procedures for collecting and publishing statistics on occupational safety and health related to domestic work;
  - (c) advise on occupational safety and health, including on ergonomic aspects and protective equipment; and
  - (d) develop training programmes and disseminate guidelines on occupational safety and health requirements specific to domestic work.
- 41.** Members should consider means to facilitate the payment of social security contributions by employers, including in respect of domestic workers working for multiple employers, for instance through a system of simplified payment.
- 42.** In relation to point 10(h) of the proposed Conclusions, consideration should be given to migrant workers receiving repatriation at no cost on the expiration or termination of the employment contract for which they were recruited.
- 43.** (1) Members should consider additional measures to ensure the effective protection of migrant domestic workers' rights, such as:
- (a) providing for a system of visits to households in which migrant domestic workers will be employed;
  - (b) developing a network of emergency housing;
  - (c) establishing a national hotline with interpretation services for domestic workers who need assistance;
  - (d) making employers aware of their obligations and of the applicable sanctions;
  - (e) ensuring that domestic workers can access complaint mechanisms and have the ability to pursue both during and after employment legal civil and criminal remedies, both in-country and after repatriation;
  - (f) providing for a public outreach service to domestic workers, in languages understood by the workers concerned, to educate them about their rights under relevant laws and regulations, their access to complaint mechanisms and legal remedies, and other pertinent information.
- (2) Members that are countries of origin of migrant domestic workers should assist in the effective protection of the rights of these workers, by informing them of their rights before



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departure, establishing legal assistance funds, social services and specialized consular services and any other appropriate measures.

- 44.** (1) Members should establish, in consultation with representative organizations of employers and workers and, in particular, organizations representing domestic workers and their employers, where they exist, policies and programmes that:
- (a) encourage the continuing development of the competencies and qualifications of domestic workers, including literacy training as appropriate, so as to enhance their career and employment opportunities;
  - (b) address the work–life balance needs of domestic workers; and
  - (c) ensure that the concerns and rights of domestic workers are taken into account in the context of more general efforts to reconcile work and family responsibilities.
- (2) Members should develop appropriate indicators and measurement systems in order to strengthen the capacity of national statistical offices and effectively collect comprehensive data on domestic workers.
- 45.** (1) Members should cooperate at bilateral, regional and global levels for the purpose of enhancing the protection of domestic workers, especially in matters concerning social security, the monitoring of private employment agencies, the prevention of forced labour and human trafficking, the dissemination of good practices and the collection of statistics on domestic work.
- (2) Members should take appropriate steps to assist one another in giving effect to the provisions of the Convention through enhanced international cooperation or assistance, or both, including support for social and economic development, poverty eradication programmes and universal education.

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**Resolution to place on the agenda of the next ordinary session of the Conference an item entitled “Decent work for domestic workers”**

The General Conference of the International Labour Organization,

Having adopted the report of the Committee appointed to consider the fourth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of Governments, proposals for a comprehensive standard (a Convention supplemented by a Recommendation) concerning decent work for domestic workers,

Decides that an item entitled “Decent work for domestic workers” shall be included in the agenda of its next ordinary session for second discussion with a view to the adoption of a comprehensive standard (a Convention supplemented by a Recommendation).

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### **3.2 HIV/AIDS op de werkplek (tweede discussie – aannemen van een Aanbeveling)**

De 99<sup>e</sup> IAC heeft een aanbeveling over HIV/AIDS and the world of work aangenomen.

De IAO is cosponsor van UNAIDS en motiveert en stimuleert overheden en sociale partners om actie te ondernemen om de aidsepidemie terug te dringen. Dit heeft onder andere geresulteerd in een 'ILO code of practice on HIV/AIDS and the world of work' (2001). Dit is een handleiding voor bedrijven, vakbonden, organisaties en overheden hoe om te gaan met HIV/aids op de werkvloer.

Om het onderwerp hoger op de nationale en internationale agenda te zetten en te stimuleren de Code of practice met grotere daadkracht uit te voeren, heeft de Beheersraad in maart 2007 besloten om 'HIV/AIDS and the world of work' op de agenda te zetten van de 98<sup>e</sup> IAC (2009) om in twee lezingen te komen tot een aanbeveling of een verdrag. Er was in de eerste lezing in 2009 geen draagvlak onder de aangesloten landen voor een verdrag. Ook in 2010 wilde men niet verder gaan dan een aanbeveling. Tijdens de 99<sup>e</sup> IAC is de concept tekst voor de aanbeveling die in 2009 was geformuleerd, becommentarieerd, verder uitgewerkt en uiteindelijk aangenomen. Tevens is een door de werknemersvertegenwoordiging ingediende resolutie aangenomen.

De belangrijkste punten uit de aanbeveling zijn de volgende:

- Geen discriminatie op basis van (vermeende) HIV-status, noch op basis van het behoren bij een groep met (vermeende) kenmerken. Omdat hiv niet overdraagbaar is bij dagelijks lichamelijk contact is de aanwezigheid van iemand met hiv geen bedreiging voor de werkomgeving.
- Een HIV-test mag geen onderdeel uitmaken van de selectieprocedure. Sollicitanten mogen niet gedwongen worden om een HIV-test te ondergaan.
- Alle werknemers en sollicitanten hebben recht op geheimhouding.
- Voorlichting en training moeten 'evidence-informed' zijn en toegankelijk voor mannen en vrouwen, gender- en ander specifieke doelgroepen sensitief en ongeacht seksuele geaardheid.
- Als preventiemaatregelen zijn ook Harm Reduction Programs en Post Exposure Prophylaxen opgenomen.
- Beleidsontwikkeling en programma-uitvoering komen tot stand in overleg met werkgevers- en werknemersorganisaties alsmede met NGOs en organisaties die de belangen behartigen van mensen met HIV (conform GIPA-principe).
- Evaluatie en monitoring via bestaande instrumenten, zoals de tweejaarlijkse rapportage aan UNAIDS.

De onderdelen die Nederland geadresseerd wilde zien zijn daarmee nagenoeg alle gerealiseerd. Hoewel erkend werd dat sekswerk ook werk is, ook al is het in veel landen illegaal, haalde het Nederlandse amendement om sekswerkers specifiek te benoemen bij het begrip 'worker' het niet. Dit gold ook voor het expliciet benoemen van risicogroepen, zoals sekswerkers en mannen die seks hebben met mannen.

Via een door de werknemersdelegatie ingediende en aangenomen resolutie, is de IAO verzocht een Global Action Plan te ontwikkelen en landen technische assistentie te verlenen bij het implementeren van deze aanbeveling.

SZW zal in overleg met de werkgevers- en werknemersvertegenwoordiging de follow-up van deze aanbeveling in Nederland bespreken.

### **3.2.1 EU / IMEC VERKLARINGEN**

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18. The Government member of France, speaking on behalf of the Government members of the industrialized market economy countries (IMEC),<sup>3</sup> stated that the work accomplished during the first discussion last year provided a sound basis for the second discussion and it was necessary not to re-open discussions on issues where consensus had been reached last year in order to give the Committee ample time to focus on refining the text and ensuring that the principles of the Recommendation were clear, well understood and widely applicable. The IMEC group Government members of the Committee also expressed its commitment to a final document which supported a strong and collective commitment to combating HIV/AIDS.
  19. The Government member of Norway expressed the commitment of her Government to tackling HIV/AIDS, acknowledging that stigma, discrimination and gender inequality were important drivers of the epidemic. She welcomed the special focus of the instrument on women and highlighted the contribution of the ILO code of practice and the social partners to HIV/AIDS programmes and the opportunities the new instrument provided to strengthen social dialogue and tripartism. The scope of the draft instrument was wide and covered other aspects of health policy which, in principle, her Government considered outside the mandate of the ILO. Nonetheless, coordination and cooperation between health-care policies and workplace policies were of high value. In her country, the National HIV strategy (2009–14) addressed several policy areas, including working life, and therefore did not make it necessary for Norway to develop a separate HIV/AIDS policy for the workplace. While it was important to ensure a solid framework for protection of vulnerable groups of workers against discrimination, it was not usual in her country to provide protection for specific groups of workers since their rights were covered in national labour legislation. Norway would nonetheless support an instrument that scaled up the response to HIV/AIDS and addressed health-related insecurities at work, even if Norway would have to adapt it to suit its particular context.
  20. The Government member of Namibia expressed support for the draft instrument. AIDS claimed 15,000 lives annually in his country. His Government had developed a National Code on HIV/AIDS and Employment which protected against discrimination in employment, and dealt with the disease like any other life-threatening condition at the workplace in order to encourage affected employees to remain productive as long as possible. The Namibian Government had rolled out antiretroviral drugs to all health districts, and had hosted the United States President's Emergency Plan for AIDS Relief (PEPFAR) Implementers meeting in 2009.
  21. The Government member of Canada underlined the importance of the draft Recommendation for the achievement of MDG 6. The dedicated work of the Committee last year had led to a text which did not require substantial changes except for strengthening the text in some areas. She highlighted the need for the Recommendation to reflect the continuum of access to care, treatment and support required by people living with HIV between periods of employment and during unemployment, due to the episodic nature of the condition.
  22. The Government member of the United Republic of Tanzania expressed appreciation to the Office for having prepared a useful draft Recommendation, and for having taken into account input from the ILO constituents. She detailed her Government's efforts to respond

<sup>3</sup> Australia, Austria, Belgium, Canada, Cyprus (from 3 June), Czech Republic (from 3 June), Denmark, Finland, France, Germany, Greece (from 3 June), Hungary, Ireland (from 4 June), Italy (from 3 June), Japan, Republic of Korea (from 7 June), Luxembourg (from 3 June), Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom and the United States.

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to HIV/AIDS, including: the translation of the ILO code of practice into Swahili; mainstreaming HIV/AIDS into labour inspection; developing the Second National Multisectoral Strategy on HIV/AIDS and the Zanzibar National Multisectoral Strategic Plan, the establishment of the Zanzibar AIDS Control Unit, the Zanzibar AIDS Commission and the Tanzania National Commission for AIDS. She also referred to the United Republic of Tanzania's focus on prevention (including for women, youth and vulnerable groups and workers).

23. The Government member of the Bolivarian Republic of Venezuela, speaking on behalf of the Group of Latin American and Caribbean States (GRULAC)<sup>4</sup> Government members of the Committee, stated the importance that GRULAC attached to HIV/AIDS and the world of work. She recalled that, in 2007, a number of GRULAC countries had asked for the topic to be included in the Conference agenda in 2009. She expressed GRULAC's belief that, although an autonomous Recommendation would not be binding, it would serve to orient, strengthen and improve policies and practices.
24. The Government member of Brazil declared his country's support for addressing the issue of HIV/AIDS and the world of work. While efforts on HIV/AIDS to date had been insufficient, they had saved millions of lives, and stigma against people living with HIV would have been even worse without those efforts. He welcomed the reference by the representative of the Secretary-General to recent legislation in Brazil that prohibited mandatory HIV testing and noted that this legislation had been inspired by the current discussion. He expressed concern regarding the relationship between social inequality and poverty and the AIDS pandemic and underlined the need to strengthen mechanisms of international cooperation.
25. The Government member of India welcomed the proposed draft of the Recommendation. He detailed the negative effects of HIV in high-prevalence countries, including reduced productivity and increased labour costs. The loss of employment and livelihood was a direct result of stigma and discrimination, and women and workers in the informal economy were particularly vulnerable. India had ratified Convention No. 111 and the Ministry of Labour and Employment had developed a National Policy on HIV/AIDS and the World of Work, launched in October 2009. The key strategies for implementing the national policy included education and training, vulnerability studies and risk assessment and a widening of the social security net. A high-level steering committee at the national level ensured effective implementation of the national policy. There were an estimated 2.27 million people living with HIV in India, and the virus was spreading from high-risk groups to the general population. In response, the goal of the third phase of the National AIDS Control Programme was to halt and reverse the epidemic through provision of complete and consistent information and ensuring that people living with HIV had access to quality health services. The Government had made inroads in the fight against HIV/AIDS, including training workers and disseminating information to students in industrial training institutes. Hospitals were reaching out to workers in both the informal and formal economies. The Ministry also chaired the "ILO Project on Prevention of HIV/AIDS in the World of Work – A Tripartite Response", which included enterprises and employers' and workers' organizations. In addition, central trade unions and employers' organizations had issued statements of commitment on HIV/AIDS and had carried out work in the field. He supported the adoption of a Recommendation on HIV/AIDS and the world of work.

<sup>4</sup> Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic (from 3 June), El Salvador (from 3 June), Honduras, Jamaica (from 5 June), Mexico, Nicaragua, Panama, Paraguay (from 5 June), Suriname, Uruguay and the Bolivarian Republic of Venezuela.

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26. The Government member of Kuwait said that in her country people living with HIV had the same rights as the rest of the population. If people living with HIV were unable to work, the Government provided support. HIV prevalence was low in Kuwait; nevertheless, Act No. 62 of 1992 on AIDS prevention protected the rights of people living with HIV and fought the stigma and discrimination related to HIV/AIDS. The Government had set up a number of national authorities to deal with issues related to HIV/AIDS and to ensure relevant education and awareness. National instruments were in place and free HIV treatment was available to all. Men and women were treated equally when it came to treatment and education. The Government worked together with non-governmental organizations (NGOs) and educational organizations to raise awareness among the general public. Kuwait had submitted its report under the United Nations General Assembly Special Session (UNGASS) Declaration of Commitment on HIV/AIDS to UNAIDS and was working with UNESCO and the WHO on various programmes related to HIV. Voluntary counselling and testing was available. Although no centres for this yet existed, they were planned for the near future.
27. The Government member of Chad said that the fight against HIV/AIDS in the workplace was important and had been discussed in tripartite consultations at the Ministry of Labour, which had undertaken various activities to combat HIV/AIDS together with HIV/AIDS associations. A workshop had been organized for directors and managers from the public sector and private enterprises, and a study had been conducted with assistance from UNAIDS in three regions of the country: Moundou, N'Djamena and Bol. Regarding care, the Government of Chad had provided free of charge antiretroviral therapy to those living with AIDS. Furthermore, the issue of the fight against HIV/AIDS in the workplace should also be extended to the informal economy.
28. The Government member of the United States said that its national HIV/AIDS policy and strategy were being re-examined and travel restrictions based on HIV status had been lifted. The new strategy had been developed through community meetings and online forums, in which people from all parts of the country had expressed their views. The main points raised at the meetings were that awareness of HIV/AIDS should be brought back to the forefront of people's minds; comprehensive HIV prevention and education, especially for high-risk groups, should be improved; stigma and discrimination should be eliminated; and HIV prevention and treatment activities should be better coordinated. A special campaign was set up called "Act Against AIDS", aimed at individuals, communities and nations. It urged individuals to act responsibly, seek medical attention where necessary and protect themselves and others from HIV. It encouraged communities to mobilize in order to overcome the challenges related to HIV; fight ignorance and complacency; increase awareness about the severity of the epidemic; ensure that HIV prevention services, testing, medical care and treatment were available to those who needed them; work to fight stigma and discrimination; and increase support for people living with HIV. Nations were urged to recognize the continued epidemic, implement the most effective programmes, ensure access to the most effective prevention interventions and intensify efforts to stop the epidemic. The strategy and campaign were in line with the proposed Recommendation, which was historic. The United States expressed its support for the Recommendation.
29. The Government member of Australia agreed with the statement made by the IMEC group Government members of the Committee. The adoption of a Recommendation consistent with the outcomes of the first discussion was strongly supported. The first discussion of the draft had been thorough and therefore only a few issues remained for discussion. The Recommendation was sufficiently detailed to establish a framework for action on HIV/AIDS in the world of work. The focus should primarily be placed on ensuring that the draft text established an effective model strategic framework for promoting and implementing the ILO code of practice on HIV/AIDS and the world of work. The



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international standard would positively influence domestic policy in varying national contexts and meet the very different challenges facing nations.

30. The Government member of Algeria said that in 2009 there had been consensus on the importance of mobilizing the international community and combating the HIV/AIDS pandemic in order to reduce drastically the economic, social and human cost. She recalled that Government, Employer and Worker members agreed that it was crucial to adopt a Recommendation, even if it was not binding. Algeria had been working in close cooperation with UNAIDS on measures to contain the epidemic despite the low prevalence of HIV (0.1 per cent). The Government had worked together with associations and focused its activities on PMTCT, and awareness raising among young people in schools and universities. Multi-sectoral national mechanisms were also in place. There were centres for testing, which was anonymous and free. A national agency was set up to deal with blood safety and the mandatory monitoring of blood donations. Antiretroviral drugs and treatment were free of charge to all who needed them and eight functioning reference centres providing care for the HIV positive, and persons living with AIDS had been set up to that end. The national strategy had four main pillars: prevention among high-risk groups, care for people living with HIV, mobilizing the community and increasing epidemiological data.
31. The Government member of the Islamic Republic of Iran noted that it was important to have the will to stop the spread of the pandemic. Toward this end, his country had adopted a national programme in accordance with WHO protocols and the ILO code of practice. Under this programme, highly trained medical staff were regularly deployed to remote villages to undertake VCT so as to ensure that HIV-positive persons received treatment in centres, located mainly in the larger cities. People living with HIV had access to free health care, treatment, health insurance and medicine. HIV programmes were extended to potentially vulnerable groups, including high schools, prisons and laboratories. The fact that HIV was not a major problem in his country was due to the strict adherence to moral and family values deeply rooted in the teachings of Islam. Pertinent international instruments, including the proposed Recommendation, should pay more attention to this factor.
32. The Government member of China viewed the draft document as a solid foundation for the Committee's discussion. She supported the development of a Recommendation but pointed out that consideration should be given to the different national conditions and the capacity – especially of developing countries – to implement its provisions. She suggested that the ILO should play a more proactive role.
33. The Government member of Turkey pointed out that his was a low prevalence country with 3,671 identified cases and about 300 new cases annually. His Government was committed to strengthening its HIV response efforts. A coding system had been established since 1994 to maintain patients' anonymity in the HIV reporting system; the Ministry of Health provided both preventive and treatment services; and persons living with HIV had equal rights under the legal system. The National AIDS Commission (NAC), in operation since 1996, was multi-sectoral in composition. The implementation of the national programme was monitored by a technical committee of the NAC, under the guidance of the Ministry of Health. Another multi-sectoral mechanism, the Country Coordination Mechanism (CCM), had been established in 2003 under the NAC to oversee the implementation of Turkey's HIV/AIDS Prevention and Support Programme, funded by The Global Fund to Fight AIDS, Tuberculosis and Malaria. That programme targeted both general and vulnerable populations. Additionally, 14 VCT centres had been established; police officers had been trained so as to support outreach activities; and outreach workers from NGOs and public institutions had been trained to improve their work with vulnerable groups. A project to strengthen surveillance of HIV and sexually-transmitted infections,

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funded by the European Commission, had been carried out in five cities. Turkey supported the adoption of a Recommendation.

34. The Government member of Argentina associated his country with the GRULAC group Government members of the Committee's recognition of the Committee's work during the first discussion, the outcome of which was contained in the draft Recommendation. It was an historic moment for the Committee and he was certain that the Recommendation would prove to be very useful in improving the response to the pandemic.
35. The Government member of the Bolivarian Republic of Venezuela stated that the issue of HIV/AIDS in the context of the global financial and economic crisis had made conditions for workers more challenging, and her Government was committed to improving the welfare and quality of life of workers in the Bolivarian Republic of Venezuela. For this reason, the Government, through the Ministry of Health, had guaranteed universal access to free antiretroviral therapy for people living with HIV including persons with opportunistic infections and those who required nutritional support. All 24 states in the Bolivarian Republic of Venezuela had establishments with doctors with expertise in infectious diseases and immunological tests. In conjunction with the National AIDS and STI Programme, new specialized laboratories had been set up. The armed forces in the Bolivarian Republic of Venezuela also had their own treatment and diagnosis programmes and there was compulsory education for students and enlisted troops in sexual and reproductive health with an emphasis on HIV prevention. Workplace HIV/AIDS prevention programmes established by the Ministries of Labour and Health also covered hepatitis B and C and the behaviour of health workers vis-à-vis exposure to bodily fluids. A total of 187 labour inspectors, 223 health and safety supervisors and 90 professionals in occupational health had been trained to support compliance with safety standards. A total of 120,610 prevention delegates had also been trained. The fight against discrimination in the Bolivarian Republic of Venezuela was enshrined in its Constitution and workers had access to a free telephone number which they could use to report any discrimination-related issues for follow-up.
36. The Government member of the Dominican Republic stated that the workplace was a fundamental pillar in the response to HIV/AIDS in her country. The Ministry of Labour, the Presidential Council on AIDS (COPRESIDA) and the social partners carried out a review of the legal provisions in the proposed text. The text reflected the high quality work done during the first discussion last year. She argued that the main aim was to increase awareness, eliminate discrimination and protect the rights of workers affected by HIV/AIDS, and stressed the need to align the implementation of the Recommendation with the targets of MDG 6. In conclusion, she mentioned a draft bill on HIV for the Dominican Republic was being discussed in the Senate and the Chamber of Deputies. The draft bill would strengthen HIV and AIDS-related issues at work, provided for in the AIDS Act No. 55-93, and once promulgated, would repeal the national legislation governing this subject. She urged the Committee to adopt the text, and to ensure that all medical advances and aspects related to human rights, gender equality and diversity were included.
37. The Government member of Uganda, speaking on behalf of the Africa group<sup>5</sup> Government members of the Committee, expressed appreciation for the comprehensive nature of the proposed Recommendation. Africa was more affected by HIV/AIDS than any other region: an estimated 24 million people were currently living with HIV/AIDS in Africa, two-thirds of whom lived in sub-Saharan Africa. In 2008, 1.4 million people had died of AIDS-

<sup>5</sup> Botswana, Côte d'Ivoire (from 5 June), Ghana (from 3 June), Malawi, Mozambique, Namibia, Nigeria, South Africa, the United Republic of Tanzania, Uganda and Zimbabwe.

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related illnesses in sub-Saharan Africa and 1.9 million had become infected with the virus. Over 14 million children had lost one or both parents to AIDS since the beginning of the epidemic. HIV/AIDS had caused immense human suffering, causing illness and death that had affected workplaces and slowed economic activity and social progress. Governments, employers and workers alike must all participate in the search for remedies to the problems related to HIV/AIDS. The Government of Uganda had been championing the fight against HIV/AIDS since the early 1990s, demonstrating that political commitment and public education could be effective instruments for dealing with the virus. As a result of its efforts, Uganda had witnessed a downward trend in HIV prevalence at the national level from 18 per cent in the early 1990s to 5 per cent in 2010. His delegation encouraged all other countries to put political commitment at the forefront of their efforts in respect of HIV/AIDS. The Africa group remained concerned that some of the principles being proposed in the draft were not being recognized globally, in particular those concerning the compulsory testing of migrant workers in some countries. Ugandans searching for work outside the country were often subject to such mandatory testing, which was of particular concern to his Government.

38. The Government member of Ghana stated that the Recommendation should address the need to integrate other infectious and chronic diseases, particularly tuberculosis (TB), into workplace HIV programmes. Prevention needed to be scaled up and must provide for direct access to services for VCT and treatment. The Recommendation should also clarify the issue of compulsory disclosure.
39. The Deputy Executive Director of UNAIDS, Ms Jan Beagle, expressed appreciation for the ILO's unique contribution to the global AIDS response, which included the protection of the rights of workers with HIV, delivering prevention through workplace programmes and ensuring uptake of services for voluntary HIV testing and treatment. Despite successes in reducing new infections globally by 17 per cent since 2001 and providing treatment to 4 million people by 2009, new infections continued to grow. Prevention services had reached only a fraction of those in need, and there had been an average of 7,400 new infections daily over the past year.
40. The Recommendation would be the first global human rights instrument to focus on HIV in the world of work and the draft contained numerous strategic points including: targeted action for vulnerable groups, integration into Decent Work Country Programmes (DWCPs), achieving MDGs, and ensuring representation of world of work responses within national strategies and action plans. It was also in line with several of UNAIDS' ten priority areas, namely, scaled up prevention, reduced stigma and discrimination, integration of TB into HIV/AIDS programmes, removal of punitive laws and increasing access to treatment.
41. The Director of the WHO Department of Public Health and Environment, Dr Maria Neira, said that the long-standing commitment of the ILO to deliver prevention and care through partnerships in the world of work was commendable. The economic crisis had created a challenge to delivering treatment at a time when the WHO had recommended earlier treatment of the virus for those infected. Prevention remained a primary challenge, and new prevention tools were needed to reduce sexual transmission as well as to eliminate mother-to-child transmission. To strengthen HIV responses, the Recommendation should strengthen implementation of the ten principles of the ILO code of practice. The implementation of the standard would protect human rights, support scaling up prevention, reduce stigma and discrimination and protect jobs. The recognition of potential HIV and TB exposure for health-care workers and the need for ensuring their occupational health and safety was highly commendable.

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42. The Government member of Nigeria expressed full support for the Recommendation because it would contribute significantly to prevention, protection of employment rights of people living with HIV and access to HIV treatment. The inclusion of job seekers and the emphasis on at-risk populations was appreciated. The Recommendation should nonetheless recognize the linkage between vulnerability to HIV/AIDS and poverty.
  43. The Government member of Mozambique, speaking on behalf of the Government members of the Southern African Development Community (SADC), emphasized full support for the position of the Africa group on the draft Recommendation. SADC had undertaken a number of initiatives on HIV, and in 2003, SADC members had made a commitment through the Maseru Declaration to respond to the AIDS epidemic using a multi-sectoral approach. SADC had then developed national and sector-specific HIV/AIDS workplace policies and implementation plans. HIV/AIDS was incorporated into a draft regional safety, health and environment (SHE) policy. A regional monitoring and evaluation framework had also been developed.
  44. The Government member of Lebanon underlined the importance of the proposed Recommendation for reducing discrimination, noting that 1,000 people were estimated to be infected with HIV in his country. HIV testing was important for the Ministry of Labour because many of the foreign workers in Lebanon were domestic workers and could potentially transmit the virus in the households where they worked. Prevention should be strengthened by raising incomes, decreasing poverty and creating jobs.
  45. The Government member of Iraq said the Recommendation would serve as a useful tool, and that despite low prevalence of HIV in Iraq, the Government – along with international organizations and NGOs – had taken steps to prevent new infections. The goals of the national AIDS programme in Iraq included both prevention and economic and social support for those infected with the virus.
  46. The Government member of the Philippines described the Recommendation as an important and historical document. The Philippines had experienced a significant increase in the number of HIV/AIDS cases in 2009, particularly among young urban professionals. A number of instruments had been developed in his country that were in line with the Recommendation, including the 1998 AIDS Prevention and Control Act (Republic Act No. 8509) and implementing guidelines adopted through a tripartite process. The Philippine Civil Service Commission had also released a guidance document on the implementation of HIV/AIDS policies and programmes in the public sector. Prevention programmes were also in place for migrant workers during pre-departure training. The Recommendation should highlight the role of workers living with HIV and AIDS in prevention and care programmes.
  47. The Government member of Côte d'Ivoire noted that his country had reduced HIV prevalence from 14 per cent in the mid-1980s to 4.7 per cent in 2005, but that despite this success, the role of the world of work in the national AIDS response needed to be increased. The proposed Recommendation would assist with this effort.
  48. The Government member of Japan expressed alignment with the IMEC statement and emphasized support for the draft. It was important to begin to consider how the Recommendation would be implemented. Japan had taken steps to implement the ILO code of practice on HIV/AIDS including the development of guidelines, prohibition of compulsory HIV testing for employment purposes, confidentiality of medical information and employment discrimination. Labour inspectors had also been trained to introduce and enforce the implementation of these guidelines.

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49. The Government member of Zambia voiced agreement with the statements of SADC members and expressed support for the Recommendation. It would assist in achieving Zambia's national AIDS programme goal of a zero infection rate by 2030.
  50. The Government member of France supported the comments of the IMEC group and EU Member States Government members of the Committee and expressed resolute support for the Recommendation. France had played a key role in the global HIV/AIDS response and had developed its first code of practice to protect the workers in the world of work 23 years ago. The Committee should ensure legal rigour and use its time effectively and avoid reopening discussions on issues where consensus had been reached during the first round of discussions.
  51. The Employer Vice-Chairperson said that the draft Recommendation was a good basis for moving forward, and that the Committee's present task was to refine it. Most of the presentations made during the debate had supported the idea of adopting an international standard. The ILO code of practice had been recognized as a milestone document that had been widely implemented voluntarily by employers without any external requirements or prescriptions.
  52. The new instrument must allow for innovation and be adaptable to country situations and emerging trends. Attention must be paid to the informal economy, since the negative effects of HIV in that sector were increasing, particularly in Africa. The efforts within the informal economy must avoid placing financial constraints on small-scale and informal enterprises.
  53. The emphasis on prevention, treatment, care and support was commendable. While the Recommendation clearly noted the responsibilities of enterprises, individual workers were also responsible for contributing to effective programmes in the world of work. HIV/AIDS must also be addressed through integrated programmes in the workplace that included other infectious diseases, such as TB, in order to avoid stigmatization.
  54. The Worker Vice-Chairperson said that the statements made by Government members had given hope and assurance and had demonstrated member States' willingness to engage objectively in the work of the Committee. There had been general agreement that the draft would provide a good basis for the work of the Committee, although some areas, such as the reference to universal access to testing and the links between HIV and poverty, among others, should be strengthened. The Governments that had participated in the debate represented every region of the world, and the example of Uganda had shown that it was possible to reverse the prevalence of HIV through political will, rather than rhetoric. The instrument, when adopted, would be autonomous, and must serve as a road map for all parties concerned. It must be flexible, in order to guide national policies and laws. It should speak to all nations, and should be applicable through whatever tools each nation had at its disposal. The debate had illustrated that all parties present in the Committee were willing to continue to improve the quality of the draft, with a view to improving the lives of all workers. The adoption of the new instrument was a opportunity to make history.

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## **Consideration of the proposed Recommendation on HIV/AIDS and the world of work**

### **Preamble**

#### ***Third preambular paragraph***

55. The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, introduced an amendment to replace the phrase “HIV/AIDS” with the words “HIV and AIDS” since the two terms were not interchangeable, and the proposed new phrasing was in line with UNAIDS’ standard terminology. The change should be made throughout the document.
56. The representative of the Secretary-General stated that it was a useful amendment but noted that the phrase “HIV and AIDS” was generally appropriate, but on occasions, it was also appropriate to use the terms “HIV” and “AIDS” in isolation, depending on the discussion at hand. The decision on how and when to use the terms should be left to the Committee Drafting Committee.
57. The Employer and Worker Vice-Chairpersons agreed with the amendment as further qualified by the Office. The Government members of the Dominican Republic, France, Kuwait, United States, and Spain, on behalf of the EU Member States Government members of the Committee, also supported the amendment.
58. The amendment was adopted with the understanding that the Committee Drafting Committee would determine the manner of usage in the text.

#### ***Proposed new preambular paragraphs after the fourth preambular paragraph***

59. The Worker Vice-Chairperson introduced an amendment to insert a new phrase after the fourth paragraph: “Considering that poverty reduces access to prevention, treatment, care and support, and therefore increases the risk of HIV transmission, and”. The proposed phrasing would emphasize the impact of poverty on access to prevention and care services and on the possibility of increasing HIV transmission.
60. The Employer Vice-Chairperson responded by reminding the Committee that this issue had been reviewed during the first round of discussions, and it was determined that there was no scientific proof of the relationship between poverty and HIV vulnerability, so this assumed linkage should not be included in the text.
61. The Worker Vice-Chairperson argued that despite a lack of statistical evidence, it was clear at the country level that poor people were not benefiting from HIV prevention, testing and treatment services. It was also clear that poorer regions of the world were experiencing a greater impact of the HIV virus compared with wealthier regions.
62. The Employer Vice-Chairperson drew the attention of the Committee to sections of Report V(2A), page 9, which stated “the Office consulted UNAIDS, which has confirmed that the link between poverty and HIV/AIDS is more complex than the simple formulations in the earlier version of the Preamble could reflect adequately.” He

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emphasized that based on this explanation from the Office, the Employers' group did not support the amendment.

63. The Government member of Kuwait introduced a subamendment to introduce the word "might" between the words "poverty" and "reduces". This would eliminate the need to provide evidence for the linkage between poverty and HIV transmission. The Chairperson of the Committee asked that this suggestion be put on hold pending further discussion of the amendment.
64. The Government member of France, speaking on behalf of the IMEC group Government members of the Committee, supported the proposed amendment noting that there was a clear linkage between poverty and the burden of HIV in developing countries.
65. The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, supported the general content of the amendment put forward by the Workers' group but noted that it had also proposed an amendment that linked both poverty and unemployment to reduced access to prevention, treatment and care and support.
66. The Worker Vice-Chairperson agreed to withdraw the amendment based on an understanding that the issue would be discussed in a subsequent amendment proposed by the Africa group.
67. The amendment was withdrawn.
68. The Worker Vice-Chairperson introduced an amendment proposing to add a new paragraph on the relationship between HIV/AIDS prevalence and the informal economy. After the fourth paragraph, a new paragraph should be inserted: "Noting the strong interrelation between HIV/AIDS prevalence and the informal economy; recalling the importance of reducing the informal economy by attaining decent work and sustainable development; and". This amendment was important because it would link HIV prevalence to the specific needs of the informal economy, which was experiencing the bulk of the burden of HIV/AIDS, particularly in southern Africa.
69. The Employer Vice-Chairperson expressed reservations about the proposed amendment. In three countries in Africa, persons in the informal economy had a lower HIV prevalence rate than those in the formal economy. The third paragraph of the Preamble already referred to the serious impact of HIV/AIDS "on society and economies, on the world of work in both the formal and informal sectors". That reference was sufficient. The statement that there was a "strong interrelation between HIV/AIDS prevalence and the informal economy" was too assertive to be used without specific statistical support.
70. The Worker Vice-Chairperson explained that in many cases, HIV/AIDS prevention interventions had not reached the informal economy. The draft should therefore draw attention to the need to focus on the informal economy.
71. The Government member of France, speaking on behalf of the IMEC group Government members of the Committee, expressed support for the proposed amendment, since the aim of the Recommendation was to maximize the use of the workplace in the fight against HIV/AIDS. That aim was much more difficult to achieve when work was being carried out in the informal economy. Since the ILO was striving to achieve decent work through the formalization of the informal economy, the amendment should be supported.

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72. The Government member of Ghana explained that her delegation could not support the proposed amendment without more research and data to back up the assertion of a linkage between HIV vulnerability and the informal economy. There was insufficient evidence to support the reference to the interrelationship between HIV prevalence and the informal economy.
73. The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, said that the HIV prevalence rate among workers in the informal economy varied from country to country. In Uganda, for example, studies had shown that HIV prevalence among formal economy workers was increasing and was higher than among informal economy workers. The Africa group Government members of the Committee could therefore not support the proposed amendment.
74. The Government member of France, speaking on behalf of the IMEC group Government members of the Committee, proposed a subamendment to replace the proposed amendment from the Workers' group with the paragraph: "Recalling the importance of reducing the informal economy by obtaining decent work and sustainable development in order to mobilize the world of work in the struggle against HIV/AIDS; and". He stated that this subamendment would reduce the emphasis on the presumed relationship between the informal economy and HIV transmission and emphasize the importance of promoting decent work, reducing the size of the informal economy and mobilizing the world of work in the struggle against HIV/AIDS.
75. The Worker Vice-Chairperson noted that, while statistics might show that a large percentage of a country's economy might be in the informal economy, this might not be the case in all countries. Nonetheless the impact of HIV/AIDS on the informal economy was profound, particularly in southern Africa where the informal economy accounted for 95 per cent of local economies. As such, he expressed his acceptance of the subamendment proposed by the Government member of France.
76. The Employer Vice-Chairperson proposed a further subamendment, to place the focus on creating decent work and responding to HIV/AIDS rather than on reducing the size of the informal economy. The reference to reducing the size of the informal economy should be withdrawn.
77. The Government member of Chad noted that in the proposed Recommendation there was a reference to the informal economy. He suggested that instead of the word "recalling" the importance of reducing the informal economy, the wording could be changed to "considering" or "deeming the importance of". This would mitigate the assertion that priority should be placed on reducing the size of the informal economy in all contexts.
78. The Government member of the Côte d'Ivoire expressed his agreement with the Employer Vice-Chairperson's remarks. He suggested leaving the proposed text as it stood, as there was already sufficient attention to the informal economy in the Recommendation. He noted that the link between poverty and HIV/AIDS had been established, but that the link between the informal economy and HIV/AIDS had not. The text should avoid assertions which were not supported by facts.
79. The Employer Vice-Chairperson withdrew his group's proposed subamendment and expressed support for the subamendment proposed by the Government member of France, speaking on behalf of the IMEC group Government members of the Committee.
80. The Government member of Ghana expressed agreement with the subamendment proposed by the Government member of France but noted that, in terms of correct terminology, the word "response" to HIV should be used instead of the word "struggle".



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This was more in line with standard UNAIDS phrasing that was developed to remove stigmatizing language that may have a negative effect for people living with HIV and AIDS. This question was referred to the Committee Drafting Committee for its consideration.

81. The amendment was adopted as subamended.
82. Mr Juan Somavia, the Director-General of the ILO, (the Secretary-General of the International Labour Conference) addressing the Committee, noted the importance of tripartism and social dialogue in developing new international labour standards, noting that while the process may seem slow at times, in the end the products were created through a process of consensus that allowed for effective implementation. He noted the early reference of President Sam Nujoma to the magnitude of the HIV problem in Africa. He recalled the ILO's first action on HIV/AIDS over ten years ago, noting that the ILO had found its niche in the HIV/AIDS field by mobilizing tripartite partners and workplaces to reach large segments of the population with HIV programmes. The development of this new international standard would take the work of the ILO and its partners to "the next stage" and would elevate the commitment at national and international levels. He noted challenges due to the financial crisis, which further highlighted the importance of ensuring a sustained world of work response for HIV/AIDS.

#### ***Fifth preambular paragraph***

83. The Worker Vice-Chairperson proposed an amendment to insert the words "high levels of social and economic inequality" after the words "Noting that" in the fifth preambular paragraph. In support of the amendment he made reference to a 2007 study undertaken by Dr Peter Piot, the former Executive Director of UNAIDS, which stated that AIDS was a disease of inequality.
84. The Employer Vice-Chairperson supported the amendment and it was adopted.

#### ***Seventh preambular paragraph***

85. The Government member of Uganda, on behalf of the Africa group Government members of the Committee, proposed an amendment which sought to replace the word "or" between the words "vulnerable" and "at-risk" with the word "and". He argued that the amendment made the statement more inclusive of vulnerable and at-risk groups.
86. The amendment was adopted with support from the Employer and Worker Vice-Chairpersons.

#### ***Eleventh preambular paragraph***

87. The Employer Vice-Chairperson introduced an amendment which sought to delete the words "including those that recognize the right to the highest attainable standard of health and to decent living standards," after the words "HIV/AIDS and the world of work". He argued that the term "world of work" included much of what came later in the paragraph.
88. The Worker Vice-Chairperson did not support the amendment, explaining that the included text added value, and the right to the attainment of the highest standard of health was a right supported by the WHO and contributed to the achievements of the MDGs. The instrument should indicate that health was a right and should not lose reference to decent living standards which were core to the ILO's mandate. The Government members of France, speaking on behalf of the IMEC group Government members of the Committee,

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Kuwait, Spain, speaking on behalf of the EU Member States Government members of the Committee, Uganda and the United States also opposed the proposed amendment, as did the Government member of Argentina, on behalf of the GRULAC group, Government members of the Committee.

89. The Employer Vice-Chairperson withdrew the amendment.
90. The Government member of Uganda, on behalf of the Africa group Government members of the Committee, proposed an amendment which sought to insert the words “and implement” after the word “promote”. He argued that member States were expected to implement the instrument in their respective countries.
91. The amendment was adopted with the support of the Employer and Worker Vice-Chairpersons, and the Government member of Spain, on behalf of the EU Member States Government members of the Committee.

### ***Proposed new paragraph after the eleventh preambular paragraph***

92. The Government member of Uganda, on behalf of the Africa group Government members of the Committee, introduced an amendment to add a new paragraph after eleventh preambular paragraph: “Considering that poverty and unemployment increase the risk of lack of access to prevention, treatment, care and support, therefore increasing the risk of transmission, and”. The Worker Vice-Chairperson supported the amendment. The Employer Vice-Chairperson considered that the amendment was superfluous as a result of the previous amendment adopted by the Committee. The Government member of France, speaking on behalf of the IMEC group Government members of the Committee, supported the amendment while the Government member of Brazil proposed as a subamendment the insertion of the words “social and economic inequality” after the word “poverty” in the amendment proposed by the Africa group Government members of the Committee. The amendment was adopted as subamended by the Government member of Brazil, with the understanding that the Committee Drafting Committee would examine the document to ensure that account would be taken of any superfluous text arising from the previous amendment to the fifth preambular paragraph.

### ***Fifteenth preambular paragraph***

93. The Government member of Spain, on behalf of the IMEC group and EU Member States Government members of the Committee, proposed an amendment which sought to replace the word “in” after the word “structures” by the words “dealing with HIV/AIDS including”, and to add “/AIDS” after “HIV” at the end of the paragraph. She argued that the paragraph should include all stakeholders and not just those working in the health sector, and the amendment would increase the scope of the text. The Employer Vice-Chairperson requested further information on the amendment, but in principle had no objection. The Worker Vice-Chairperson supported the amendment.
94. The Government member of Uganda, on behalf of the Africa group Government members of the Committee, agreed that the amendment was useful and focused. The Government member of Kuwait recalled that WHO has called for inclusion of HIV/AIDS in the health sector. The Government member of the Bolivarian Republic of Venezuela added that the amendment appeared to introduce restrictions rather than widening the scope. She felt it was necessary to increase the scope to include other sectors and not only those involved directly with HIV work. The Government member of Brazil pointed out that the text in Spanish could indeed be interpreted as limiting the scope of the text.

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95. The amendment was adopted with the understanding that the Committee Drafting Committee would better align the different language versions.

### ***Sixteenth preambular paragraph***

96. The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, introduced an amendment which sought to replace the words “governments and employers” with the words “governments, employers” to improve the flow of the sentence. The amendment was supported by the Worker Vice-Chairperson. The Employer Vice-Chairperson introduced a subamendment to introduce the words “employers’ and workers’ organizations and governments” between the word “guide” and the word “in”, arguing that it had to be made clear that the instrument was for governments and not organizations.
97. The subamendment was supported by the Government member of Uganda, on behalf of the Africa group Government members of the Committee, as well as the Worker Vice-Chairperson.
98. The amendment was adopted as subamended by the Employers’ group, and the Committee Drafting Committee would check for accurate translation.
99. The Committee then adopted the Preamble as a whole as amended.

## **I. Definitions**

### ***Paragraph 1***

#### **Clause (a)**

100. The Employer Vice-Chairperson introduced an amendment which would, after the words “appropriate measures”, replace the rest of the clause with “and behaviours. Without effective intervention and treatment, HIV results in the development of AIDS in almost all infected persons.” Although the definition of HIV had been discussed at length during the Committee’s previous session, and UNAIDS and WHO had been consulted, the Employers’ group wished to delete certain elements that lacked clarity, introduce the concept of the risk attached to behaviour, and broaden the reference to treatment by replacing the words “antiretroviral therapy” by “intervention and treatment”.
101. The Worker Vice-Chairperson said that his group could not support the proposed amendment. Considerable time had been spent discussing the definition of HIV, and the Committee had eventually decided to call on UNAIDS and the WHO for assistance. The product of the work of those experts was currently before the Committee. The inclusion of a reference to behaviours would suggest an element of personal responsibility for infection with the HIV virus. In some cases, such as mother-to-child transmission, there was no such responsibility. Socio-economic conditions could also leave people vulnerable to HIV/AIDS. The proposed Recommendation was not intended to teach a moral lesson, since that could result in people feeling threatened and fewer people getting tested, which would go against the Committee’s intentions.
102. The Government member of France, speaking on behalf of the IMEC group Government members of the Committee, said that while his group understood the concerns of the Employers’ group, it could not support the proposed amendment, since the Committee had decided to refer the issue to a group of experts, and should respect the outcome of that

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decision. The Government member of Kuwait said that the reference to appropriate measures and behaviours should be explained in more specific terms. She agreed with the proposal to replace “antiretroviral therapy” by “intervention and treatment”. The Government member of Nigeria pointed out that when the ILO code of practice had been drafted, the issue of defining HIV had been debated by experts, and a definition had been agreed. He asked why that previously agreed definition had not been used in the draft. The use of antiretroviral therapy alone did not guarantee that a person living with HIV would not develop AIDS. If opportunistic infections were adequately handled, similar results could be achieved. He wondered whether the team of experts might be able to reconsider the definition, since, in its present form, it would not stand up to technical scrutiny. The definition found in the ILO code of practice should be used for the purposes of consistency.

103. The Employer Vice-Chairperson reminded the Committee that while the experts had been asked to contribute to the process of defining HIV, the decision to adopt that definition remained with the Committee. The Worker Vice-Chairperson pointed out that despite the fact that the ILO code of practice contained a definition of HIV, the Committee had still felt the need to call on experts for advice. The new draft went beyond the scope of the ILO code of practice, and the definition therefore required further development.
104. The Government member of Morocco expressed his delegation’s support for the proposed amendment, and pointed out that only the first two sentences of the Paragraph constituted a definition. The remainder of the Paragraph was an explanation. The Government of Uganda, speaking on behalf of the Africa group Government members of the Committee, agreed that only the first two sentences of the Paragraph constituted a definition. The Africa group Government members of the Committee objected to the addition of the words “and behaviours”. The Government member of Nigeria said that it was now up to the Committee to decide whether to accept the definition, or to ask the experts to give it further consideration. The lack of a cure for the infection should not be mentioned in the text, since a cure might be developed in the future. The Government member of Argentina said that since the beginning of the pandemic, changes had been made to the name and the definition of the virus. The Committee should call on the group of experts to arrive at a succinct definition. Any changes the Committee wished to make to the definition included in the draft must receive the approval of UNAIDS.
105. The Employer Vice-Chairperson then proposed to subamend the Employers’ group’s amendment by adding the words “and behaviours” after the word “measures” and deleting the rest of the Paragraph.
106. The Worker Vice-Chairperson argued that the word “behaviours” should be deleted. He stated that the definition could either be decided by the Committee, or that it could be referred to the experts. The Government member of Nigeria believed that the Committee had sufficient expertise in this subject area to decide on a definition of HIV. What was needed was to clarify whether “measures” and “behaviours” were different. He suggested that “measures” could include provision of antiretroviral drugs and other interventions external to the individual. “Behaviours” would refer to what a person himself/herself did. In this way the two terms were complementary.
107. In this regard, the Government member of Brazil suggested that the word “behaviours” was imprecise. The definition of HIV in question was not a general HIV definition but rather a definition targeting the world of work. The question was not just about the survival of people living with HIV, but, rather, about them living and working for an extended period. The Government member of Côte d’Ivoire suggested that it would be useful to define other issues, such as HIV prevention and treatment.

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- 108.** After consultations among the Officers of the Committee, the Worker Vice-Chairperson proposed making a subamendment to delete the reference to “behaviours”. The text would read, “the term ‘HIV’ refers to the human immunodeficiency virus, a virus that damages the human immune system. Infection can be prevented by appropriate measures.” The Employer Vice-Chairperson stressed the importance of behavioural change, but noted that the term “behaviours” could be read into “measures”, and that the draft Recommendation referred to behaviours in other sections. He therefore supported the subamendment, as did the Government members of Ghana, Morocco and the United States.
- 109.** The amendment, as subamended by the Workers’ group, was adopted.
- 110.** Paragraph 1(a) was adopted as amended.
- 111.** A representative from the Brazilian delegation shared his experiences as a worker living with HIV. He had spoken at the Conference last year about his experience. He had lived with HIV for more than 12 years and so could offer practical experience of what it meant to be living with HIV. He noted the definitions in the text and explained that an HIV-positive person was a human being with symptoms of an illness. He said that HIV-positive people could lead normal lives, with normal life expectancies without opportunistic infections, and with normal levels of productivity and could be useful to society. They should not be defined by the disease. It was essential, however, that they received appropriate prevention, treatment, care and support. It was important too that they were able to maintain their dignity. Support and solidarity should be the watchwords that guided the treatment of persons living with HIV. He hoped that the text developed by the Committee would adequately address the issues and concerns of HIV-positive workers. He indicated that he intended to support Brazil in its efforts to contribute to the development of a sound document.

Clause (b)

- 112.** The Employer Vice-Chairperson introduced an amendment on the definition of the term “AIDS” to replace “effectively treated with antiretroviral therapy” with “diagnosed early enough, or at all, or is not effectively treated”. He pointed out that antiretroviral treatment was given an undeserved prominence in the definition and that the focus should be on timely diagnosis.
- 113.** The Worker Vice-Chairperson supported the amendment which also received the support of the Government representatives of Kuwait and Morocco.
- 114.** The Government member of Nigeria recommended that the definition should be rephrased to reflect only what was scientifically accurate and that other details such as the drivers of the epidemic should be addressed elsewhere in the text. He proposed deleting the last part of the definition in the draft document, namely: “defined by the occurrence of opportunistic infections or HIV-related cancers, or both”.
- 115.** The Worker Vice-Chairperson noted that the suggestion from the Government member of Nigeria was useful but his group wanted to maintain a reference to opportunistic infections in the revised definition. The revised phrase should therefore read “results from advanced stages of HIV infection, driven by the occurrence of opportunistic infections”.
- 116.** The Government member of France, speaking on behalf of the IMEC group Government members of the Committee, recommended that the words “and cancers” be reintroduced to the definition in addition to opportunistic infections.

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117. The Government member of Uganda, on behalf of the Africa group Government members of the Committee, agreed with the Government member of France and proposed the following definition: "AIDS refers to the acquired immunodeficiency syndrome, which results from advanced stages of HIV infection and is characterized by opportunistic diseases or cancers or both." The Employer Vice-Chairperson and the Government member of Nigeria supported the subamendment of the Africa group Government members of the Committee.
  118. The Worker Vice-Chairperson requested that a reference to treatment be incorporated in the definition offered by the Africa group Government members of the Committee.
  119. The Government member of Nigeria noted that the draft Recommendation was not aimed only at the ILO and its constituents but also at the wider HIV/AIDS community, hence the need to ensure that the definitions were scientifically correct. He argued that the issue of treatment should not be included in the definition, but agreed on the issue of opportunistic infections. The Employer Vice-Chairperson concurred by noting that the text of the draft Recommendation already contained a section on treatment and urged the Committee to eliminate reference to treatment in the definition.
  120. The Worker Vice-Chairperson stated that they had listened carefully to the discussions. He proposed returning to the definition of "AIDS" as it was described in the ILO code of practice.
  121. The subamendment was not seconded.
  122. The amendment was adopted as subamended by the Africa group Government members of the Committee.
  123. Paragraph 1(b) was adopted as amended.

Clause (f)

124. The Government member of Spain, speaking on behalf of the IMEC group and EU Member States Government members of the Committee and Norway, proposed an amendment to delete the words "in any way" from the definition of people affected with HIV. She argued that from an implementation point of view, it would be impossible to legislate for people whose lives are changed "in any way" by HIV.
125. The Employer and Worker Vice-Chairpersons and the Government member of Uganda, on behalf of the Africa group Government members of the Committee, supported the amendment.
126. The amendment was adopted.
127. Paragraph 1(f) was adopted as amended.

Proposed new clauses at the end of Paragraph 1

128. The Government member of France, speaking on behalf of the IMEC group Government members of the Committee, explained that the definition of the term "workplace" as well as the definition of the term "worker" (dealt with in another draft amendment) had been agreed upon by the Committee during the first round of discussions, but that they had been removed from the text by the Office. The definitions were broad and flexible and followed the standards of existing international instruments. Precise definitions would also simplify the debate that might arise in regard to Section II "Scope". The proposed amendment on

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“place of work” suggested the following definition to be added at the end of Section I: “The term ‘place of work’ refers to any place in which workers perform their activity as set out in ILO instruments.”

- 129.** A representative of the Office said that the definitions had been adopted by the Committee in 2009 before the adoption of Section II “Scope”, and the Office suggested that these definitions therefore might not be required. The Committee could of course reinsert definitions of those terms in the text. He noted that a definition of the term “workplace” only existed in ILO instruments relating to occupational safety and health, and the term “workers” was not defined in any one ILO instrument.
- 130.** The Chairperson reminded the Committee that the discussion should only focus on the definition of “place of work” and that the discussion on the definition of “worker” should be discussed as a separate amendment.
- 131.** The Employer Vice-Chairperson supported the amendment as put forward by the Government member of France, speaking on behalf of the IMEC group Government members of the Committee.
- 132.** The Worker Vice-Chairperson said that if there were no definitions in ILO instruments, the Committee must find its own relevant definitions. However, if the addition of new definitions resulted in changes to Section II “Scope”, the Workers’ group could not support them.
- 133.** The Government member of Brazil said that a definition of workplace was essential. The Committee could make use of the definition in existing ILO occupational safety and health instruments. The first part of the definition as found in the amendment was of vital importance to the work of the ILO and its partners. It should be incorporated into the definitions section of the text. The proposed definition should eliminate the phrase “as defined by ILO instruments” and read as “The term ‘place of work’ refers to any place in which workers perform their activity.” The Government member of Uganda, on behalf of the Africa group Government members of the Committee, and the Government members of Argentina and the Bolivarian Republic of Venezuela concurred with this suggestion. The Employer Vice-Chairperson expressed support for the subamendment, provided that the words “place of work” be replaced by “workplace”. The Worker Vice-Chairperson agreed with the amendment, provided that there would be no change in Section II “Scope”.
- 134.** The Government member of France, on behalf of the IMEC group Government members of the Committee, reiterated that a discussion on a definition of “workplace” was necessary. He noted that Section II “Scope” stated that the draft Recommendation would cover all workplaces.
- 135.** The Government member of Nigeria asked whether the phrase “as referred to in ILO instruments” in the proposed definition of “place of work” referred to Occupational Safety and Health Convention, 1981 (No. 155). There was a danger in having the “workplace” defined differently in various ILO documents.
- 136.** A representative of the Office explained that Safety and Health in Construction Convention, 1988 (No. 167) and Safety and Health in Construction Recommendation, 1988 (No. 175), and Occupational Safety and Health Convention, 1981 (No. 155) and Occupational Safety and Health Recommendation, 1981 (No. 164), had different definitions of “workplace”. These definitions referred only to workplaces under the control of employers. The definition offered in the subamendment, however, was broader, because it was not limited to those under the control of an employer.

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137. The Worker Vice-Chairperson stated that there was already sufficient consensus on the term “workplace”. As long as the Workers’ group was assured that the definition of “workplace” would not reduce the scope of coverage of the Recommendation, they would accept the amendment as put forward by the Government member of France, on behalf of the IMEC group Government members of the Committee, and further amended by Brazil and the Employers’ group.
138. The amendment was adopted as subamended.
139. The proposed new clause to Paragraph 1 was adopted as amended.
140. The Government member of France, speaking on behalf of the IMEC group Government members of the Committee, briefly stated that what he had said earlier concerning the previous amendment also related to the discussion of the definition of “workers” and that the proposed definition was inclusive and would not limit the scope of coverage of the Recommendation. The proposed definition in the amendment was: “The term ‘workers’ refers to persons working in any form, as set out in the relevant ILO instruments.”
141. The Employer Vice-Chairperson suggested deleting the reference “as set out in the relevant ILO instruments”.
142. The Worker Vice-Chairperson responded with a subamendment that would place an additional phrase on the proposed definition: “as defined in Section II Scope”.
143. The Government member of France, speaking on behalf of the IMEC group Government members of the Committee, stated that, while he had no objection in substance, to the proposal of the Workers’ group, he was concerned about importing definitions from other sections. Definitions should be refined in sections that cover scope rather than being defined in those sections.
144. The Worker Vice-Chairperson stated the definition of worker should be revised from “persons working in any form” to “all workers without distinction of any kind, working in all workplaces.”
145. The Employer Vice-Chairperson stated that if they were to accept the suggestion of the Worker’s group, Section II “Scope” would no longer be needed because there would be no distinguishing features to be enumerated in that Section.
146. The Government member of Brazil expressed support for the Workers’ subamendment.
147. The Government member of Zambia expressed concern over the proposed definition from the Workers’ group that included the word “workers” in the definition. He suggested that it be replaced with the term “persons”.
148. The Government member of France, speaking on behalf of the IMEC group Government members of the Committee, clarified that “worker” (in the singular) meant any worker anywhere but noted that the Government member of Zambia had presented a reasonable compromise.
149. The Worker Vice-Chairperson introduced a subamendment so that the proposed amendment would add, at the end of Paragraph 1, “The term ‘worker’ refers to persons working under all forms or arrangements.” The primary intent of the Workers’ group was to ensure that the definition of “worker” was as inclusive as possible, so that, for instance, it covered workers who might be currently out of work in order to guarantee continuity of treatment. The Workers’ group was in a position to agree with the definition on the



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understanding that it did not interfere with coverage determined by the scope of the proposed Recommendation (proposed Paragraph 2).

150. The Employer Vice-Chairperson supported the subamendment.
151. The Government member of Chad reminded the Committee that the ILO's focus was on workers at work and in many countries those not currently employed were adequately covered by social security schemes. He urged the Committee not to confuse these two categories.
152. The Worker Vice-Chairperson explained that the ILO code of practice was intended to cover a wide range of persons, and the scope of the draft Recommendation already extended beyond persons at work. The definition should therefore be as comprehensive as possible.
153. The amendment, as subamended, was adopted.
154. The proposed new clause to Paragraph 1 was adopted as amended.
155. The Committee then proceeded to adopt Paragraph 1 as amended.

## **II. Scope**

### ***Paragraph 2***

#### **Sub-clause(a)(ii)**

156. The Employer Vice-Chairperson introduced an amendment to replace sub-clause (ii) by "persons in training, including interns and apprentices", in order to make the section on the scope more inclusive. His group subamended the amendment, by replacing the word "persons" by "those".
157. The Worker Vice-Chairperson supported the proposed amendment, as subamended.
158. The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, as well as the Government members of Algeria, Australia and the United States, also expressed support for the amendment as subamended.
159. The amendment, as subamended, was adopted.

#### **Sub-clause (a)(iii)**

160. The Government member of Australia introduced an amendment to Paragraph 2(a)(iii) which would add "supplementing public services and initiatives", after the word "volunteers". The amendment was intended to capture in the scope of the instrument volunteers who supplemented workforces not otherwise included in employment relationships.
161. The Employer Vice-Chairperson said that since clause 2(a) included the words "working under all forms or arrangements", all volunteers would be covered by the instrument, and the amendment as proposed by Australia would in fact restrict the scope. His group therefore could not support the proposal. The Worker Vice-Chairperson agreed, and emphasized that the instrument must have the broadest scope possible.

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**162.** The Government member of Australia withdrew the amendment.

Sub-clause (a)(iv)

**163.** The Employer Vice-Chairperson introduced an amendment which proposed the deletion of the words “jobseekers and” from sub-clause (iv), and explained that since the term “jobseekers” did not occur anywhere else in the text it was unnecessary to include it in the scope.

**164.** The Worker Vice-Chairperson said that his group could not support the proposed amendment, since the instrument must strengthen the principles set out in the ILO code of practice. The inclusion of jobseekers in the scope of the instrument enriched the text, which must have a broad enough coverage to enable the progressive development of legislation.

**165.** The Government member of Brazil, speaking on behalf of the GRULAC group Government members of the Committee, agreed that the proposed amendment could not be supported, since it would narrow the scope of implementation of the proposed Recommendation. The Government member of France also preferred the widest scope possible. The Government member of the United States pointed out that the draft instrument also referred to “recruitment”, which could include instances where employers initiated the contact with workers.

**166.** The Employer Vice-Chairperson withdrew the amendment.

Sub-clause (a)(v)

**167.** The Employer Vice-Chairperson introduced an amendment to replace in the French version of the draft Recommendation the term “mis à pied” with “suspendus”. He asked whether this translation would better capture the term “laid-off” which had several implications. Clarification was needed on whether the term meant “terminated” or someone made “redundant”.

**168.** The Worker Vice-Chairperson said that the phrase “laid-off” should be kept, to keep the notion as broad as possible. “Laid-off” could cover a situation where worker was put out of a job due to declining business. In this case the worker was not “dismissed”, as he or she would be waiting to be called back. For such a worker, any HIV-related services should continue. Another case would be retrenchment due to economic conditions, in which a worker could be off work for a longer period of time. Even though retrenchment was virtually terminating the worker’s services, if there was a provision of HIV services, then there must be a transition to public health services. He noted that workers suspected of misconduct, or under investigation, should not be discriminated against and should have their treatment continued. Suspended workers could be considered “laid-off” until their alleged misconduct was clarified.

**169.** The Employer Vice-Chairperson questioned whether the situations enumerated by the Worker Vice-Chairperson were adequately covered by the French phrase “mis à pied”.

**170.** The Government member of France said that the question should be referred to the Committee Drafting Committee in light of discussion on this term.

**171.** The Government member of Algeria explained that the French term “mis à pied” in her country’s legislation referred to a sanction or disciplinary action against a worker and she recommended that the term “suspension” be used instead. The Government member of

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Mali concurred. The Government member of Argentina pointed out that a different translation of the term might be required in the Spanish text also.

172. The Employer Vice-Chairperson advised that the nuances of the term as evidenced in the discussions should be captured to enable the Committee Drafting Committee to develop the appropriate text.
173. A Worker member explained that it was nonetheless important to keep the sense of a disciplinary action against a worker under the scope, as any denial of HIV-related services would result in a double punishment. He suggested using “mis à pied et/ou suspendus”.
174. The Employer Vice-Chairperson pointed out that the intention of the Paragraph was to define coverage and that action-related matters could be addressed at a later point in the text.
175. The Worker Vice-Chairperson advised that his group would support language that was all-inclusive. The Committee agreed that the matter would be referred to the Committee Drafting Committee.

Proposed new sub-clauses after  
Paragraph 2(a)(v)

176. The Government member of Uganda on behalf of the Africa group Government members of the Committee introduced an amendment to add a new sub-clause after subparagraph 2(a)(v): “seasonal and casual or temporary workers; and”. He indicated that such workers constituted vulnerable groups and should be included so that they could have the right to access prevention, treatment, care and support.
177. The Worker Vice-Chairperson supported the amendment.
178. The Employer Vice-Chairperson was of the view that the existing text provided coverage to all workers in all workplaces and included specific groups that had been considered to be outside the ambit of the scope. To add to that list would result in a narrower scope because it could invite exclusion of others. The Government member of France, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, noted that they had submitted an amendment to be discussed later, that would ask for a deletion in Paragraph 2 of a reference to a specific group, since the existing text covered all workers. As such, they could not support the amendment.
179. The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, stated that it had taken into account the views of the Employers’ group and the IMEC group Government members of the Committee and realised that the introduction of this amendment would have reduced the scope of the Recommendation. Based on this, the Africa group Government members of the Committee withdrew the amendment.
180. The amendment was withdrawn.
181. The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, proposed an amendment to add a new sub-clause after 2(a)(v): “migrant workers.” The Government member of Uganda, on behalf of the Africa group Government members of the Committee, withdrew the amendment without discussion.
182. The amendment was withdrawn.

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Clause (c)

183. The Government member of Spain, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, introduced an amendment to delete clause (c) on armed forces and uniformed services, and argued that there was no need to mention armed forces and uniformed services explicitly since they were included in 2(a), which referred to “all workers”.
184. The Worker Vice-Chairperson did not support the amendment. Armed forces and uniformed services were not generally covered under labour laws and required special attention with respect to HIV/AIDS. UNAIDS recognized armed forces and uniformed services as an important group for HIV programmes, and this group required specific mention in the Recommendation. The Government member of Brazil, speaking on behalf of the GRULAC group Government members of the Committee, the Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, and the Government members of Algeria and Zimbabwe supported this position.
185. The Employer Vice-Chairperson stated that the Employers’ group was neither in support of nor against the amendment, and Governments should provide the key input.
186. The Government member of the Netherlands sought clarification from the Office as to whether the armed forces and uniformed services were covered by ILO instruments.
187. A representative of the Office noted that there were four ILO Conventions which mentioned the armed forces and police, in each case allowing them to be excluded from the coverage of the instruments.
188. The Government member of Chad pointed out that there were specific programmes for military personnel in Chad. There were civilian personnel working in the armed forces and the police.
189. The Government member of France, speaking on behalf of the IMEC group Government members of the Committee, argued that there was consensus that armed forces and uniformed services would be covered in the Recommendation. Clause 2(a) included “all workers” so it was not necessary to mention armed forces and uniformed services explicitly in a separate clause. Whether or not armed forces were covered in national labour laws was not an issue because the Recommendation already included them. The purpose of the amendment was to reduce any confusion in interpreting the scope.
190. The Worker Vice-Chairperson argued that there was no need to exclude the armed forces and uniformed services. If it were true that on occasion the health systems within the armed forces were more advanced, then it made sense to include them. The inclusion of clause 2(c) was not meant to unionize the armed forces. The need for a defence force which had access to all life-support programmes was essential.
191. The Government member of Spain, speaking on behalf of the IMEC group Government members of the Committee, withdrew the amendment.

Proposed new clauses after Paragraph 2(c)

192. The Government member of the Netherlands, speaking on behalf of the Government members of Spain and Sweden, introduced an amendment to insert a new clause after clause (c): “(d) sex workers”. She argued that sex workers were an important target group in the HIV/AIDS response, and they faced numerous challenges to their safety, health and

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social protection. When they remained unrecognized, it was difficult to develop effective programmes to ensure the prevention, reduced stigma and discrimination and access to HIV treatment and care they needed. The employment rights of sex workers with HIV should also be recognized. The responsibility of sex workers, their employers and their clients to ensure safer sexual behaviours should also be an inherent part of the AIDS response. It was not the intention to raise issues of the legality of sex work but to instead ensure that sex workers' basic rights were covered in the Recommendation.

- 193.** The Worker Vice-Chairperson expressed full support for the amendment. He argued that sex workers were a high-risk group, often exploited by their employers and their clients, and had little access to public health services. Sex workers lacked labour and social protection, and their needs should be highlighted to the public. The Government member of Brazil also supported the proposed amendment.
- 194.** The Employer Vice-Chairperson said that the question of the inclusion of a specific reference to sex workers was problematic, since his group had no institutional involvement with this sector. Sex workers were not identified specifically in the context of the world of work. While his group recognized the importance of protecting sex workers, it could not support the inclusion of that reference in Paragraph 2(a) of the document.
- 195.** The Government member of France said that sex workers were not a legally recognized category of workers in most countries, but should be covered by the proposed Recommendation. He proposed a subamendment to replace the phrase "sex workers" with "the sex industry" because sex workers, for the most part, fell outside the scope of most national legal systems.
- 196.** The Government member of Morocco stated that, as a Muslim country, it could not recognize people selling sex as a category of workers or any industry of sex workers and, therefore, could not support either the amendment or the subamendment. The Government member of Algeria agreed with this position.
- 197.** The Worker Vice-Chairperson pointed out that since Paragraph 2(a) dealt with all categories of workers, rather than industries, his group could not support the subamendment.
- 198.** The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, said that his group could not support either the amendment or the subamendment. In most countries sex work was illegal, and identifying the sex industry in the text would give that industry a sense of legitimacy, which it should not have. While sex workers should be protected and sensitized to the risks they faced, they should not be singled out in the instrument.
- 199.** The Government member of France withdrew the subamendment he had proposed. His Government could not support the amendment, since sex workers were not a legal category of workers.
- 200.** The Worker Vice-Chairperson said that the instrument should cover all aspects of protection for workers, whatever their workplace, and whether their work was legal or not. In order to address the HIV/AIDS pandemic, sex workers should be protected. Although the members of the Committee came from different backgrounds and would respond differently to different issues, the proposed Recommendation would be an international instrument, which should be broadly applicable. Recommendations were intended to be a guide to national laws and policies: the content of the Recommendations should not be defined by them. Despite different backgrounds and country situations, sex workers existed all over the world. His group strongly supported the proposal to include sex workers as a

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241. The Government member of France agreed with the Workers' group that the term "role" was too general, and that "participation and engagement" were more precise. The Government member of Brazil, speaking on behalf of the GRULAC group Government members of the Committee, as well as the Government members of Morocco and Spain, voiced their opposition to the Employers' group's subamendment.
242. The Employer Vice-Chairperson withdrew his group's proposed subamendment.
243. The amendment, as subamended by the Government member of Spain, was adopted so that a new clause was added between clauses (e) and (f) to read: "workers' participation and engagement in the design, implementation and evaluation of national and workplace programmes should be recognized and reinforced."
244. The Worker Vice-Chairperson introduced an amendment to add, at the end of clause 3(f), the words "such as TB". According to reports by the WHO and UNAIDS, one third of HIV-positive people also had TB, and, in some countries, TB was the cause of death of up to half of the people with AIDS. Action against HIV and TB should go hand in hand.
245. The Employer Vice-Chairperson supported the amendment, noting also the emerging problem of drug-resistant forms of TB. In the final draft "tuberculosis" should be spelled out.
246. The amendment also drew support from the Government member of France, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, the Government member of the Dominican Republic, speaking on behalf of the GRULAC group Government members of the Committee, and the Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee.
247. The amendment was adopted.
248. The Government member of Spain, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, introduced an amendment to insert after the word "workers" in Paragraph 3(g), the words "their families and dependants" so as to be consistent with the wording in 3(a) and 3(e).
249. The amendment was supported by both the Employer and Worker Vice-Chairpersons, and the Government members of Algeria, Kuwait and Uganda, speaking on behalf of the Africa group Government members of the Committee.
250. The amendment was adopted.
251. The Government member of Iraq introduced an amendment, seconded by the Government member of Egypt, to replace clause 3(h) with the following: "workers may be required to undertake an HIV test; and". He noted that people needed to know their status so as to be able to access treatment early.
252. The Worker Vice-Chairperson did not support the amendment since the aim of the Committee was to improve on the ILO code of practice, which did not support mandatory testing as it was a violation of inherent human rights. The Workers' group did not support mandatory testing in any form.
253. The Employer Vice-Chairperson noted that while the document recognized the importance of testing for managing HIV, it recognized also that individual freedoms and rights should be protected and sought to balance both requirements. The voluntary nature of testing

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should be maintained. The proposed amendment implied mandatory testing and he therefore did not support the amendment.

**254.** The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, did not support the amendment since it implied mandatory testing which would serve as a discouragement to workers. The Government member of Mali, noting that his country had laws that banned obligatory testing, also opposed the amendment. The Government member of Mexico, speaking on behalf of the GRULAC group Government members of the Committee, opposed the amendment since it would infringe human rights. The Government member of Nigeria did not support the amendment because mandatory testing often drove HIV-positive persons underground, in addition to violating human rights principles.

**255.** The amendment was withdrawn.

#### Proposed new clause at the end of Paragraph 3

**256.** The Government member of France, speaking on behalf of the IMEC group and the EU Member States Government members of the Committee, introduced an amendment to add a new clause at the end of Paragraph 3 as follows: “the protection of workers in occupations that are particularly exposed to the risk of HIV transmission”. The proposed new clause would emphasize protection for workers exposed to the risk of occupational transmission. In the first discussion, his group had strongly insisted on the strengthening of this component in the general principles.

**257.** The Worker Vice-Chairperson supported the amendment.

**258.** The Employer Vice-Chairperson did not support the amendment. He noted that both clauses 3(d) and 3(f) already addressed the issue of occupational transmission of HIV and the added clause would be redundant.

**259.** The Government members of Kuwait and Nigeria, and the Government member of the Bolivarian Republic of Venezuela, speaking on behalf of the GRULAC group Government members of the Committee, agreed with the Employers’ group’s position and did not support the amendment.

**260.** The Government member of France recalled that the concept of particular occupations exposed to the risk of HIV had been included under the general principles at Point 6(f) of the Conclusions adopted last year but had disappeared from the current text.

**261.** The Worker Vice-Chairperson maintained his support for the amendment and concurred with the views of France. The proposed amendment was broader than Point 6(f) which was confined to the issue of prevention programmes. The amendment should be included even if it seemed redundant, as it was a necessary tautology.

**262.** The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, proposed deleting clause (f) and adopting the amendment, since the amendment was broader, as long as the reference to TB that was in clause (f) was added. The Government member of Nigeria agreed with this position.

**263.** The Worker Vice-Chairperson expressed his group’s continued support for the amendment and agreed to the suggestion of the Africa group Government members of the Committee to include the reference to TB. However, he did not agree to the removal of clause (f).

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264. The Government member of Morocco noted that the adoption of the amendment would necessitate the defining of occupations where workers were particularly exposed to the risk of HIV transmission. He did not support the amendment.
265. The Government member of the Netherlands proposed combining the amendment with clause (f).
266. After a reminder from a representative of the Office that clause (f) had already been adopted, the Committee dropped consideration of actions related to clause (f).
267. The Government member of the Bolivarian Republic of Venezuela, speaking on behalf of the GRULAC group Government members of the Committee, expressed her strong support for the comments of the Government member of Morocco and did not support the amendment. She argued that it was essential for the proposed Recommendation to have a broad coverage and that the reference to specific occupations where workers were at particular risk of HIV transmission could be restrictive and make countries focus on only those occupations.
268. The Government member of France noted that the two issues of concern to Governments opposing the amendment were repetition and restriction. Regarding repetition, he noted that 3(f) was directed at all workers through prevention programmes. The proposed amendment addressed workers whose activities exposed them to a higher risk of HIV transmission. The amendment was not meant to introduce a restriction, but to highlight occupations where workers were exposed to particular risks.
269. The Chairperson noted that the amendment had the support of the Workers' group and the Government members of the Committee of the Africa group, the EU Member States Government members of the Committee and the IMEC group Government members of the Committee. The Employers' group, the GRULAC group Government members of the Committee, Kuwait and Morocco opposed the amendment.
270. Since the majority of Committee members supported the amendment, it was adopted.
271. Paragraph 3, as amended, was adopted.

#### **IV. National policies and programmes**

##### ***Paragraph 4***

272. The Government member of Spain, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, presented an amendment to insert the words "including income-generating strategies," after the word "strategies." This was related to highlight the importance of access to income as an integral part of HIV prevention and treatment.
273. The Worker Vice-Chairperson supported the amendment and proposed a subamendment to include the words "decent work and" before "income-generating strategies" to highlight the relation between HIV and socio-economic inequality. The Recommendation should promote decent work as part of the HIV/AIDS response, and decent work should be mainstreamed into all ILO activities because it was the foundation for improving social justice.



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274. The Employer Vice-Chairperson proposed a further subamendment to insert the words “and productive” between “decent” and “work”, noting that decent work should also be productive.
275. The Worker Vice-Chairperson rejected the subamendment proposed by the Employers’ group, noting that there was no need to bring the issue of productivity into the discussion.
276. The Government member of Brazil and the Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, supported the subamendment from the Workers’ group but rejected the proposal from the Employers’ group, noting that the issue of productivity was not related to the discussion.
277. The Employer Vice-Chairperson pointed out that work was not always productive and recalled that the United Nations General Assembly had recognized the ILO concept of decent work, but stated that it must be productive to achieve the MDGs. Decent work and income-generating strategies could only be sustainable through productive work. The Government member of Kuwait supported this position.
278. The Worker Vice-Chairperson pointed out that governments would only devise national policies and income-generating strategies that were sustainable. Recognition of decent work was sufficient to support the MDGs without a specific reference to productivity.
279. The Employer Vice-Chairperson proposed replacing the words “and productive” with the words “and sustainable”, thus making reference to “decent and sustainable work” in an effort to meet the concerns of the Workers’ group.
280. The Employer Vice-Chairperson proposed amending the text to read, “including decent work, sustainable enterprises and income-generating strategies”.
281. The Worker Vice-Chairperson accepted the proposal, which was supported by the Government members of Algeria, Brazil, and Kuwait as well as the Government member of Ghana, on behalf of the Africa group Government members of the Committee.
282. The amendment was adopted as subamended.
283. The Worker Vice-Chairperson withdrew the amendment on Paragraph 4(b), which would have asserted “including decent work and income-generating activities” because the concerns of the Workers’ group on this issue had been addressed in the previous discussion on the subamendment of 4(b).
284. Paragraph 4 was adopted as amended.

### **Paragraph 5**

285. Paragraph 5 was adopted without amendment.

### **Paragraph 6**

286. The Government member of France, speaking on behalf of the IMEC group Government members of the Committee, proposed a rewording of the Paragraph as follows: “The national policies and programmes should be developed by the competent authorities, in consultation with the most representative employers’ and workers’ organizations, as well as organizations representing persons living with HIV and AIDS, taking into account the views of relevant sectors, especially the health sector.” This would highlight the

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312. The Government member of France suggested replacing the words “should be allowed to work” with “should have the possibility of continuing to carry out their work.”. The Government member of Belgium supported this position. The Government members of Algeria and Chad, and the Employer Vice-Chairperson accepted this suggestion.
313. The Worker Vice-Chairperson rejected the subamendment and explained that the word “should” was the most forceful option to protect the continued employment of people living with HIV. As a compromise, he proposed to introduce the words “should be enabled to continue.” The Government member of France agreed with this suggestion.
314. The Government member of Kuwait responded that the word “enable” was weak and should not be used.
315. The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, argued that the word “allow” suggested that the employer was in the position to decide whether or not the worker should continue to work, and this was not in the interest of the worker. She further argued that the words “be able to” implied a certain form of disability which should not be associated with persons living with HIV.
316. The Government member of Spain proposed alternative wording for the Paragraph: “Persons with HIV-related illness should be provided with reasonable accommodation if necessary and continue to work as long as they are medically fit to do so.” The amendment was not seconded.
317. The Employer Vice-Chairperson said that there was general agreement that workers with HIV should have the option to work as long as medically fit and should be provided with reasonable accommodation to do so.
318. The Worker Vice-Chairperson highlighted the importance of including the word “possibility” in the subamendment to guarantee the option for continued employment. He proposed a new wording: “Persons with HIV-related illness should not be denied the possibility to continue to carry out their work, with reasonable accommodation if necessary, for as long as they are medically fit to do so.”
319. The Employer Vice-Chairperson supported the subamendment and added that it should be given to the Committee Drafting Committee for further refining as the Committee agreed on the orientation but had encountered some difficulty in finding the correct wording. The Government member of France supported the Employers’ and Workers’ groups, as did the Government member of Ghana, on behalf of the Africa group Government members of the Committee.
320. The amendment was adopted as subamended.
321. Paragraph 13 was adopted as amended.

#### **Paragraph 14**

322. The Worker Vice-Chairperson proposed an amendment to replace the word “promoting” by the word “ensuring”, which his group considered would strengthen the document. Prevention was a general principle of the instrument and was a fundamental priority.
323. The Employer Vice-Chairperson expressed his group’s concern about the change of emphasis the amendment would cause. The word “ensuring” suggested forcing workers to participate in the implementation of the instrument. While employers could ensure the effective confidentiality of personal data, including medical data, as provided for by

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clause (f), they could only promote, rather than ensure, the elements covered by clauses (a)–(e). His group could therefore not support the proposed amendment.

- 324.** The Government member of France, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, said that his group could not support the proposed amendment and would prefer to consider the subsequent amendment to Paragraph 14, submitted by the Africa group Government members of the Committee, which went along similar lines.
- 325.** The Worker Vice-Chairperson withdrew his group’s proposed amendment in favour of the following amendment.
- 326.** The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, introduced an amendment which would insert the word “ensuring” at the beginning of clauses (a), (b) and (f); and the word “promoting” at the beginning of clauses (c), (d) and (e), in an attempt to strengthen the document where possible, but without forcing the implementation of certain measures.
- 327.** The Worker Vice-Chairperson expressed his group’s support for the proposed amendment.
- 328.** The Employer Vice-Chairperson wished to replace “ensuring” by “promoting” before clauses (a) and (b). If an enterprise “ensured” human rights, it must have the right to apply sanctions in the event that those rights were not respected. Confidentiality of personal data could be ensured, which was why his group could support the use of the word “ensuring” before clause (f). The word “promoting” should be used before clauses (a)–(e).
- 329.** The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, explained that if an employer ran a workplace in which human rights were not respected, the employer and the perpetrator of the violation would be held accountable. Where human rights have been violated, appropriate sanctions should be applied.
- 330.** The Worker Vice-Chairperson said that human rights were a combination of obligations and responsibilities. It was the role of those in positions of responsibility, such as governments at the national level, and employers at the enterprise level, to ensure that human rights were respected. In the workplace environment the obligation lay with employers to ensure that human rights were respected by applying appropriate sanctions in the event of a violation of those rights.
- 331.** The Government member of France, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, indicated that his group preferred the amendment as originally submitted by the Africa group Government members of the Committee.
- 332.** The Employer Vice-Chairperson requested confirmation that the use of “ensuring” before “respect for human rights” carried with it the understanding that in the event of a violation of human rights in the workplace, employers would have the right to apply the appropriate sanctions, as necessary, and in accordance with national law.
- 333.** The Worker Vice-Chairperson said that company policies and contracts were premised on human rights. In an assault case, for example, the worker concerned could be dismissed by the employer. It was up to the employer to enforce these principles on the shop floor.

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334. The Employer Vice-Chairperson said that his group would withdraw its subamendment and accept the amendment as proposed by the Africa group Government members of the Committee on the understanding that employers with the obligation to ensure respect for human rights would have the right to apply sanction in their respective enterprises, in the event of a violation of human rights.
335. The amendment was adopted.
336. The Worker Vice-Chairperson proposed an amendment which would add at the end of clause 14(a), the words “and fundamental freedoms”.
337. The Employer Vice-Chairperson supported the amendment.
338. The Government member of France, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, supported the amendment, as did the Government member of Ghana, on behalf of the Africa group Government members of the Committee, and the Government member of Uruguay, on behalf of the GRULAC group Government members of the Committee.
339. The amendment was adopted.
340. The Employer Vice-Chairperson withdrew an amendment which sought to replace clause 14(b) by the following: “gender equality, the empowerment of women, prevention and prohibition of violence and harassment”.
341. The Government member of Spain, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, proposed an amendment to Paragraph 14(b) which would, after the word “women”, delete the words “, as well as measures to prevent and prohibit violence and harassment in the workplace;” and add a new clause after clause (b): “measures to prevent and prohibit violence and harassment in the workplace”. She explained that the purpose of the amendment was to ensure that the prevention and prohibition of violence and harassment in the workplace applied to all workers, not only in the context of gender equality and the empowerment of women.
342. The Employer and Worker Vice-Chairpersons supported the amendment.
343. The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, and the Government member of the Dominican Republic, on behalf of the GRULAC group Government members of the Committee, also supported the amendment.
344. The Worker Vice-Chairperson noted that the word “ensure” would precede the new clause after 14(b), in light of the previous amendment adopted.
345. The amendment was adopted.
346. The Committee adopted Paragraph 14 as amended.

## **Prevention**

### ***Paragraph 15***

347. The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, submitted an amendment to replace the words “as well as”

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by “,”. The amendment sought to make cultural, social and economic concerns of the same importance as gender issues.

348. The Employer Vice-Chairperson supported the amendment, as did the Government member of Kuwait.
349. The Worker Vice-Chairperson did not support the amendment, saying that gender needed to be actively promoted and placed at a higher level than the other concerns.
350. The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, said that gender was often mainstreamed in cultural, social and economic concerns; in some cases culture might even be the overriding component. The proposed amendment gave gender the importance it deserved.
351. The Worker Vice-Chairperson proposed a subamendment which would insert “equality” after “gender”.
352. The Employer Vice-Chairperson did not support this subamendment, because “gender equality” was much more specific and more limited than “gender”. In certain national contexts some of the concerns listed might be more important than others.
353. The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, agreed with the comments by the Employer Vice-Chairperson. He felt that the Workers’ group’s subamendment would narrow down what they wanted to do regarding gender. The amendment, as proposed, would be more encompassing. The amendment would also provide room for any given country to give a higher priority to whatever aspect they considered most important at a particular time.
354. The Worker Vice-Chairperson withdrew his group’s subamendment and agreed to accept the amendment proposed by the Africa group Government members of the Committee.
355. The amendment was adopted.
356. The Committee adopted Paragraph 15 as amended.

## **Paragraph 16**

357. The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, proposed to insert the word “workers” after the words “available to all” so as to ensure that the focus was not on the general population.
358. The Employer Vice-Chairperson did not support the amendment since the clause dealt with the entire national context and the focus was wider than the worker or the workplace.
359. The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, withdrew the amendment in light of the explanation by the Employers’ group.
360. The Government member of the Netherlands, speaking on behalf of the Government members of Austria, the Czech Republic, Denmark, Poland, and the United Kingdom, proposed the insertion of the word “evidence-based” after the word “accurate,” in Paragraph 16(a). She stated that the development of policies should be based on evidence rather than perception.

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- 361.** The Worker Vice-Chairperson did not support the amendment which could impose limits on countries that did not have the benefit of advanced technology to test approaches. He preferred the existing text which was more enabling and relevant to all countries.
- 362.** The Employer Vice-Chairperson supported the amendment, but proposed a subamendment to read “evidence-informed”, a term more in line with the WHO approach. The Government member of the Netherlands supported the subamendment.
- 363.** The Worker Vice-Chairperson agreed with the subamendment of the Employers’ group.
- 364.** The Africa group Government members of the Committee did not support the amendments nor subamendment since the search for scientific evidence could result in delays in the implementation of HIV interventions. The original text would be more accommodating. The Government member of Argentina, speaking on behalf of the GRULAC group Government members of the Committee, as well as the Government members of Chad, Mali and Spain, also did not support the amendment, as subamended.
- 365.** The subamendment was supported by the Government members of France, Kuwait, Norway and the United States.
- 366.** The Government member of Nigeria explained that if HIV prevention interventions were disaggregated, they would include actions that were not always based on scientific evidence. The implementation of only prevention programmes with proven evidence would be time consuming and difficult and might not be in the best interest of workers. Instead, most prevention programmes were based on strong associations and not conclusive scientific criteria. He concluded that prevention programmes were extremely important and countries could not always afford to wait for scientific evidence before commencing with their prevention programmes. Nigeria did not support either the amendment or the subamendment.
- 367.** The Government member of the Bolivarian Republic of Venezuela warned against confusing the evaluation of programmes with the characteristics of information to be provided to workers. Prevention programmes dealt with attitudes, behaviours and lifestyles hence there was no need to be restrictive. The amendment and subamendment were not supported.
- 368.** The Worker Vice-Chairperson proposed a subamendment which sought to insert the word “precise” after the word “accurate” and before the words “up to date” in Paragraph 16(a).
- 369.** The Employer Vice-Chairperson observed that the notion of “evidence” would not mean that countries were required to carry out scientific verification. It simply meant that information made available should be based on scientific research.
- 370.** Noting the limited support for the amendment and related subamendments, the Government member of the Netherlands withdrew the amendment.
- 371.** The Government member of Spain, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, introduced an amendment which sought to, in the first line of Paragraph 16(a), after the word “available”, insert the words “and accessible”. She explained that there was the need to make sure that information provided was available and accessible.
- 372.** The Worker and Employer Vice-Chairpersons supported the amendment.

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373. The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, supported the amendment, as did the Government member of Kuwait.
374. The amendment was adopted.
375. The Government member of the Dominican Republic speaking on behalf of the GRULAC group Government members of the Committee, introduced an amendment which sought to replace the words “and relevant” by the words “, relevant and timely” in Paragraph 16(a). She argued that the timeliness of the information was as important as the relevance of the information.
376. The Worker and Employer Vice-Chairpersons supported the amendment.
377. The Government member of Spain, speaking on behalf of Government members of the IMEC group and EU Member States Government members of the Committee supported the amendment.
378. The amendment was adopted.
379. The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, introduced an amendment to insert the words “all modes of” after the words “risk of” in Paragraph 16(b).
380. The Worker and Employer Vice-Chairpersons expressed their groups’ support for the amendment. The Government member of France, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, the Government member of Argentina, speaking on behalf of the GRULAC group Government members of the Committee, and the Government member of Jamaica, also expressed their support for the proposed amendment.
381. The amendment was adopted.
382. The Government member of the Bolivarian Republic of Venezuela, speaking on behalf of the GRULAC group Government members of the Committee, introduced an amendment to make an editorial change to the Spanish version of the text, and to replace the words “behaviour change” by “changing risk behaviours related to infection”, since it was important to target specifically the types of behaviour that could increase the spread of the infection.
383. The Employer Vice-Chairperson said that his group could not support the proposed amendment, since the words “behaviour change” would enable programmes to be designed according to how a particular jurisdiction deemed appropriate. He sought clarification as to how risk behaviours could be defined.
384. The Government member of France, speaking on behalf of Government members of the IMEC group and EU Member States Government members of the Committee, said that the term behaviour change could have moral implications that had no place in the proposed Recommendation. Emphasis should be placed on the need to target behaviour that increased the risk of infection. His group therefore supported the proposed amendment, as did the Government members of Jamaica and Kuwait. The Worker Vice-Chairperson also expressed his group’s support for the amendment.

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- 385.** The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, said that his group did not support the amendment, since the term “risk behaviour” carried a connotation of stigma. The term “behaviour change” was internationally accepted language.
- 386.** The Employer Vice-Chairperson proposed a subamendment to delete the word “risk”.
- 387.** The Worker Vice-Chairperson said his group could not support that subamendment.
- 388.** The Government member of Brazil agreed with the Workers’ group. It was important to target specific behaviours that increased risk of infection, not broad behaviours associated with transmission of the disease. For instance, unprotected sex should be addressed, and not necessarily sexual activity in general.
- 389.** Noting that different interventions referred to “risk” and “risky” behaviours, the Committee referred the language choice to the Committee Drafting Committee.
- 390.** The Employer Vice-Chairperson withdrew the subamendment.
- 391.** The Chairperson noted that there was sufficient support among the members to adopt the amendment as introduced by the GRULAC group Government members of the Committee.
- 392.** The amendment was adopted.
- 393.** The Worker Vice-Chairperson said that the phrase “as soon as possible” should be deleted from the Paragraph as it might lead to coercion of people to take HIV tests. The Government member of Uganda, speaking on behalf of the Africa group Government Members of the Committee, and the Government member of Kuwait supported the amendment.
- 394.** The Employer Vice-Chairperson supported the amendment but noted that people who had engaged in risk behaviours should take HIV tests “as soon as possible.”
- 395.** The amendment was adopted.
- 396.** The Government member of the Bolivarian Republic of Venezuela, on behalf of the GRULAC group Government members of the Committee, had submitted an amendment to delete the words “through voluntary counselling and testing” after the words “as soon as possible.” The amendment was withdrawn because the deletion had already taken place.
- 397.** The Employer Vice-Chairperson submitted an amendment to insert the words “and as regularly” after the words “status as soon.” A person was not necessarily exposed to HIV just once in a lifetime, and a negative HIV test did not mean that someone was immune for life. Regular testing was an integral part of prevention.
- 398.** The Worker Vice-Chairperson felt that the phrase “and as regularly” could result in coercion, which would defeat the spirit of voluntary testing. The word “regularly” was very similar to “as soon as possible.” The Government member of Kuwait supported this position.
- 399.** The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, proposed a rewording: “measures to encourage workers to know their HIV status through VCT.”



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- 400.** The Employer Vice-Chairperson noted that the word “regularly” was only being introduced to highlight that regular testing was an essential part of prevention. Due to a lack of support, he withdrew the amendment, as a consequence of which the subamendment by the Africa group Government members of the Committee was not dealt with.
- 401.** The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, introduced an amendment to replace the words “such as” by the words “including but not limited to.” This would make the provision more inclusive of other prevention supplies.
- 402.** The Worker Vice-Chairperson supported the amendment but alerted the Office to check the French translation. The Employer Vice-Chairperson supported the amendment as did the Government member of France, speaking on behalf the IMEC group Government members of the Committee and the EU Member States Government members of the Committee.
- 403.** The amendment was adopted.
- 404.** The Employer Vice-Chairperson proposed an amendment to insert the word “correct” after “about their”. This would emphasize the need for correct condom usage.
- 405.** The Worker Vice-Chairperson supported the amendment.
- 406.** The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee and the Government member of France, on behalf of the IMEC group and EU Member States Government members of the Committee, also supported the amendment.
- 407.** The amendment was adopted.
- 408.** The Employer Vice-Chairperson proposed an amendment to insert the words “their use” after “and risk”. This would highlight the fact that there was still a slight risk for HIV transmission even if condoms were used. The Government member of Kuwait agreed and noted that when prescribing medicine, doctors discussed risks with patients and the same should be done with condoms.
- 409.** The Worker Vice-Chairperson opposed the amendment stating that emphasizing risk would deter people from using condoms.
- 410.** The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, also did not support the amendment. The notion of risk was already covered by the phrase “correct use”. Using the phrase “and risk” would discourage people from using condoms. The Government member of France concurred noting that it would not be effective to send out contradictory messages on condom use to workers.
- 411.** Noting that the Committee recognized that there was still a risk when using condoms and that it may be counterproductive to be explicit, the Employer Vice-Chairperson withdrew the amendment.
- 412.** The Employer Vice-Chairperson withdrew the amendment to insert the words “prevention programmes” after the word “including” since the same words were already contained in the first line of Paragraph 16.

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- 413.** The Worker Vice-Chairperson proposed an amendment to insert after “at-risk groups”, the words “such as but not limited to people who inject drugs, sex workers and their clients, including all people regardless of their sexual orientation.” The UNAIDS Outcome Framework document identified these groups as key target groups for expanded action. If they were not specifically addressed, there would be a negative impact on the response. The Recommendation should facilitate the development of policies and programmes to address the groups that needed attention.
- 414.** The Employer Vice-Chairperson did not support the amendment. Specific identification of groups could lead to greater stigma. In Kenya, for example, married couples were identified as an “at-risk group” showing that the categories of risk groups were not universal and varied according to countries. The instrument should be broadly applicable.
- 415.** The Government members of Brazil, Kuwait, Uganda, on behalf of the Africa group Government members of the Committee, and the Bolivarian Republic of Venezuela, agreed with the Employers’ group and rejected the amendment.
- 416.** The Government member of Spain, speaking on behalf the IMEC group and EU Member States Government members of the Committee, proposed a subamendment after the words “at-risk groups”: “regardless of sexual orientation including but not limited to people who inject drug, sex workers and their clients.”
- 417.** The Worker Vice-Chairperson agreed with the proposed subamendment noting that it would ensure attention to vulnerable and neglected groups in the AIDS response. The Government member of the Netherlands supported the amendment.
- 418.** The Employer Vice-Chairperson did not support that position noting that the instrument should take into consideration that “at-risk groups” varied in different countries and changed over time. The Government members of Argentina and Chad and the Government member of the Bolivarian Republic of Venezuela, speaking on behalf of the GRULAC group Government members of the Committee, also did not support the amendment, stating that the original text was still preferable.
- 419.** The Government member of Spain, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, withdrew the subamendment.
- 420.** The Worker Vice-Chairperson withdrew the amendment, but stated that the denial of the realities of HIV, such as men who have sex with men and commercial sex work, would continue to fuel the expansion of the pandemic. Risk groups were universally present, and if their needs were not realistically addressed, efforts to contain the virus would fail.
- 421.** The Government member of Canada, speaking on behalf of the Government members of Australia, Austria, Canada, Finland and Japan introduced an amendment to insert the words “relevant to the workplace and consistent with WHO/UNAIDS/UNODC guidelines” after the words “harm reduction strategies”. Harm reduction strategies required specialized technical approaches and should draw on WHO/UNAIDS/UNODC guidelines. There was the need to include “relevant to the workplace” since typical harm reduction strategies should be adapted to workplaces.
- 422.** The Employer Vice-Chairperson introduced a subamendment, which sought to delete the words “and consistent with WHO/UNAIDS/UNODC guidelines,” noting that the source of guidelines should not be mentioned in the Recommendation.
- 423.** The Government member of Canada suggested that the word “guidance” could replace “guidelines”.

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424. The Employer Vice-Chairperson responded with a compromise to include “and other relevant guidelines” to the subamendment under discussion. The subamended text read: “harm reduction strategies relevant to the workplace and consistent with WHO/UNAIDS/UNODC guidelines and other relevant guidelines”.
425. The Worker Vice-Chairperson rejected the words “relevant to the workplace” because this was too restrictive and would reduce the scope of the proposed Recommendation to workers. The Government member of Côte d’Ivoire agreed and noted that under clause 16(a), the Committee did not restrict the programmes to workplaces. He argued that harm reduction strategies should take into account the fact that the Recommendation did not cover only workers.
426. The Government member of Uganda, on behalf of the Africa group Government members of the Committee, asked for clarification about the difference between “harm reduction strategies”, “risk reduction strategies” and “accident reduction strategies.” He continued by saying that the provision under discussion was irrelevant and the Africa group Government members of the Committee did not support any of the subamendments since they did not agree with the original amendment.
427. The Government member of France noted that the words “relevant to the workplace” should remain in the text and proposed the phrase “harm reduction strategies based on WHO/UNAIDS/UNODC and other relevant guidelines.” The Government member of Canada supported the subamendment introduced by France and argued that the text was broad enough, and workers should not worry about a narrowed focus.
428. The Employer and Worker Vice-Chairpersons and the Government members of Argentina, supported the subamendment by France.
429. The amendment was adopted as subamended.
430. Paragraph 16 was adopted as amended.

## **Treatment and care**

### ***Paragraph 17***

431. The Employer Vice-Chairperson introduced an amendment to insert the words “their national policies and programmes on” after the words “Members should ensure that”. He explained that the original text was ambiguous and the amendment sought to link the workplace response directly to national HIV policies and programmes.
432. The Worker Vice-Chairperson supported the amendment. The Government member of Algeria, the Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, and the Government member of Argentina, on behalf of the GRULAC group Government members of the Committee, also supported the amendment.
433. The amendment was adopted.
434. The Government member of Spain, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, introduced an amendment to replace the words “range of interventions possible” with the words “range of appropriate and effective interventions.” This would highlight the importance of selecting interventions that were effective in support of implementation of the Recommendation.

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435. The Employer and Worker Vice-Chairpersons, the Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, and the Government member of the Dominican Republic, speaking on behalf of the GRULAC group Government members of the Committee, supported the amendment.

436. The amendment was adopted.

437. Paragraph 17 was adopted as amended.

### **Paragraph 18**

438. The Worker Vice-Chairperson introduced an amendment to insert the words “as defined in the scope” after “All workers”. His group also requested subamending that amendment, to replace the word “defined” with “referred to”.

439. The Employer Vice-Chairperson said that by referring to all workers as stipulated to in the scope, the Paragraph would not include members of the armed forces and uniformed services. The amendment, as subamended, was restrictive.

440. The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, rejected the amendment and said that since the scope applied to the whole document, the amendment was therefore redundant.

441. The Worker Vice-Chairperson said that the phrase “all workers” was ambiguous, and since the section on definitions did not include all the categories of workers included in the scope, his group had wished to include a reference to the scope to ensure that the armed forces and other groups were covered.

442. The Employer Vice-Chairperson said that the term “all workers” was broader than “all workers as referred to in the scope.”. The Paragraph should therefore remain unchanged. The Government member of Kuwait agreed.

443. The Worker Vice-Chairperson proposed a further subamendment, to replace “as referred to in the scope” by “as covered by this Recommendation”, which was supported by the Employer Vice-Chairperson, the Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, and the Government member of Uruguay, speaking on behalf of the GRULAC group Government members of the Committee.

444. The Government member of Algeria rejected the proposed amendment as subamended, since it would mean that the words “including workers living with HIV” would have to be deleted later in the sentence because they were already included in the phrase “all workers”.

445. The Government member of France, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, said that while his group understood the intention of the amendment as subamended, the wording would lead to a legal impasse. The Paragraph should be further subamended to read “all persons covered by the Recommendation”, rather than “all workers as referred to in the scope”.

446. The Employer and Worker Vice-Chairpersons expressed support for this proposal.

447. The amendment was adopted as subamended.

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448. The Worker Vice-Chairperson introduced an amendment to insert the words “and medical analysis” at the end of clause (a). He requested subamending that amendment to replace “analysis” by “interventions”, since medical interventions such as tests, scans and X-rays were costly and required support.
449. The Employer Vice-Chairperson said his group could not support the amendment, since the Paragraph was intended to cover entitlement to a broad range of medical services. Medical examinations were addressed in the Preamble. The Government member of Kuwait supported the position of the Employers’ group.
450. The Worker Vice-Chairperson withdrew the proposed amendment.
451. The Government member of Argentina, on behalf of the GRULAC group Government members of the Committee, introduced an amendment to replace the word “education” by the words “information and support”. The term education was appropriate for the formal education system. The meaning could also have a negative connotation, inappropriate for adult learning processes.
452. The Worker Vice-Chairperson proposed a subamendment to add “information and support” after “education” noting that education was still a core part of prevention. The Government member of Argentina, speaking on behalf of the GRULAC group Government members of the Committee, the Government member of Spain, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, and the Government member of Malawi, speaking on behalf of the Africa group Government members of the Committee, supported the subamendment proposed by the Workers’ group.
453. The amendment was adopted as subamended.
454. The Employer Vice-Chairperson proposed to replace clause 18(c) by “education on proper nutrition and healthy lifestyle;”. As the clause currently read, it suggested an obligation to provide proper nutrition, instead of “education” on nutrition.
455. The Worker Vice-Chairperson did not agree with the amendment. People needing proper nutrition should be provided with nourishment along with education. He proposed a subamendment to replace the clause with “proper nutrition consistent with treatment”.
456. The Employer Vice-Chairperson agreed. The Government member of Malawi, speaking on behalf of the Africa group Government members of the Committee, and the Government member of France, supported the proposal from the Workers’ group.
457. The amendment was adopted as subamended.
458. The Employer Vice-Chairperson withdrew an amendment to replace the word “persons” with the word “workers”. He recalled that the Committee Drafting Committee would examine the use of the terms “workers” and “persons” to ensure consistent usage.
459. Paragraph 18 was adopted as amended.

### **Paragraph 19**

460. The Employer Vice-Chairperson proposed to move Paragraph 19 to follow Paragraph 17. Moving the Paragraph would improve the logic and structure of the document.
461. The Worker Vice-Chairperson supported the amendment.

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462. The Government member of Malawi, speaking on behalf of the Africa group Government members of the Committee, and the Government member of the Bolivarian Republic of Venezuela, on behalf of the GRULAC group Government members of the Committee, also supported the amendment.
463. The amendment was adopted.
464. The Employer Vice-Chairperson proposed an amendment to insert the words “public health,” after the words “this is provided under”. This was necessary because some country social security programmes did not include public health.
465. The Worker Vice-Chairperson supported the amendment.
466. The Government member of France, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, and the Government member of Malawi, speaking on behalf of the Africa group Government members of the Committee, supported the amendment.
467. The amendment was adopted.
468. Paragraph 19 was adopted as amended.

### ***Paragraph 20***

469. Paragraph 20 was adopted without amendment.

### **Support**

### ***Paragraphs 21 and 22***

470. The Employer Vice-Chairperson withdrew an amendment to replace the word “persons” with the word “workers” in Paragraph 21, on the understanding that the matter would be considered by the Committee Drafting Committee.
471. Paragraphs 21 and 22 were adopted without amendment.

### ***Paragraph 23***

472. The Government member of Malawi, speaking on behalf of the Africa group Government members of the Committee, proposed to insert the word “alternative” after the word “promote” in the second line of the Paragraph. This would clarify the focus of income-generating opportunities.
473. The Worker Vice-Chairperson suggested a subamendment to replace the word “alternative” with “different types of” as the meaning of the word alternative was not clear. The Government member of Brazil agreed, stating that the word “alternative” was not clear and weakened the concept of “income-generating opportunities”.
474. The Employer Vice-Chairperson expressed confusion about the purpose of both the amendment and the subamendment. Placing “alternative” or “different types of” in the clause would not add clarity to the matter.
475. The Worker Vice-Chairperson withdrew his subamendment.

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476. The Employer Vice-Chairperson referred to Paragraph 334 from the Report of the Committee on HIV/AIDS at the 98th Session of the International Labour Conference (2009). The original intent of the Paragraph was to provide income-generating activities for people living with HIV who were unable to work. The issue was income, not alternative income.
477. The Government member of Malawi, speaking on behalf of the Africa group Government members of the Committee, accepted this point and withdrew the amendment.
478. The Government member of Canada, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, proposed the addition of the following text at the end of the Paragraph: “Flexible work arrangements should be encouraged to accommodate the episodic nature of HIV and AIDS as well as possible side effects of treatment. Members should consider extending support through periods of employment and unemployment.”. The intent of the amendment was to address the need for flexibility in transitioning in and out of work as a result of illness and maintaining access to benefits.
479. The Worker Vice-Chairperson proposed a subamendment to replace the words “Flexible work arrangements should be encouraged” with “Work should be organized in such a way as”. The concept of “flexible work” had brought misery to workers as it was often used to circumvent rights and obligations.
480. The Employer Vice-Chairperson recalled that Paragraph 21 had specifically addressed the issue of ways of arranging work, and Paragraph 23 seemed to repeat these principles. The issue of support contained in the amendment also was addressed elsewhere in the text. His group proposed a subamendment to reorder the content of the amendment for a better structured Paragraph as follows:
- Members should promote the retention in work and recruitment of persons living with HIV. Work should be organized in such a way as to accommodate the episodic nature of HIV and AIDS as well as possible side effects of treatment. Members should consider extending support through periods of employment and unemployment including, where necessary, income-generating opportunities for persons living with HIV or persons affected by HIV/AIDS.
481. The Government member of Brazil shared his country’s experience in addressing the needs of persons with disabilities. Often, strategies to adapt work to the specific situation of workers had the effect of creating precarious employment. Brazil did not support the subamendment.
482. The Government member of Canada, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, supported the subamendment proposed by the Employers’ group. The Government member of France acknowledged that flexible work arrangements had often caused problems for workers, but stated that the concept of flexibility in this context could also be viewed as a tool that would permit workers who could not work due to poor health to continue to work.
483. The Government member of the Bolivarian Republic of Venezuela, speaking on behalf of the GRULAC group Government members of the Committee, did not support the subamendment. She recommended that the issue of the episodic nature of work should be moved to Paragraph 21. The Employer Vice-Chairperson supported this suggestion.
484. As Paragraph 21 had already been adopted, the Committee agreed to adopt the amendment, as subamended by the Employers’ group, taking into account the suggestion of the Government member of the Bolivarian Republic of Venezuela, speaking on behalf of the

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518. The Employer Vice-Chairperson supported the amendment as did the Government member of Ghana, on behalf of the Africa group Government members of the Committee.
519. The amendment was adopted.
520. Paragraph 27 was adopted as amended.

### ***Proposed new Paragraph after Paragraph 27***

521. The Worker Vice-Chairperson proposed adding a new Paragraph after Paragraph 27 as follows: “Members should have in place easily accessible dispute resolution procedures which ensure redress for workers if their rights set out above are violated, and dissuasive sanctions.” There should be measures in place to provide redress for migrant workers whose employment rights have been violated because of their HIV status.
522. The Employer Vice-Chairperson proposed a subamendment to delete the words “, and dissuasive sanctions” at the end of the sentence. The Workers’ group and the Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, supported this suggestion.
523. The Government member of France sought clarification from the Office on whether the use of the term “rights” in the text was correct or whether it should be replaced by “provisions.” A representative of the Office explained that the instrument did not define rights but referred to rights already established in existing ILO Conventions. The Government member of France supported the amendment as subamended.
524. The amendment was adopted as subamended.
525. Paragraph 27 was adopted as amended.

## **Occupational safety and health**

### ***Paragraph 28***

526. Paragraph 28 was adopted without amendment.

### ***Paragraph 29***

527. The Government member of the United States, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, proposed an amendment as follows: in the first line, after the word “measures”, insert the words “to prevent workers’ exposure to HIV” and after the word “precautions,” insert the words “organizational measures, use of engineering and work practice controls, personal protective equipment, when indicated, environmental control measures and”. He immediately subamended the text to replace “when indicated” with “as appropriate”, in recognition of the need to make personal protective equipment available in a broad range of situations.
528. The Worker Vice-Chairperson supported the subamendment but proposed including “and TB” after the word “HIV”.
529. The Government member of Argentina, noting that the text of the amendment was long, queried whether the terms used in the text such as “environmental control measures” were consistent with other ILO documents.



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530. The Government member of Nigeria stated that the inclusion of “environmental controls” was appropriate since TB had been included through a subamendment from the Workers’ group. He also supported the insertion of the word “appropriate” in the revised clause proposed by the Workers’ group.
531. The Government member of Finland, on behalf of the IMEC group and EU Member States Government members of the Committee, noted that that the inclusion of words such as “organizational measures, use of engineering and work practice controls, personal protective equipment, when indicated, environmental control measures and” were in accordance with international standards on occupational safety and health. In response to the Government member of Argentina, he said that environmental control measures include measures such as waste management and disinfectant procedures. He questioned the appropriateness of including TB, because TB was airborne and there was no post-exposure prophylaxis for it.
532. The Government member of Argentina explained that environmental control measures were universal, but wondered whether all the measures listed were actually taking place in the health sector. He agreed that there were different approaches to addressing different diseases but was unsure as to whether the list of interventions in the amendment was necessary.
533. The Government member of the United States replied that all the approaches mentioned in its amendment were standard and should be included in the amendment. The Government member of Nigeria supported this position.
534. The Employer Vice-Chairperson argued that the subamendment was too complicated and said that the concept of universal precautions already included all necessary measures. Any attempt to list specific measures would narrow the scope of the document. Nevertheless, he expressed support for the amendment.
535. The Government member of Ghana, on behalf of the Africa group Government members of the Committee, noted support for the subamendment, but argued that the sentence should be more concise. She proposed to replace the list of occupational health and safety responses proposed in the amendment with the phrase “accident and hazard control measures”. The Employer Vice-Chairperson and the Government member of the Bolivarian Republic of Venezuela supported this proposal.
536. The Worker Vice-Chairperson did not support the proposal from the Africa group Government members of the Committee and suggested retaining the wording of the original amendment, “organizational measures, use of engineering and work practice controls, personal and protective equipment”. The Government member of Kuwait supported this position.
537. The Government member of Côte d’Ivoire suggested replacing the list of measures with the words “universal precautions and all occupational safety and health measures”. The subamendment was not seconded.
538. The Government member of France, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, noted that although occupational safety was an ILO priority, it was one of the weakest elements of the proposed text. The amendment was intended to strengthen the document by specifying a number of actions to be taken by employers, workers and specialists to promote occupational safety and health related to HIV.

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539. The Government member of the United States further added that the inclusion of a list of widely recognized effective measures would not preclude the use of other preventive measures such as those proposed by the Africa group Government members of the Committee.
540. The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, proposed inserting a clause “preventive measures such as” after the words “accident and hazard control measures”, followed by the list of measures proposed by the Government member of France, on behalf of the IMEC group and EU Member States Government members of the Committee. The Paragraph would thus read: “Safety and health measures at work should include universal precautions, accident and hazard control measures and prevention measures such as organizational measures, use of engineering and work practice controls, personal protective equipment, as appropriate, environmental control measures and post-exposure prophylaxis, and other safety measures to minimize the risk of contracting HIV and TB, especially in occupations most at risk, including the health-care sector.”
541. The Government member of France, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, supported the proposal from the Africa group Government members of the Committee.
542. The Worker and Employer Vice-Chairpersons supported that subamendment.
543. The amendment was adopted as subamended.
544. The Worker Vice-Chairperson withdrew an amendment to insert the word “always” after “should” in the first line of Paragraph 29, on the basis of the previous discussion.
545. Paragraph 29 was adopted as amended.

### **Paragraph 30**

546. The Government member of France, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, presented an amendment to replace Paragraph 30 with the following text: “Workers in occupations most at risk of exposure to HIV should receive education and training on routes of transmission and measures to prevent exposure and infection. Members should take measures to ensure that prevention, safety and health are guaranteed in accordance with relevant standards.”. He subamended the amendment to replace “routes” by “modes”. The focus should be on areas where there was greater risk of occupational exposure. The text should prevent any subjective judgement on the matter, which could take place if the phrase “real possibility of exposure” were retained.
547. The Worker Vice-Chairperson supported the subamendment to include the phrase “modes of transmission” but requested broadening the focus to include any possibility of risk for workplace transmission rather than simply focusing on those “most at risk”. He proposed rephrasing the Paragraph as follows: “When there is a possibility of exposure to HIV at work, workers should receive education and training on modes of transmission and measures to prevent exposure and infection. Members should take measures to ensure that prevention, safety and health are guaranteed in accordance with relevant standards.”.
548. The Employer Vice-Chairperson proposed a further subamendment. He suggested deleting “guaranteed” because it was already implied through the word “ensure” in the same sentence.

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549. The Worker Vice-Chairperson supported this subamendment along with the Government member of Ghana, on behalf of the Africa group Government members of the Committee, and the Government members of France and Kuwait.

550. The amendment was adopted as subamended.

551. An amendment proposing to delete the word “real” was withdrawn by the Africa group Government members of the Committee, as no longer being relevant after the adoption of the previous amendment.

552. Paragraph 30 was adopted as amended.

### ***Paragraphs 31 and 32***

553. Paragraphs 31 and 32 were adopted without amendment.

## **Children and young persons**

### ***Paragraph 33***

554. The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, presented an amendment to insert after the words “combat child labour” the words “and child trafficking”. Children could also be victims of trafficking.

555. The Employer and Worker Vice-Chairpersons supported the amendment along with the Government member of Spain, speaking on behalf of the IMEC group and EU Member States Government members of the Committee.

556. The amendment was adopted.

557. The Worker Vice-Chairperson proposed an amendment to delete the word “commercial” before “sexual exploitation.” Protection should cover all types of exploitation whether commercial or not.

558. The Employer Vice-Chairperson supported the amendment.

559. The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, and the Government member of Argentina, speaking on behalf of the GRULAC group Government members of the Committee, supported the amendment.

560. The amendment was adopted.

561. Paragraph 33 was adopted as amended.

### ***Paragraph 34***

562. Paragraph 34 was adopted without amendment.

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## V. Implementation

### *Paragraph 35*

#### Clause 35(a)

- 563.** The Government member of Spain, on behalf of the IMEC group and EU Member States Government members of the Committee, proposed the insertion in clause 35(a), after the words “and other parties concerned,” the words “including relevant occupational health structures,”.
- 564.** The Worker Vice-Chairperson, drawing on input from the Government member of Spain, proposed a subamendment to add the words “public and private” after the word “relevant”.
- 565.** The Government member of Ghana, on behalf of the Africa group Government members of the Committee, supported the subamendment, as did the Government member of the Bolivarian Republic of Venezuela, on behalf of the GRULAC group Government members of the Committee.
- 566.** The amendment was adopted as subamended.

#### Sub-clause (a)(ii)

- 567.** The Employer Vice-Chairperson proposed an amendment to add at the end of sub-clause (a)(ii), the words “, where applicable”. He recalled that the Committee had discussed the issue of collective bargaining in the first discussion. Since then, as a result of the current deliberations, the scope of the instrument had widened with respect to the definition of workers, workplace and categories of workers. In many economies, collective agreements would not always be appropriate for small and medium-sized enterprises and the proposed amendment would clarify their situation with respect to collective bargaining.
- 568.** The Worker Vice-Chairperson did not support the amendment. The existing text was broader in coverage and it would serve to encourage entities that did not have collective agreements, to work towards achieving them. If the wording were changed it would remove any incentive to work towards social dialogue and collective agreements. He noted that collective agreements could be reached outside a unionized environment; any agreement between workers and an employer at the shop floor level was a collective agreement of a kind.
- 569.** The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, did not support the amendment. The Government member of the Bolivarian Republic of Venezuela, speaking on behalf of the GRULAC group Government members of the Committee, also opposed the amendment, noting that collective bargaining was an important instrument in labour relations. Moreover, clause (a) made it clear that collective agreements were but one means of implementing national policies and programmes on HIV/AIDS and the world of work. The Government members of France and Uruguay concurred with the view of the GRULAC group Government members of the Committee. The amendment could have a negative impact on the ILO’s universal message of social dialogue for all.
- 570.** The Employer Vice-Chairperson withdrew the amendment.

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Sub-clause (a)(iv)

- 571.** The Worker Vice-Chairperson proposed an amendment to add, at the end of sub-clause (a)(iv), the words “including those referred to in Section II. Scope”. He further proposed a subamendment to replace the word “workers” with “persons covered under this Recommendation”.
- 572.** The Employer Vice-Chairperson supported the amendment, as subamended, with the understanding that the Committee Drafting Committee would address the consistency of the text.
- 573.** The Government member of Ghana, on behalf of the Africa group Government members of the Committee, supported the subamendment.
- 574.** The amendment was adopted as subamended.

Clause 35(b)

- 575.** The Government member of France, on behalf of the IMEC group and EU Member States Government members of the Committee, proposed, in clause 35(b), to delete the word “labour” before the word “justice”. This would make the clause more applicable in countries that did not have a specific legal system and structure dedicated to labour.
- 576.** The Worker Vice-Chairperson did not support the amendment since most countries had structures that dealt with labour, such as labour inspectorates, and mediation and conciliation bodies that were not linked to the justice system. The original text was intended to capture that situation and was not intended to be linked to a particular system in a particular locality.
- 577.** The Employer Vice-Chairperson did not support the amendment, noting that the existing text had to be understood in a labour relations context, and if issues arose in the world of work, they would have to be referred to the proper institutions with jurisdiction over labour. His group would not want, for example, matters arising out of this Recommendation to end up before a criminal court. For that reason it was important to specify the labour-related aspects of the clause.
- 578.** The Government member of France, on behalf of the IMEC group and EU Member States Government members of the Committee, noted that all members of the Committee agreed that the clause applied to whatever jurisdictions governed labour matters. He noted that this amendment was introduced because there were a number of countries which did not have specific labour-specific judicial bodies whatever jurisdictions and the aim was to cover such countries as well. He proposed a subamendment which sought to introduce the words “judicial authorities competent in labour issues” in place of “labour justice”.
- 579.** The Employer and Worker Vice-Chairpersons supported the subamendment, as did the Government member of Uruguay on behalf of the GRULAC group Government members of the Committee.
- 580.** The amendment was adopted as subamended and referred to the Committee Drafting Committee for further refinement.

Clause 35(d)

- 581.** The Government member of Spain, on behalf of the IMEC group and EU Member States Government members of the Committee, introduced an amendment which sought to insert

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the words, at the end of clause 35(d), “, including public and private insurance and benefit programmes”. She explained that the amendment was meant to broaden the scope of the instrument.

- 582.** The Employer and Worker Vice-Chairpersons supported the amendment.
- 583.** The Government member of Ghana, on behalf of the Africa group Government members of the Committee, explained that even though the intention was otherwise, the amendment would actually narrow the scope of the clause to only insurance and benefit programmes. She explained that the use of the word “services” would be broader and encompass many other areas. The Africa group Government members of the Committee did not support the amendment.
- 584.** The Government member of Brazil, speaking on behalf of the GRULAC group Government members of the Committee, agreed with the intention behind the introduction of the amendment but proposed a subamendment so that the amendment would read “including public and private insurance and benefit programmes or other types of programmes”. The Employer and Worker Vice-Chairpersons supported this proposal.
- 585.** The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, proposed a subamendment so that clause (d) would read “ensure collaboration and coordination among the public authorities and public and private services concerned, including insurance and benefit programmes or other types of programmes”. This proposal was supported by the Employer and Worker Vice-Chairpersons and the Government member of France.
- 586.** The amendment as subamended was adopted.

#### Clause 35(e)

- 587.** The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, introduced an amendment which sought to replace, in clause 35(e), the word “encourage” by the words “ensure that”, and at the end of the first line, delete the word “to”. She argued that the amendment sought to strengthen the Paragraph and make it consistent with the rest of the text.
- 588.** The Worker Vice-Chairperson supported the amendment. He argued that the Recommendation should especially promote HIV programmes in export processing zones (EPZs) since they were not normally covered under the labour law regime. Since EPZs employed many vulnerable women, the stronger word “ensure” was needed.
- 589.** The Employer Vice-Chairperson introduced a subamendment which would replace the word “ensure” with “promote”. In Paragraph 35 the word “promote” had generally been used but “ensure” was used when action was required by member States. The Employers’ group was very uncomfortable with the implication that sanctions could be raised against all enterprises with regard to implementing HIV programmes.
- 590.** The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, stated that precisely because EPZs were often not covered by national labour laws, stronger language was needed to ensure that States could implement HIV programmes through enterprises.

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- 591.** The Employer Vice-Chairperson replied that EPZs were created by national law, and it was up to Governments to ensure that HIV was adequately addressed through the relevant legislation. Yet the clause was phrased so that potentially all enterprises would be subject to sanctions because of problems restricted to the EPZ sector.
- 592.** The Government member of Zambia noted that, because the instrument in question was a Recommendation, the word “ensure” would not have the same impact as in a Convention.
- 593.** The Worker Vice-Chairperson noted that, as far as the implementation of programmes was concerned, the document should not be vague. He argued that there was a need to ensure that workers in the EPZs were adequately covered and not left out. It was important not to weaken language in the proposed Recommendation since the workers in EPZs had not been adequately covered for a long time.
- 594.** After a brief break for consultations, the Employer Vice-Chairperson proposed a further subamendment according to which clause 35(e) would read: “promote and support all enterprises to implement the national policies and programmes, including through their supply chains and distribution networks with the participation of employers’ and workers’ organizations, and ensure that those operating in the export processing zones comply”.
- 595.** The Worker Vice-Chairperson expressed his group’s support for the subamendment.
- 596.** The amendment, as subamended, was adopted.
- 597.** The Employer Vice-Chairperson introduced an amendment to add the words “in collaboration with workers,” after the words “all enterprises,” in clause 35(e). He withdrew the second part of the amendment, which would have inserted the words “the most representative” after the words “with the participation of”.
- 598.** The Worker Vice-Chairperson expressed his group’s support for the amendment. The Government member of France, speaking on behalf of the IMEC group and the EU Member States Government members of the Committee, and the Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, also expressed their groups’ support for the proposal.
- 599.** The amendment was adopted as subamended.

#### Clause 35(f)

- 600.** The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, introduced an amendment to 35(f) to replace the words “such as” by the word “, including”, since it would make the text more inclusive.
- 601.** The Employer and Worker Vice-Chairpersons expressed their groups’ support for the proposed amendment.
- 602.** The Government member of Spain, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, proposed a subamendment to add, after “including organizations representing persons living with HIV”, the words “/AIDS, international organizations, relevant NGOs and country coordinating mechanisms”, with a view to broadening the scope of the text.
- 603.** The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, wished to subamend the proposal further by replacing “NGOs” by “civil society organizations”.

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- 604.** The Employer Vice-Chairperson recalled that the clause began with the notion of social dialogue, which normally involved only the tripartite partners. The reference to social dialogue should therefore be deleted if this subamendment were adopted, since the involvement of the other parties listed would dilute the concept of social dialogue.
- 605.** The Worker Vice-Chairperson said that social dialogue was not in fact restricted to tripartite dialogue only, especially at the national level. A separate reference to tripartite dialogue could be made in order to address the concerns of the Employers' group.
- 606.** The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, pointed out that clause (f) provided for "taking into account" the views of other groups, not directly involving them in social dialogue consultations. This view was shared by the Government member of France, on behalf of the IMEC group and EU Member States Government members of the Committee. The Government members of Chad and Kuwait also said that the reference to social dialogue was important and should be maintained.
- 607.** The Employer Vice-Chairperson said his group could support the subamendment, without the deletion of "social dialogue".
- 608.** The Worker Vice-Chairperson wished to submit a further subamendment, to add "consistent with Convention No. 144", after "negotiation".
- 609.** The Employer Vice-Chairperson expressed his group's support for the proposal, but requested that the Committee Drafting Committee refine the wording. The Government member of France, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, held the same view.
- 610.** The amendment was adopted as subamended.

#### Clause 35(i)

- 611.** The Employer Vice-Chairperson presented an amendment to clause 35(i), which would replace the clause by: "be implemented by Members and ensure reasonable provision for their means of implementation, with due regard to current national conditions, as well as capacity of employers and workers.". The amendment sought to address the question of the capacity of the social partners, especially of small and medium-sized enterprises. The Worker Vice-Chairperson supported the amendment.
- 612.** The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, wanted clarity on the amendment. She believed "provision" went beyond financing and could include capacity building and other measures.
- 613.** The Government member of France shared the same perspective as the Africa group Government members of the Committee. He asked what it meant for Governments to take into account the capacity of employers and workers.
- 614.** The Employer Vice-Chairperson explained that the term "taking into consideration" was inclusive. The idea was to understand the capacity of employers and workers. It was not aimed at large companies, but rather at small and medium-sized enterprises, which were important considering that "all types" of workplaces would be covered by the Recommendation.
- 615.** The Worker Vice-Chairperson proposed a subamendment to insert the word "build" before "capacity of employers and workers".



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- 616.** The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, suggested that the original language of the first half of the clause would better address the concerns of the Employers' group.
- 617.** The Employer Vice-Chairperson noted the suggestion of the Africa group Government members of the Committee. He recalled that, at the previous year's Committee on HIV/AIDS, the Workers' group had asked for a reference to resources needed to implement national programmes. The idea was to consider the capacity of small and medium-sized enterprises in implementing a national programme so that adequate resources could be provided, if necessary. He proposed a subamendment so that the proposed amendment would read "ensure that Members make reasonable provision for the means of their implementation, with due regard to national conditions as well as capacity of employers and workers".
- 618.** The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, supported the subamendment. The Worker Vice-Chairperson withdrew his subamendment and supported the Employers' subamendment.
- 619.** The amendment was adopted as subamended.
- 620.** Paragraph 35 was adopted as amended.

## **Social dialogue**

### ***Paragraph 36***

- 621.** The Government member of the Dominican Republic, speaking on behalf of the GRULAC group Government members of the Committee, introduced an amendment to Paragraph 36 which sought to, before the word "workplace", replace the word "their" by "the". She noted that the word "their" would restrict the Paragraph to the specific workplaces where people living with HIV worked. The word "the" would make the application broader.
- 622.** The Employers Vice-Chairperson said that the original intention of the Paragraph was to provide for consultation with people living with HIV at their own workplace. He opposed the amendment because it would open up consultations beyond the workplace.
- 623.** The Government member of the Bolivarian Republic of Venezuela, speaking on behalf of the GRULAC group Government members of the Committee, preferred not to limit the participation of people living with HIV to their workplaces. Including only persons from a specific workplace might violate confidentiality.
- 624.** The Worker Vice-Chairperson did not support the amendment. The dialogue described in the draft Paragraph related to social dialogue at the shop floor level, which should be limited to the workplace. The Employer Vice-Chairperson also did not support the amendment.
- 625.** The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, did not support the amendment. The amendment was withdrawn.
- 626.** Paragraph 36 was adopted.

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### **Paragraph 37**

627. Paragraph 37 was adopted without amendment.

### **Education, training, information and consultation**

#### **Paragraph 38**

628. The Government member of the Bolivarian Republic of Venezuela, speaking on behalf of the GRULAC group Government members of the Committee, withdrew an amendment to insert the words “including trainees” after the words “vocational training”.

629. The amendment was withdrawn.

630. The Employer Vice-Chairperson proposed to replace the words “persons in vocational training” with the words “persons in training, including interns and apprentices”. This would create consistency with the revised scope of the Recommendation.

631. The Worker Vice-Chairperson and the Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, supported the amendment.

632. The amendment was adopted.

633. Paragraph 38 was adopted as amended.

#### **Paragraph 39**

634. Paragraph 39 was adopted without amendment.

#### **Paragraph 40**

635. The Government member of France, speaking on behalf of the IMEC group and the EU Member States Government members of the Committee, submitted a two-part amendment to Paragraph 40, to insert the words “awareness-raising information and appropriate” after the words “all workers should receive” and to replace the words “who may come into contact with” by “whose occupation puts them at risk of exposure to”. The intention of the first part of the amendment was to specify the importance of awareness raising and information as an essential part of training. The second part was to clarify the link between occupational risk and potential exposure to HIV.

636. The Employer Vice-Chairperson supported the amendment.

637. The Worker Vice-Chairperson proposed a subamendment to insert the words “including interns, trainees and volunteers” after the word “workers”. This would clarify that people who may not be considered workers as defined in the Recommendation, would still receive training on occupational risks related to HIV.

638. The Employer Vice-Chairperson, the Government member of France, speaking on behalf of the IMEC group and the EU Member States Government members of the Committee, and the Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, supported the subamendment.

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639. The amendment was adopted as subamended.

640. Paragraph 40 was adopted as amended.

### **Paragraph 41**

641. The Employer Vice-Chairperson proposed inserting the word “workplace” after the word “implement” to clarify the context where policies and programmes would be carried out.

642. The Worker Vice-Chairperson supported the amendment as did the Government member of Spain, speaking on behalf of the IMEC group and the EU Member States Government members of the Committee.

643. The amendment was adopted.

644. The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, proposed to replace the words “HIV/AIDS and to” with “HIV/AIDS. Workers’ and Employers’ representatives should”. This would clarify that both employers and workers should participate in any workplace inspections linked to HIV/AIDS policy and programmes at the national level.

645. The Employer and Worker Vice-Chairpersons and the Government member of France, speaking on behalf of the IMEC group and the EU Member States Government members of the Committee, supported the amendment. The Government member of the Bolivarian Republic of Venezuela, speaking on behalf of the GRULAC group Government members of the Committee, also supported the amendment but noted that standard ILO language, as specified in relevant Conventions, should be applied to the text.

646. The amendment was adopted.

647. Paragraph 41 was adopted as amended.

## **Public services**

### **Paragraph 42**

648. The Government member of France, speaking on behalf of the IMEC group and the EU Member States Government members of the Committee, subamended their groups’ original submission, which was to delete the word “labour” before the words “justice system”. In the subamendment, the words “justice system” should be replaced with “judicial authorities competent in labour matters”. This would bring the text in line with an earlier amendment.

649. The Employer Vice-Chairperson supported the subamendment.

650. The Worker Vice-Chairperson pointed out that the subamendment should be further modified to reflect the language which the Committee had previously agreed. The subamended text should read: “judicial authorities competent in labour issues”, replacing the word “matters” with the word “issues”.

651. The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, supported the subamendment.

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652. The amendment was adopted as subamended.

653. Paragraph 42 was adopted as amended.

### ***Paragraph 43***

654. Paragraph 43 was adopted without amendment.

## **International cooperation**

### ***Paragraph 44***

655. The Government member of Argentina, speaking on behalf of the GRULAC group Government members of the Committee, withdrew an amendment concerning the translation of the Spanish text.

656. The Government member of France, speaking on behalf of the IMEC group and the EU Member States Government members of the Committee, proposed to insert the words “through their participation in the multilateral system” after the words “multilateral agreements,” to define better the sphere within which these agreements would be implemented.

657. The Worker Vice-Chairperson supported the amendment.

658. The Employer Vice-Chairperson supported the amendment but asked that the Committee Drafting Committee refine the language to recognize that there were many levels of collaboration below the multilateral level.

659. The amendment was adopted with the understanding that the Committee Drafting Committee would refine the language.

660. Paragraph 44 was adopted as amended.

### ***Paragraph 45***

661. The Government member of Argentina, speaking on behalf of the GRULAC group Government members of the Committee, withdrew an amendment regarding translation.

662. The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, proposed an amendment to replace the words “taken both by countries of origin and by countries of” by the words “taken by countries of origin, transit and.” HIV/AIDS programmes for migrant workers should cover transit countries in addition to sending and receiving countries.

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

664. The amendment was adopted.

665. The Worker Vice-Chairperson withdrew an amendment to delete the word “both” and insert the words “transition countries” before the words “country of origin,” as this issue was addressed in the previous amendment.

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666. Paragraph 45 was adopted as amended.

**Paragraph 46**

667. The Government member of Spain, speaking on behalf of the IMEC group and the EU Member States Government members of the Committee, proposed to insert the words “national structures on HIV and AIDS” after the words “between and among members” since mechanisms on HIV/AIDS had a key role in shaping effective international cooperation.
668. The Worker Vice-Chairperson introduced a subamendment to reword the phrase to “among Members and their national structures on HIV/AIDS and relevant organizations” to show that national structures were subordinate to and part of member States.
669. The Employer Vice-Chairperson supported the subamendment.
670. The Government member of Uganda, speaking on behalf of the Africa group Government member of the Committee, introduced a subamendment to delete the word “and” and replace it with a comma.
671. The Employer and Worker Vice-Chairpersons and the Government member of Spain, speaking on behalf of the IMEC group and the EU Member States Government members of the Committee, supported the subamendment from the Africa group Government members of the Committee.
672. The amendment was adopted as subamended.
673. Paragraph 46 was adopted as amended.

**Proposed new Paragraphs after Paragraph 46**

674. The Worker Vice-Chairperson introduced an amendment to add a new Paragraph after Paragraph 46, which would read: “In developing strategies and programmes for HIV prevention, treatment, care and support, particular attention should be given to coordination and resources required, especially to meet the needs of high prevalence countries.”. The amendment did not seek to create competition between countries with low and high prevalence but rather to ensure that sufficient attention was given to addressing the pandemic in high prevalence countries.
675. The Employer Vice-Chairperson expressed concern regarding the reference to strategies and programmes for HIV prevention, since they had already been covered in the section of the Recommendation on national policies and strategies. The amendment also implied that national strategies should be developed at the international level.
676. The Worker Vice-Chairperson said that it was important to address HIV at both the national and international levels. International cooperation included the provision of resources, which should address the needs of higher HIV prevalence areas. While interventions were carried out at the national level, resource mobilization should be conducted at the international level.
677. The Employer Vice-Chairperson suggested adding the word “international” before the words “strategies and programmes”. This would clarify that the resource mobilization addressed in this Paragraph would take place at the international level.

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678. The Government member of France, speaking on behalf of the IMEC group and the EU Member States Government members of the Committee, and the Government member of the Bolivarian Republic of Venezuela, speaking on behalf of the GRULAC group Government members of the Committee, supported the subamendment of the Employers' group.
679. The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, proposed a subamendment that would revise the Paragraph to read: "In the spirit of international cooperation and partnership in mobilizing resources for national strategies and programmes for HIV prevention, treatment, care and support, particular attention should be given to coordination with a view to minimizing costs and meeting the needs of all countries.". Resource mobilization should be conducted at the international level, and it should address the needs of all countries regardless of prevalence.
680. The Government member of the Bolivarian Republic of Venezuela, speaking on behalf of the GRULAC group Government members of the Committee, pointed out that apart from the reduction of costs, the other elements in the subamendment submitted by the Africa group Government members of the Committee were already included in Paragraph 46. The text should be revised to read, "Multilateral organizations should give particular attention to the coordination and to the necessary resources to satisfy the needs of high HIV prevalence countries in the development of international strategies and programmes for HIV prevention, treatment, care and support related to HIV.".
681. The Employer Vice-Chairperson expressed concern about the emphasis being placed on areas with high HIV prevalence. Not all countries with high prevalence were lacking resources, and the Paragraph should state that resources should be made available where they were needed most.
682. The Worker Vice-Chairperson and the Government member of France, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, supported the subamendment.
683. The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, said that strategies and programmes should be tailored to individual countries. The wording of the GRULAC group Government members of the Committee proposal implied that high HIV prevalence countries should develop international strategies for resource mobilization.
684. The Government member of the Bolivarian Republic of Venezuela, speaking on behalf of the GRULAC group Government members of the Committee, pointed out that the proposed subamendment stated that multilateral organizations should adapt their strategies to focus on higher HIV prevalence countries, not that those countries should develop international strategies.
685. The Employer Vice-Chairperson proposed a further subamendment, which would read, "Members and multilateral organizations should give particular attention to the coordination and to the necessary resources to satisfy the needs of all countries, especially high prevalence countries, in the development of international strategies and programmes for HIV prevention, treatment care, and support related to HIV.". The wording could be refined by the Committee Drafting Committee. The onus to develop strategies to mobilize resources for HIV programmes should be on member States and international organizations.

686. The Worker Vice-Chairperson expressed his group's support for the subamendment proposed by the Employers' group. The Government members of Chad, France, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, Uganda, speaking on behalf of the Africa group Government members of the Committee, and the Bolivarian Republic of Venezuela, speaking on behalf of the GRULAC group Government members of the Committee, also expressed support for the amendment as subamended by the Employers' group.
687. The amendment was adopted as subamended.
688. The proposed new Paragraph after Paragraph 46 was adopted as amended.
689. The Government member of Brazil, speaking on behalf of the GRULAC group Government members of the Committee, presented an amendment to add a new Paragraph to highlight the importance of efforts to reduce costs of prevention and care supplies to support the coverage and impact of HIV/AIDS programmes at the national level. The proposed amendment read as follows: "In the context of international cooperation, the reduction of costs of supplies of any type for the prevention or treatment of infection caused by HIV and other opportunistic infections should be encouraged."
690. The Worker Vice-Chairperson proposed to subamend the text as follows: "Members and the international community should seek to reduce the price of supplies or any measures for the prevention, treatment and care of infection caused by HIV and other opportunistic infections". This would highlight the broad range of supplies needed for a comprehensive HIV/AIDS response.
691. The Employer Vice-Chairperson accepted the subamendment but asked whether the Paragraph should go beyond supplies to costs for intervention. Efficiency of programme management and implementation should be improved.
692. The Government member of France, speaking on behalf of the IMEC group and the EU Member States Government members of the Committee, suggested replacing the "international community" with "international organizations".
693. The Worker Vice-Chairperson accepted the phrase "international organizations".
694. The Government member of Argentina, speaking on behalf of the GRULAC group Government members of the Committee, clarified that "supplies" in Spanish (*insumos*) went beyond condoms and other such supplies to include goods for both prevention and treatment.
695. The Government member of Uganda, speaking on behalf of the Africa group Government members of the Committee, proposed to include "and HIV-related cancers" after "opportunistic infections". The Worker and Employer Vice-Chairpersons and the Government member of Brazil, speaking on behalf of the GRULAC group Government members of the Committee, supported the proposal of the Africa group Government members of the Committee.
696. The amendment was adopted as subamended.
697. The proposed new Paragraph after Paragraph 46 was adopted as amended.

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## Follow-up

### **Paragraph 47**

698. Paragraph 47 was adopted without amendment.

### **Paragraph 48**

699. The Government member of Argentina, speaking on behalf of the GRULAC group Government members of the Committee, introduced an amendment which sought, after the words “necessary”, to delete the words “and, where possible and useful,”, and after the words “on the basis of” add the words “consultations with organizations of people living with HIV,”. He argued that the amendment sought to introduce an element of consultation with organizations of people living with HIV and AIDS.

700. The Employer Vice-Chairperson appreciated the idea behind the amendment but the wording suggested that such groups should be part of the tripartite consultation process. He could not support the amendment as it stood.

701. The Worker Vice-Chairperson agreed to the removal of the words “and, where possible and useful,”. With regard to consultations with organizations of people living with HIV and AIDS, he agreed with the sentiments expressed by the Employers’ group and introduced a subamendment which sought to replace the words “consultation with” with the words “views should be sought of”.

702. The Government member of Argentina, speaking on behalf of the GRULAC group Government members of the Committee, agreed with this proposal.

703. The Employer Vice-Chairperson introduced a subamendment to replace the Workers’ group subamendment by “taking into consideration the views of people living with HIV and AIDS, expert reports or technical studies”.

704. The Worker Vice-Chairperson supported this wording, as did the Government members of France and Kuwait.

705. The amendment was adopted as subamended.

706. Paragraph 48 was adopted as amended.

### **Paragraph 49**

707. The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, withdrew an amendment which sought to delete the words “to the extent possible”.

708. The Government member of Venezuela, speaking on behalf of the GRULAC group Government members of the Committee, introduced an amendment which sought, after the word “women”, to add the words “by age and occupation,”. She argued that it was important to track these dimensions, since young people and children were especially vulnerable to HIV, and certain occupations had a higher risk of HIV transmission.

709. The Worker Vice-Chairperson supported the amendment.



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710. The Employer Vice-Chairperson reminded the Committee that during the discussions last year, efforts had been made to focus on gender issues, and as a result “men and women” had been added to the text. By adding “age and occupation”, it limited the “other relevant factors” which could be examined, such as culture and geographical location. The Employers’ group did not support the amendment.
711. The Government member of Kuwait agreed and noted that if “age” and “occupation” were introduced into the text, other considerations would also have to be introduced. She did not support the amendment.
712. The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, introduced a subamendment which inserted the word “detailed” before the word “information” and also removed the words “age and occupation”. She explained that this subamendment was aimed at encouraging more detailed collection of information without specifically listing any variables.
713. The Employer and Worker Vice-Chairpersons supported the subamendment from the Africa group Government members of the Committee.
714. The Government member of France asked the GRULAC group Government members of the Committee to further explain their amendment. He argued that many countries did not have disaggregated statistics by occupation for HIV, and the confidentiality associated with HIV data made the generation of such information even more difficult.
715. The Government member of Venezuela, speaking on behalf of the GRULAC group Government members of the Committee, explained that their intention was not to introduce new requirements for national statistics in member States. The amendment targeted research, such as in the area of occupational safety and health.
716. The amendment was adopted as subamended.
717. Paragraph 49 was adopted as amended.

## **Paragraph 50**

718. The Government member of Spain, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, introduced an amendment that would add, at the beginning of the Paragraph, the words: “In addition to the reporting under article 19 of the Constitution of the International Labour Organization,” and, after the word “Recommendation”, replace the word “should” by the word “could”. She said a distinction should be made between obligatory reporting and voluntary reporting.
719. The Worker Vice-Chairperson said that while his group supported the first part of the amendment, referring to article 19 of the Constitution, it did not support the replacement of “should” by “could”, since that would weaken the Recommendation.
720. The Government member of France, speaking on behalf of the IMEC group and EU Member States Governments of the Committee, said that the proposed amendment had not been intended to weaken the text. From a legal perspective, however, the Committee could not dictate the content of reports to UNAIDS. The amendment intended to solve that issue.
721. The Employer Vice-Chairperson pointed out that when Paragraph 50 had been drafted in 2009, the question of whether the instrument would be a Recommendation or a Convention had not been answered, and the reporting requirements had therefore not been set. The UNAIDS reporting mechanism had been chosen, since it covered both eventualities.

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However, since that time a decision had been taken to the effect that the instrument would be a Recommendation. The amendment, as proposed, referred to the reporting mechanisms for Recommendations under Article 19 of the Constitution. With that in mind, reporting to UNAIDS had become an optional procedure. The word “should” should therefore be replaced by the word “could”. His group supported the proposed amendment.

722. The Worker Vice-Chairperson said that in light of the explanation given by the Employers’ group, and on the understanding that “could” refers clearly to UNAIDS, his group would also support the amendment in full.
723. The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, also expressed her group’s support for the amendment.
724. The amendment was adopted.
725. The Worker Vice-Chairperson withdrew an amendment which would have added after Paragraph 50 a new Paragraph to read: “Members should make a report on action taken on the basis of this Recommendation and provide this to the Director-General at regular three-year intervals.”
726. The Worker Vice-Chairperson withdrew an amendment which would have added after Paragraph 50 a new paragraph to read: “Members should comply with a reporting mechanism to review progress and monitor developments in relation to the implementation of the national policies and programmes on HIV/AIDS and the world of work as outlined in Paragraph 35 of the Recommendation.”
727. Paragraph 50 was adopted as amended.

### **Consideration of a resolution concerning the promotion and the implementation of the Recommendation on HIV and AIDS and the world of work, 2010**

728. After a brief suspension of the meeting, the Worker Vice-Chairperson introduced an amendment that contained the text of a resolution concerning the promotion and the implementation of the Recommendation on HIV and AIDS and the world of work, 2010. The text had been subamended in consultation with the Employers’ group.
729. He recalled that in the 2009 discussion of the draft instrument, the Workers’ group had called for a Convention. His group was now comfortable with a Recommendation due to the recognition by the Committee that the instrument would require serious commitment and follow-up. The proposed resolution provided for clear follow-up actions by the Organization and its Members.
730. As the subamended text was lengthy, the Committee agreed to discuss it paragraph by paragraph as it appeared in English on the screen in front of the meeting room, with interpretation into the other working languages.
731. The Chairperson invited general remarks on the proposed resolution.
732. The Employer Vice-Chairperson in general supported the resolution which he felt generally met the concerns of his group. The draft Recommendation needed an action plan and a way to measure milestones. The resolution began to address monitoring and

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evaluation needs. It would allow the Governing Body to set up mechanisms that would not be onerous. He added that a Recommendation would be more elegant and would provide quicker action than a Convention. The approach would also pick up on work done by member States in implementing the ILO code of practice.

733. The Government member of France, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, noted that there was strong agreement in the Committee for the need to ensure implementation. He welcomed the initiative, as it allowed for direct action on the part of the Governing Body.

734. The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, expressed general support for the draft resolution. She noted all the work that had been carried out over the past two years, and that it had yielded a fruitful discussion and a rich draft Recommendation. The draft resolution required more commitment from the ILO, the member States and the social partners to work together and reduce the problem of HIV and to protect workforces. She considered the draft resolution a step in the right direction that would push the agenda forward and make sure that the Recommendation would not just sit on the shelf.

### **Title and preamble**

735. No changes were proposed to the title and the preamble.

### **Paragraph 1**

736. The Government member of France sought clarification from the Office as to whether it was appropriate for the text to ask the Governing Body to make a request of the Director-General since the Governing Body could undertake actions directly. In response, the representative of the Legal Adviser advised that the reference to the Director-General could be deleted since it was not necessary in this case.

737. The Government member of Nigeria noted that the Recommendation had been derived from the ILO code of practice, and suggested a subamendment that would reflect the need to bring the code in alignment with the new Recommendation.

738. The Employer Vice-Chairperson did not support this subamendment, noting that the Recommendation was in itself an update of the code, and made numerous references to the code in its text.

739. The Worker Vice-Chairperson supported the view of the Employers' group, stressing that the Recommendation was a revision of the code. The sole purpose of the resolution was to ensure an effective implementation and reporting process for the Recommendation.

740. The Government member of Brazil preferred the use of the word "suggests" or "recommends" rather than "invites" which was usually used for relation with UN Organizations and other bodies outside the Organization. The representative of the Legal Adviser advised that the term "invites" was appropriate.

741. The Government member of Spain, on behalf of the IMEC group and EU Member States Government members of the Committee suggested the replacement of the words "for effective implementation by" with the words "to give effect to".

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742. The Government member of Brazil suggested that the first paragraph should make reference to HIV and AIDS and the world of work since that was the subject matter of the current discussion.
743. The Government member of France, on behalf of the IMEC group and EU Member States Government members of the Committee, disagreed with the subamendment proposed by Brazil since the matter was covered in the title of the resolution. The term “invites the Governing Body” should be retained.
744. At the end of the discussions, paragraph 1 of the resolution read: “Invites the Governing Body of the International Labour Office to allocate the resources within the existing budget and look for additional extra-budgetary resources to carry out the work with the tripartite constituents to give effect to the Recommendation”.
745. Paragraph 1 was adopted as amended.

## **Paragraph 2**

746. The Government member of France, on behalf of the IMEC group and EU Member States Government members of the Committee expressed concern about the procedure, pointing out that the Committee was trying to settle legal matters when it should have been addressing the intent of the text. He proposed a subamendment of the text by removing the word “further” wherever it appeared.
747. The Government member of Chad indicated that he was lost and felt sidelined regarding the discussions as a result of the absence of the text in languages other than English. The Chairperson reminded the Committee of the procedure for the discussions that they had endorsed at the start of the discussion of the resolution.
748. The Government member of Canada proposed the replacement of the words “HIV/AIDS” with “HIV and AIDS” throughout the text for consistency.
749. The Government member of Nigeria supported the proposal from Canada and introduced another subamendment which sought to use “HIV and AIDS in the world of work” throughout the proposed resolution for consistency. The Government member of Ghana supported this proposal and noted that the world of work was a broader concept.
750. The Government member of the United Kingdom supported the subamendment from Canada but declined to support for the subamendment from Nigeria. He argued that both the “world of work” and “workplace” were relevant in different parts of the proposed resolution.
751. The Employer Vice-Chairperson agreed with the comments from the United Kingdom and added that both “world of work” and “workplace” should be used as appropriate in the text. The Employers’ group did not support the subamendment from Nigeria. The Worker Vice-Chairperson concurred with this position.
752. The Chairperson of the Committee noted that there was insufficient support for the subamendment of the Government member of Nigeria. The subamendment of the Government member of Canada had sufficient support.
753. Paragraph 2 was adopted as amended.

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### **Paragraph 3**

754. The Government member of Spain, speaking on behalf of the IMEC group and EU Member States Government members of the Committee, explained that there was the need to arrange the text so that important organizations like UNAIDS were given preference. For this reason, she suggested that the words “through UNAIDS” be inserted in the first sentence.” She suggested that not only should the views of organizations of people living with HIV and AIDS be sought, but they should more importantly be considered as partners. She proposed a subamendment to delete the words “taking into account” from the text.
755. The Government member of Ghana, speaking on behalf of the Africa group Government members of the Committee, did not support the subamendment from the IMEC group Government members of the Committee. She argued that this Recommendation would not be implemented through UNAIDS.
756. The Worker and Employer Vice-Chairpersons both opposed the subamendment from the IMEC group Government members of the Committee. Both agreed that the Recommendation was primarily for the tripartite constituents and would engender a process that would receive inputs from other organizations such as UNAIDS, but UNAIDS was not expected to play a lead role in the execution of the proposed Recommendation.
757. The Government member of the United Kingdom reminded the members of the Committee that ILO was part of UNAIDS and it was critical to make efforts to minimize duplication; there was therefore a need to integrate the global action plan into the UNAIDS global strategy.
758. The Government member of France suggested a subamendment which sought to replace the word “through” with the word “with”.
759. The Employer Vice-Chairperson argued that UNAIDS did not sit on the Governing Body of the ILO and the proposed resolution was for the Governing Body to implement. He introduced a subamendment which sought to give UNAIDS increased prominence in line with the sentiments expressed by the IMEC group Government members of the Committee.
760. The Government member of the United Kingdom, speaking on behalf of the IMEC group Government members of the Committee, supported the subamendment from the Employers’ group.
761. Paragraph 3 was adopted as amended.

### **Paragraph 4**

762. The Government member of France, on behalf of IMEC group Government members of the Committee, called for a deletion of the words “Director-General” in paragraph 4 of the proposed resolution. He also pointed out that reference to Members and most representative employers’ and workers’ organizations was redundant. In this regard he proposed to change “Members” to “member States”.
763. The representative of the Legal Adviser explained that the reference to the Director-General as used in the text was accurate and consistent with the tasks of this position.

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## Closing remarks

- 835.** The Government member of France, speaking on behalf of the IMEC group Government members of the Committee, said that he was very pleased that the draft Recommendation had been adopted. It was the first international labour standard dealing with HIV at a global level. He thanked the Employers' and Workers' groups and the GRULAC group and the Africa group Government members of the Committee for their collaboration. The work undertaken and the progress made would not have been possible without the coordinators and social partners. He said that the instrument had been strengthened in a number of areas during the discussions this year, including protection of workers and health and safety at work. While they would have liked the instrument to have greater legal rigour they were pleased with the overall result. He stressed that the work was only just beginning with the instrument's adoption; the most important aspect was effective implementation. He urged everyone to mobilize in order to ensure that the instrument was effectively implemented, which not only applied to the workplace but would also act as a lever to combat HIV in a broader context.
- 836.** The Government member of Namibia, speaking on behalf of the Africa group Government members of the Committee, said that they appreciated the Committee's work and professionalism, especially with regard to reaching consensus in their deliberations. She hoped that the Committee would continue to show the same spirit when it came to financial and technical resources for the implementation of the Recommendation at the national level.
- 837.** The Government member of Kuwait said that she had been delighted and impressed by the Committee's work, especially the adoption of the Recommendation and the report. The work they had carried out together showed that they all had the same aim: combating the scourge of HIV and ensuring that people living with HIV had the same rights as anyone else.
- 838.** The Government member of Argentina, speaking on behalf of the GRULAC group Government members of the Committee, acknowledged the importance of the draft Recommendation but said that the road ahead was long. He called for commitment in implementing the instrument.
- 839.** The Government member of Algeria said that she was proud to have been part of the Committee. The Committee had risen to the challenge and produced an instrument that could be used in the workplace. It was important because of the coverage it afforded workers and their families.
- 840.** The Employer Vice-Chairperson said that the Recommendation represented an epic moment. The second discussion of the draft Recommendation had been a pure example of tripartite dialogue. Members from different countries, cultures and languages had drafted an instrument that could be implemented in different national contexts. They had started out cautiously but had become good friends over the course of the discussions. The instrument had met the expectations of the Committee and he hoped it would meet the expectations of the outside world. The time had come to implement the Recommendation, and the force of this instrument would be known through its achievements in responding to HIV and AIDS.
- 841.** The Worker Vice-Chairperson said that the process had started with the ILO code of practice, which had had a major impact globally. After considerable success in its implementation, there was a need to create a stronger instrument. Although they had begun by hoping for a Convention, in the end the Workers' group had agreed on a Recommendation, in view of the commitment shown by the Committee to create a more

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powerful instrument. The process had been an example of social dialogue. In order to eliminate the pandemic it was necessary to eliminate stigma and discrimination. It was necessary to create a non-threatening environment that would encourage voluntary testing. It was essential that people knew their status. He urged Committee members to lead by example and be tested for HIV publicly and regularly. All parties were committed to the instrument, but the necessary resources would have to be made available to assist in its implementation and ensure that it would be translated into national legislation and action. He implored the Government members to implement the instrument in their countries, and he hoped that the tripartite spirit he had seen in this Committee would be reflected in future Committees.

- 842.** The representative of the Secretary-General expressed her gratitude, satisfaction and pride in the adoption of a strong standard that would take the interventions of the world of work to a higher level in the global response to HIV/AIDS with a specific emphasis on prevention. The instrument belonged to all governments, employers and workers as well as all those living with and affected by HIV. The instrument would be relevant to high HIV prevalence and low HIV prevalence countries alike, and its adoption honoured all those who had lost their lives to HIV. The adoption and implementation of the instrument represented a significant contribution of the world of work to the establishment of a future HIV-free generation. The forthcoming meeting of the UNAIDS Programme Coordinating Board, to be held at the ILO, would be an excellent opportunity to present the new instrument, which would contribute to universal access to prevention, treatment, care and support. The forthcoming International AIDS Conference in Vienna would provide the opportunity to hold a partnership forum to discuss ways of broadening the partnerships to facilitate implementation of the new instrument. Referring to “Devotions Upon Emergent Occasions” by John Donne, she said that any man, woman or child’s death diminished all humankind. She welcomed the spirit in which the new instrument had been adopted, and emphasized that the Office would be ready to support all stakeholders in its implementation. She thanked all those who had participated in the work of the Committee.
- 843.** The Chairperson expressed her thanks to all participants in the Committee’s work for their mutual support and commitment, which had resulted in the enthusiastic and unanimous support for a meaningful international instrument on HIV/AIDS in the workplace. The instrument was strong enough to protect those affected by the pandemic, and was a product of the perseverance, patience and commitment of all participants in the Committee’s work. The crafting and adoption of such an instrument should be a source of pride for the ILO and its tripartite constituents. She thanked all those who had contributed to the work of the Committee, and in particular, those members of the Committee living with HIV who had given very moving testimonies, which had enriched the Committee’s work. All Members should now strive to align their national policies and legislation with the outcome of the Conference, in order to enable the instrument to enhance the protection of the rights of persons living with HIV and to ensure that discrimination and stigma had no place at work. She thanked all those who had contributed to the success of the Committee’s work and the adoption of the instrument. She particularly wished to thank the two Vice-Chairpersons for their dedication and commitment. She declared the present session of the Committee closed.

Geneva, 14 June 2010

*(Signed)* T. Nene-Shezi  
Chairperson

P. Mooney  
Reporter

### **3.2.2 AANBEVELING HIV/AIDS OP DE WERKPLEK**





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## Recommendation on HIV and AIDS and the world of work

- The General Conference of the International Labour Organization,  
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 99th Session on 2 June 2010, and
- Noting that HIV and AIDS have a serious impact on society and economies, on the world of work in both the formal and informal sectors, on workers, their families and dependants, on the employers' and workers' organizations and on public and private enterprises, and undermine the attainment of decent work and sustainable development, and
- Reaffirming the importance of the International Labour Organization's role in addressing HIV and AIDS in the world of work and the need for the Organization to strengthen its efforts to achieve social justice and to combat discrimination and stigmatization with regard to HIV and AIDS in all aspects of its work and mandate, and
- Recalling the importance of reducing the informal economy by attaining decent work and sustainable development in order to better mobilize the world of work in the response to HIV and AIDS, and
- Noting that high levels of social and economic inequality, lack of information and awareness, lack of confidentiality and insufficient access to and adherence to treatment, increase the risk of HIV transmission, mortality levels, the number of children who have lost one or both parents and the number of workers engaged in informal work, and
- Considering that poverty, social and economic inequality and unemployment increase the risk of lack of access to prevention, treatment, care and support, therefore increasing the risk of transmission, and
- Noting that stigma, discrimination and the threat of job loss suffered by persons affected by HIV or AIDS are barriers to knowing one's HIV status, thus increasing the vulnerability of workers to HIV and undermining their right to social benefits, and
- Noting that HIV and AIDS have a more severe impact on vulnerable and at-risk groups, and
- Noting that HIV affects both men and women, although women and girls are at greater risk and more vulnerable to HIV infection and are disproportionately affected by the HIV pandemic compared to men as a result of gender inequality, and that women's empowerment is therefore a key factor in the global response to HIV and AIDS, and
- Recalling the importance of safeguarding workers through comprehensive occupational safety and health programmes, and
- Recalling the value of the ILO code of practice – *An ILO code of practice on HIV/AIDS and the world of work, 2001* – and the need to strengthen its impact given that there are limits and gaps in its implementation, and
- Noting the need to promote and implement the international labour Conventions and Recommendations and other international instruments that are relevant to HIV and AIDS and the world of work, including those that recognize the right to the highest attainable standard of health and to decent living standards, and
- Recalling the specific role of employers' and workers' organizations in promoting and supporting national and international efforts in response to HIV and AIDS in and through the world of work, and

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Noting the important role of the workplace as regards information about and access to prevention, treatment, care and support in the national response to HIV and AIDS, and

Affirming the need to continue and increase international cooperation, in particular in the context of the Joint United Nations Programme on HIV/AIDS, to support efforts to give effect to this Recommendation, and

Recalling the value of collaboration at the national, regional and international levels with the structures dealing with HIV and AIDS, including the health sector and with relevant organizations, especially those representing persons living with HIV, and

Affirming the need to set an international standard in order to guide governments and organizations of employers and workers in defining their roles and responsibilities at all levels, and

Having decided upon the adoption of certain proposals with regard to HIV and AIDS and the world of work, and

Having determined that these proposals shall take the form of a Recommendation;

adopts this ... day of June of the year two thousand and ten the following Recommendation, which may be cited as the HIV and AIDS Recommendation, 2010.

## I. DEFINITIONS

1. For the purposes of this Recommendation:

- (a) "HIV" refers to the human immunodeficiency virus, a virus that damages the human immune system. Infection can be prevented by appropriate measures;
- (b) "AIDS" refers to the acquired immunodeficiency syndrome which results from advanced stages of HIV infection, and is characterized by opportunistic infections or HIV-related cancers, or both;
- (c) "persons living with HIV" means persons infected with HIV;
- (d) "stigma" means the social mark that, when associated with a person, usually causes marginalization or presents an obstacle to the full enjoyment of social life by the person infected or affected by HIV;
- (e) "discrimination" means any distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation, as referred to in the Discrimination (Employment and Occupation) Convention, and Recommendation, 1958;
- (f) "affected persons" means persons whose lives are changed by HIV or AIDS owing to the broader impact of the pandemic;
- (g) "reasonable accommodation" means any modification or adjustment to a job or to the workplace that is reasonably practicable and enables a person living with HIV or AIDS to have access to, or participate or advance in, employment;
- (h) "vulnerability" means the unequal opportunities, social exclusion, unemployment or precarious employment, resulting from the social, cultural, political and economic factors that make a person more susceptible to HIV infection and to developing AIDS;

- 
- (i) “workplace” refers to any place in which workers perform their activity; and
  - (j) “worker” refers to any persons working under any form or arrangement.

## II. SCOPE

2. This Recommendation covers:

- (a) all workers working under all forms or arrangements, and at all workplaces, including:
  - (i) persons in any employment or occupation;
  - (ii) those in training, including interns and apprentices;
  - (iii) volunteers;
  - (iv) jobseekers and job applicants; and
  - (v) laid-off and suspended workers;
- (b) all sectors of economic activity, including the private and public sectors and the formal and informal economies; and
- (c) armed forces and uniformed services.

## III. GENERAL PRINCIPLES

3. The following general principles should apply to all action involved in the national response to HIV and AIDS in the world of work:

- (a) the response to HIV and AIDS should be recognized as contributing to the realization of human rights and fundamental freedoms and gender equality for all, including workers, their families and their dependants;
- (b) HIV and AIDS should be recognized and treated as a workplace issue, which should be included among the essential elements of the national, regional and international response to the pandemic with full participation of organizations of employers and workers;
- (c) there should be no discrimination against or stigmatization of workers, in particular jobseekers and job applicants, on the grounds of real or perceived HIV status or the fact that they belong to regions of the world or segments of the population perceived to be at greater risk of or more vulnerable to HIV infection;
- (d) prevention of all means of HIV transmission should be a fundamental priority;
- (e) workers, their families and their dependants should have access to and benefit from prevention, treatment, care and support in relation to HIV and AIDS, and the workplace should play a role in facilitating access to these services;
- (f) workers’ participation and engagement in the design, implementation and evaluation of national and workplace programmes should be recognized and reinforced;

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- (g) workers should benefit from programmes to prevent specific risks of occupational transmission of HIV and related transmissible diseases, such as tuberculosis;
  - (h) workers, their families and their dependants should enjoy protection of their privacy, including confidentiality related to HIV and AIDS, in particular with regard to their own HIV status;
  - (i) no workers should be required to undertake an HIV test or disclose their HIV status;
  - (j) measures to address HIV and AIDS in the world of work should be part of national development policies and programmes, including those related to labour, education, social protection and health; and
  - (k) the protection of workers in occupations that are particularly exposed to the risk of HIV transmission.

#### IV. NATIONAL POLICIES AND PROGRAMMES

##### 4. Members should:

- (a) adopt national policies and programmes on HIV and AIDS and the world of work and on occupational safety and health, where they do not already exist; and
- (b) integrate their policies and programmes on HIV and AIDS and the world of work in development plans and poverty reduction strategies, including decent work, sustainable enterprises and income-generating strategies, as appropriate.

5. In developing the national policies and programmes, the competent authorities should take into account the ILO code of practice on HIV/AIDS of 2001, and any subsequent revision, other relevant ILO instruments, and other international guidelines adopted on this subject.

6. The national policies and programmes should be developed by the competent authorities, in consultation with the most representative organizations of employers and workers, as well as organizations representing persons living with HIV, taking into account the views of relevant sectors, especially the health sector.

7. In developing the national policies and programmes, the competent authorities should take into account the role of the workplace in prevention, treatment, care and support, including the promotion of voluntary counselling and testing, in collaboration with local communities.

8. Members should take every opportunity to disseminate information about their policies and programmes on HIV and AIDS and the world of work through organizations of employers and workers, other relevant HIV and AIDS entities, and public information channels.

##### *Discrimination and promotion of equality of opportunity and treatment*

9. Governments, in consultation with the most representative organizations of employers and workers should consider affording protection equal to that available under the Discrimination (Employment and Occupation) Convention, 1958, to prevent discrimination based on real or perceived HIV status.

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10. Real or perceived HIV status should not be a ground of discrimination preventing the recruitment or continued employment, or the pursuit of equal opportunities consistent with the provisions of the Discrimination (Employment and Occupation) Convention, 1958.

11. Real or perceived HIV status should not be a cause for termination of employment. Temporary absence from work because of illness or care giving duties related to HIV or AIDS should be treated in the same way as absences for other health reasons, taking into account the Termination of Employment Convention, 1982.

12. When existing measures against discrimination in the workplace are inadequate for effective protection against discrimination in relation to HIV and AIDS, Members should adapt these measures or put new ones in place, and provide for their effective and transparent implementation.

13. Persons with HIV-related illness should not be denied the possibility of continuing to carry out their work, with reasonable accommodation if necessary, for as long as they are medically fit to do so. Measures to redeploy such persons to work reasonably adapted to their abilities, to find other work through training or to facilitate their return to work should be encouraged, taking into consideration the relevant International Labour Organization and United Nations instruments.

14. Measures should be taken in or through the workplace to reduce the transmission of HIV and alleviate its impact by:

- (a) ensuring respect for human rights and fundamental freedoms;
- (b) ensuring gender equality and the empowerment of women;
- (c) ensuring actions to prevent and prohibit violence and harassment in the workplace;
- (d) promoting the active participation of both women and men in the response to HIV and AIDS;
- (e) promoting the involvement and empowerment of all workers regardless of their sexual orientation and whether or not they belong to a vulnerable group;
- (f) promoting the protection of sexual and reproductive health and sexual and reproductive rights of women and men; and
- (g) ensuring the effective confidentiality of personal data, including medical data.

### *Prevention*

15. Prevention strategies should be adapted to national conditions and the type of workplace, and should take into account gender, cultural, social and economic concerns.

16. Prevention programmes should ensure:

- (a) that accurate, up to date, relevant and timely information is made available and accessible to all in a culturally sensitive format and language through the different channels of communication available;
- (b) comprehensive education programmes to help women and men understand and reduce the risk of all modes of HIV transmission, including mother-to-child

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transmission, and understand the importance of changing risk behaviours related to infection;

- (c) effective occupational safety and health measures;
- (d) measures to encourage workers to know their own HIV status through voluntary counselling and testing;
- (e) access to all means of prevention, including but not limited to guaranteeing the availability of necessary supplies, in particular male and female condoms and, where appropriate, information about their correct use, and the availability of post-exposure prophylaxis;
- (f) effective measures to reduce high-risk behaviours, including for the most at-risk groups, with a view to decreasing the incidence of HIV; and
- (g) harm reduction strategies based on guidelines published by the World Health Organization (WHO), the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the United Nations Office on Drugs and Crime (UNODC) and other relevant guidelines.

#### *Treatment and care*

17. Members should ensure that their national policies and programmes on workplace health interventions are determined in consultation with employers and workers and their representatives and are linked to public health services. They should offer the broadest range of appropriate and effective interventions to prevent HIV and AIDS and manage their impact.

18. Members should ensure that workers living with HIV and their dependants benefit from full access to health care, whether this is provided under public health, social security systems or private insurance or other schemes. Members should also ensure the education and awareness raising of workers to facilitate their access to health care.

19. All persons covered by this Recommendation, including workers living with HIV and their families and their dependants, should be entitled to health services. These services should include access to free or affordable:

- (a) voluntary counselling and testing;
- (b) antiretroviral treatment and adherence education, information and support;
- (c) proper nutrition consistent with treatment;
- (d) treatment for opportunistic infections and sexually transmitted infections, and any other HIV-related illnesses, in particular tuberculosis; and
- (e) support and prevention programmes for persons living with HIV, including psychosocial support.

20. There should be no discrimination against workers or their dependants based on real or perceived HIV status in access to social security systems and occupational insurance schemes, or in relation to benefits under such schemes, including for health care and disability, and death and survivors' benefits.

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### *Support*

21. Programmes of care and support should include measures of reasonable accommodation in the workplace for persons living with HIV or HIV-related illnesses, with due regard to national conditions. Work should be organized in such a way as to accommodate the episodic nature of HIV and AIDS, as well as possible side effects of treatment.

22. Members should promote the retention in work and recruitment of persons living with HIV. Members should consider extending support through periods of employment and unemployment, including where necessary, income-generating opportunities for persons living with HIV or persons affected by HIV or AIDS.

23. Where a direct link can be established between an occupation and the risk of infection, AIDS and infection by HIV should be recognized as an occupational disease or accident, in accordance with national procedures and definitions, and with reference to the List of Occupational Diseases Recommendation, 2002, as well as other relevant International Labour Organization instruments.

### *Testing, privacy and confidentiality*

24. Testing must be genuinely voluntary and free of any coercion and testing programmes must respect international guidelines on confidentiality, counselling and consent.

25. HIV testing or other forms of screening for HIV should not be required of workers, including migrant workers, jobseekers and job applicants.

26. The results of HIV testing should be confidential and not endanger access to jobs, tenure, job security or opportunities for advancement.

27. Workers, including migrant workers, jobseekers and job applicants, should not be required by countries of origin, of transit or of destination to disclose HIV-related information about themselves or others. Access to such information should be governed by rules of confidentiality consistent with the ILO code of practice on the protection of workers' personal data, 1997, and other relevant international data protection standards.

28. Migrant workers, or those seeking to migrate for employment, should not be excluded from migration by the countries of origin, of transit or of destination on the basis of their real or perceived HIV status.

29. Members should have in place easily accessible dispute resolution procedures which ensure redress for workers if their rights set out above are violated.

### *Occupational safety and health*

30. The working environment should be safe and healthy, in order to prevent transmission of HIV in the workplace, taking into account the Occupational Safety and Health Convention, 1981, and Recommendation, 1981, the Promotional Framework for Occupational Safety and Health Convention, 2006, and Recommendation, 2006, and other relevant international instruments, such as joint International Labour Office and WHO guidance documents.

31. Safety and health measures to prevent workers' exposure to HIV at work should include universal precautions, accident and hazard prevention measures, such as



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organizational measures, engineering and work practice controls, personal protective equipment, as appropriate, environmental control measures and post-exposure prophylaxis and other safety measures to minimize the risk of contracting HIV and tuberculosis, especially in occupations most at risk, including in the health-care sector.

32. When there is a possibility of exposure to HIV at work, workers should receive education and training on modes of transmission and measures to prevent exposure and infection. Members should take measures to ensure that prevention, safety and health are provided for in accordance with relevant standards.

33. Awareness-raising measures should emphasize that HIV is not transmitted by casual physical contact and that the presence of a person living with HIV should not be considered a workplace hazard.

34. Occupational health services and workplace mechanisms related to occupational safety and health should address HIV and AIDS, taking into account the Occupational Health Services Convention, 1985, and Recommendation, 1985, the *Joint ILO/WHO guidelines on health services and HIV/AIDS*, 2005, and any subsequent revision, and other relevant international instruments.

### *Children and young persons*

35. Members should take measures to combat child labour and child trafficking that may result from the death or illness of family members or caregivers due to AIDS and to reduce the vulnerability of children to HIV, taking into account the ILO Declaration on Fundamental Principles and Rights at Work, 1998, the Minimum Age Convention, 1973, and Recommendation, 1973, and the Worst Forms of Child Labour Convention, 1999, and Recommendation, 1999. Special measures should be taken to protect these children from sexual abuse and sexual exploitation.

36. Members should take measures to protect young workers against HIV infection, and to include the special needs of children and young persons in the response to HIV and AIDS in national policies and programmes. These should include objective sexual and reproductive health education, in particular the dissemination of information on HIV and AIDS through vocational training and in youth employment programmes and services.

## V. IMPLEMENTATION

37. National policies and programmes on HIV and AIDS and the world of work should:

- (a) be given effect, in consultation with the most representative organizations of employers and workers and other parties concerned including relevant public and private occupational health structures, by one or a combination of the following means:
  - (i) national laws and regulations;
  - (ii) collective agreements;
  - (iii) national and workplace policies and programmes of action; and
  - (iv) sectoral strategies, with particular attention to sectors in which persons covered by this Recommendation are most at risk;

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- (b) involve the judicial authorities competent in labour issues, and labour administration authorities in the planning and implementation of the policies and programmes, and training in this regard should be provided to them;
  - (c) provide for measures in national laws and regulations to address breaches of privacy and confidentiality and other protection afforded under this Recommendation;
  - (d) ensure collaboration and coordination among the public authorities and public and private services concerned, including insurance and benefit programmes or other types of programmes;
  - (e) promote and support all enterprises to implement the national policies and programmes, including through their supply chains and distribution networks, with the participation of organizations of employers and workers and ensure that enterprises operating in the export processing zones comply;
  - (f) promote social dialogue, including consultation and negotiation, consistent with the Tripartite Consultation (International Labour Standards) Convention, 1976, and other forms of cooperation among government authorities, public and private employers and workers and their representatives, taking into account the views of occupational health personnel, specialists in HIV and AIDS, and other parties including organizations representing persons living with HIV, international organizations, relevant civil society organizations and country coordinating mechanisms;
  - (g) be formulated, implemented, regularly reviewed and updated, taking into consideration the most recent scientific and social developments and the need to mainstream gender and cultural concerns;
  - (h) be coordinated with, among others, labour, social security and health policies and programmes; and
  - (i) ensure that Members make reasonable provision for the means of their implementation, with due regard to national conditions, as well as to the capacity of employers and workers.

### *Social dialogue*

38. Implementation of policies and programmes on HIV and AIDS should be based on cooperation and trust among employers and workers and their representatives, and governments, with the active involvement, at their workplace, of persons living with HIV.

39. Organizations of employers and workers should promote awareness of HIV and AIDS, including prevention and non-discrimination, through the provision of education and information to their members. These should be sensitive to gender and cultural concerns.

### *Education, training, information and consultation*

40. Training, safety instructions and any necessary guidance in the workplace related to HIV and AIDS should be provided in a clear and accessible form for all workers and, in particular, for migrant workers, newly engaged or inexperienced workers, young workers and persons in training, including interns and apprentices. Training, instructions and guidance should be sensitive to gender and cultural concerns and adapted to the characteristics of the workforce, taking into account the risk factors for the workforce.

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41. Up to date scientific and socio-economic information and, where appropriate, education and training on HIV and AIDS should be available to employers, managers and workers' representatives, in order to assist them in taking appropriate measures in the workplace.

42. Workers, including interns, trainees and volunteers should receive awareness-raising information and appropriate training in HIV infection control procedures in the context of workplace accidents and first aid. Workers whose occupations put them at risk of exposure to human blood, blood products and other body fluids should receive additional training in exposure prevention, exposure registration procedures and post-exposure prophylaxis.

43. Workers and their representatives should have the right to be informed and consulted on measures taken to implement workplace policies and programmes related to HIV and AIDS. Workers' and employers' representatives should participate in workplace inspections in accordance with national practice.

#### *Public services*

44. The role of the labour administration services, including the labour inspectorate, and of the judicial authorities competent in labour issues, in the response to HIV and AIDS, should be reviewed and, if necessary, strengthened.

45. Public health systems should be strengthened and follow the *Joint ILO/WHO guidelines on health services and HIV/AIDS*, 2005, and any subsequent revision, to help ensure greater access to prevention, treatment, care and support, and reduce the additional strain on public services, particularly on health workers, caused by HIV and AIDS.

#### *International cooperation*

46. Members should cooperate, through bilateral or multilateral agreements, through their participation in the multilateral system or through other effective means, in order to give effect to this Recommendation.

47. Measures to ensure access to HIV prevention, treatment, care and support services for migrant workers should be taken by countries of origin, of transit and of destination, and agreements should be concluded among the countries concerned, whenever appropriate.

48. International cooperation should be encouraged between and among Members, their national structures on HIV and AIDS and relevant international organizations and should include the systematic exchange of information on all measures taken to respond to the HIV pandemic.

49. Members and multilateral organizations should give particular attention to coordination and to the necessary resources to satisfy the needs of all countries, especially high prevalence countries, in the development of international strategies and programmes for prevention, treatment, care and support related to HIV.

50. Members and international organizations should seek to reduce the price of supplies of any type, for the prevention, treatment and care of infection caused by HIV and other opportunistic infections and HIV-related cancers.

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## VI. FOLLOW-UP

51. Members should establish an appropriate mechanism or make use of an existing one, for monitoring developments in relation to their national policy on HIV and AIDS and the world of work, as well as for formulating advice on its adoption and implementation.

52. The most representative organizations of employers and workers should be represented, on an equal footing, in the mechanism for monitoring developments in relation to the national policy. In addition, these organizations should be consulted under the mechanism as often as necessary taking into consideration the views of organizations of persons living with HIV, expert reports or technical studies.

53. Members should, to the extent possible, collect detailed information and statistical data and undertake research on developments at the national and sectoral levels in relation to HIV and AIDS in the world of work, taking into account the distribution of women and men and other relevant factors.

54. In addition to the reporting under article 19 of the Constitution of the International Labour Organization, a regular review of action taken on the basis of this Recommendation could be included in national reports to UNAIDS and reports under relevant international instruments.

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## Annex

### **Resolution concerning the promotion and the implementation of the Recommendation on HIV and AIDS and the world of work, 2010**

The General Conference of the International Labour Organization, meeting at its 99th Session, 2010,

Having adopted the Recommendation on HIV and AIDS and the world of work, 2010,

Noting that the success of the Recommendation will depend upon the effective promotion and implementation of its requirements,

Mindful that the core mandate of the Organization is to promote decent work and sustainable enterprises,

Noting the ILO's participation as a tripartite organization in the Joint United Nations' Programme on HIV/AIDS (UNAIDS) efforts to address HIV and AIDS,

1. Invites the Governing Body of the International Labour Office to allocate the resources within the existing budget and look for additional extra-budgetary resources to carry out the work with the tripartite constituents to give effect to the Recommendation in the world of work.

2. Invites the Governing Body to take action to promote collaborative efforts with the various international organizations concerning HIV and AIDS at the workplace.

3. Invites the Governing Body to request that a Global Action Plan be established to achieve widespread implementation of the Recommendation in order to reduce the impact of HIV and AIDS in the workplace. This should be developed with the representative employers' and workers' organizations, taking into account the views of UNAIDS, organizations representing persons living with HIV and AIDS, and other relevant parties.

4. Invites the Governing Body to request the Director-General to give due regard to fair allocation of the Office's technical cooperation resources to countries. Member States and the most representative workers' and employers' organizations may request assistance in the implementation of the Recommendation in areas such as:

- (a) technical assistance in developing and implementing tripartite national policies, programmes, and legislation to meet the requirements of this Recommendation;
- (b) providing support and building capacity to train, communicate, monitor, implement and advocate, for example:
  - (i) the development of training programmes and materials to build capacity, including those with a sectoral focus;
  - (ii) the training of workplace HIV and AIDS focal persons and educators, including employers' and workers' representatives and labour administrators;
  - (iii) the development of promotional materials and advocacy tools related to the Recommendation; and
  - (iv) national and regional seminars and workshops promoting the Recommendation.

5. Invites member States to use existing mechanisms or to establish mechanisms at the national level to review progress, and monitor developments and share examples of good practice in relation to the implementation of the national policies and programmes on HIV and AIDS relevant to the world of work.

6. Invites the Governing Body to request regular reports from member States under article 19 of the ILO Constitution as part of the existing reporting mechanisms, in particular General Surveys. Governments' reports relating to HIV and AIDS should be prepared in consultation with the most representative employers' and workers' organizations, including details of progress made and, where possible, examples of good practice.

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7. Invites the Governing Body to periodically review the progress made in the implementation of this Recommendation.

8. Invites the Governing Body to promote to member States the extension under Article 1(1)(b) of the Discrimination (Employment and Occupation) Convention, 1958 so that the protection afforded under that Convention is extended to real or perceived HIV status.

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### **3.3 *RECURRENT DISCUSSION* OVER HET STRATEGISCHE DOEL WERKGELEGENHEID**



### **3.3 Recurrent discussion over het strategische doel werkgelegenheid**

#### *Algemeen*

In de follow up van de Social Justice Declaration van 2008 is bepaald dat er jaarlijks, bij elke IAC, een terugkerend onderwerp bediscussieerd zal worden. Deze onderwerpen zijn de vier strategische doelen: werkgelegenheid, sociale bescherming, arbeidsnormen en sociaal dialoog. Voor deze IAC stond voor het eerst een recurrent discussion item op de agenda: werkgelegenheid.

Ten grondslag aan de discussie lag het rapport "Employment policies for social justice and a fair globalisation".

#### *Discussiepunten*

De eerste dagen van dit Committee bestonden uit thematische dialogen met alle lidstaten, werkgevers en werknemers. De thema's waren gekozen op basis van de inhoud van het rapport "Employment policies for social justice and a fair globalisation": trends en uitdagingen waarvoor de arbeidsmarkt staat, de plaats van werkgelegenheid in het macro-economische kader, het effect van handel en investeringen op werkgelegenheid, het effect van arbeidsmarktbeleid en het vergroten van de inzetbaarheid van personen.

Tijdens de besprekingen gaven de werknemers vooral het belang weer van het handhaven van arbeidsstandaarden, in het bijzonder tijdens de huidige economische verslechtering. Voorts benadrukten zij dat werkgelegenheid centraal zou moeten staan in het macro-economische framework, en niet slechts als bij-product van macro-economische ontwikkelingen gezien moet worden. In dat kader legden zij de nadruk op het verbeteren van beleidscoherentie tussen financieel, economisch, werkgelegenheids- en sociaal beleid.

De werkgevers grepen deze discussie vooral aan om aan te geven dat het Bureau van de IAO meer zou moeten inzetten op verbeteren en het opbouwen van kennis, door middel van impact analyses, monitoring van beleid en het opbouwen van een goede databank en arbeidsmarktstatistieken. Zij refereerden met enige regelmaat aan de (gemeenschappelijke) uitdagingen waar de meeste landen voorstaan en dat de leden van de IAO behoefte hebben aan kennis om deze uitdagingen aan te gaan. In het bijzonder zetten zij in op flexibilisering van de arbeidsmarkt.

Over het algemeen bestond er veel overeenstemming over de standpunten op de diverse thema's tussen de constituenten.

#### *Uitkomst*

Het opstellen van conclusies is het resultaat van de thematische dialogen. De conclusies geven de prioriteiten aan voor het werk van de IAO, en potentiële werkzaamheden voor overheden en werkgevers en werknemers op de verschillende thema's die zijn besproken. In de conclusies wordt onder andere opgeroepen om werkgelegenheid centraal te stellen, juist nu in een tijd van economische verslechtering, daarbij de lange termijn uitdagingen niet uit het oog verliezen en het verbeteren van beleidscoherentie.

Nederland was tevreden met het opstellen van conclusies, in plaats van het ontwikkelen van een nieuw instrument waar enkele landen en de werknemers op uit waren. Volgens Nederland is de Global Jobs Pact (GJP) op dit moment een voldoende instrument om het herstel van de arbeidsmarkt als gevolg van de crisis te ondersteunen en te bevorderen. De conclusies zijn een goede aanvulling op de huidige instrumenten (Decent Work Agenda, Social Justice Declaration en GJP), omdat de conclusies een duidelijke rol aan de IAO toebedelen in het opbouwen van expertise, door middel van veldwerk, monitoring, impact analyses en het opbouwen van een database. In dat kader is in de conclusies opgenomen dat meer samenwerking van de IAO met andere internationale financiële instellingen (Wereldbank en IMF) zeer belangrijk wordt geacht. Ook is het versterken van beleidscoherentie tussen financieel, economische, werkgelegenheids- en sociaal

beleid belangrijk. (Formele) werkgelegenheid zal daardoor vooral in ontwikkelingslanden hoger op de agenda komen te staan.

De conclusies vertonen veel overlap met hetgeen reeds is vastgelegd in de Global Jobs Pact. Dit doet af aan de kracht van de boodschap van de conclusies, in het bijzonder omdat dit het eerste recurrent item is dat bediscussieerd is.

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## Conclusions concerning the recurrent discussion on employment

### I. Introduction, trends and challenges

1. The world is emerging from its worst global recession in 70 years, a recession triggered by a crisis in global financial markets. It has set back progress towards shaping a fair globalization based on the goal of social justice. The recession has exacerbated a crisis of poverty and underdevelopment that preceded it, and contributed to immense global unemployment, underemployment and employment insecurity. It has damaged people's lives, reduced incomes and living standards for many, threatened the sustainability of enterprises and undermined productive investment.
2. Many countries are now showing signs of growth following significant fiscal and monetary stimulus measures. Policy-makers are working to address the need for more effective supervisory and regulatory financial frameworks. Yet the recovery remains fragile and unevenly distributed, and many labour markets are yet to see jobs recovery match economic recovery. Recent turbulence in equity, bond and currency markets underlines the fragility of recovery.
3. Many countries face difficult policy choices. On the one hand, a premature winding down of the fiscal stimulus packages that served to mitigate the crisis impact could be a brake on the fragile recovery in the private economy. On the other, whilst a postponement of addressing the serious debt and deficit problems in which countries now find themselves could lead to the same outcome; reductions in government spending, where they result in decline in public services, jobs, wage levels, pensions or transfer payments could also impact on aggregate demand, growth and employment.
4. Many countries in both the developed and the developing world still suffer from the consequences of the crisis, and the current challenge of fiscal deficits in developed countries must be managed. Any reduction in global aggregate demand at this delicate stage in the recovery processes could seriously exacerbate problems such as underlying imbalances within and between nations, unemployment, underemployment and potential for further job losses, the numbers of working poor, social tensions, protectionist reactions and other factors that delay and make more difficult the global goal of achieving full, productive, freely chosen and decent work for all.
5. Experience from past recessions has shown that the recovery in employment lags well behind the pick-up in economic activity. Macroeconomic policies and frameworks designed to address the crisis must therefore seek to reduce or eliminate the lag between the recovery in output and a return to full productive employment and decent work for all. Employment creation and growth should be at the heart of all macroeconomic policy.
6. Employment recovery has to be based on productive investment and income.
7. A good investment climate should encourage both foreign and domestic investment and growth which can benefit both employers and workers through additional opportunities for decent work.
8. Equally, consumption is an essential component of aggregate demand. The crisis shows that debt fuelled consumption became unsustainable. It is the incomes of working men and women that sustain aggregate demand; and productivity is the source of rising incomes.

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Before the crisis, average wage growth lagged overall behind returns to capital and productivity growth. The reasons for this are subject to debate; however, it is clear that a fair sharing of productivity gains between wages and profits is a solid basis on which to sustain demand.

9. There is a clear link between macroeconomic policy and sustainable enterprises. An enabling environment for sustainable enterprises allows them to generate the growth that creates decent jobs and provides the confidence to invest and employ. Policies that provide such an environment are necessary for the creation of decent work.
10. In many countries, temporary, part-time, casual or other changing forms of work have increased as a consequence of factors on both the supply and demand sides of the labour market. Governments, the social partners and the International Labour Office (the Office) are challenged to be more responsive to such employment to ensure decent work.
11. The benefits from increased trade and investment are spread unevenly. Some economies and workforces are disadvantaged and poorly prepared to enter the global economy. For many developing countries diversifying their economies and producing a wider range of goods and services is an important challenge. Policy options include industrial policies and sectoral strategies, which expand decent and productive employment opportunities.
12. Informal employment in urban and rural areas is a major problem for many labour markets throughout the world. The majority of poor people live and work in rural areas, where decent work deficits can be severe. Thus, increasing rural productivity and investment in agriculture and rural areas are essential to reducing inequalities and promoting more inclusive economies.
13. There is increasing concern that young people will not find the employment opportunities they need, and that a generation may be left behind. Many women also continue to be excluded from full participation in the labour market. This could lead to significant increase in social tensions, further pressure on the road to recovery and long-term consequences for their social and economic well-being, as well as the development of nations. Ensuring that young people and women have the appropriate education, skills and opportunities to participate in the economy is important. This recognition does nothing to detract from the responsibility to address other long-term socially disadvantaged groups that are marginalized within and across our nations.
14. In an ever more globalized world, information and technology increasingly drive the need for new skills and competencies at the workplace and put a premium on the knowledge economy. Promoting improved access to technology in developing countries will increase employment opportunities.
15. The movement of goods and capital across borders is one feature of globalization, but workers also cross borders and it is important to be cognizant that globalization has increased migration which also needs to be looked at from an employment perspective while ensuring protection of migrant workers, in accordance with national law and practice and applicable international labour standards.
16. Adaptation to climate change and the need to safeguard the natural environment will continue to impact on the world of work. The challenges are to seize the major opportunities for decent green job creation and inclusive development and to manage labour market transitions.
17. The International Labour Organization (ILO) has a particular role to play in the employment and social aspects associated with all these challenges.

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18. The ILO has important policy tools to tackle the employment consequences of the crisis, and build a sustainable recovery: the Global Employment Agenda (2003), the ILO Declaration on Social Justice for a Fair Globalization (2008), and the Global Jobs Pact (2009). The Organization and its constituents can harness this policy framework to accelerate recovery and put productive employment and decent work at the heart of national and international policy frameworks to promote a world in which productive and decent work opportunities are maximized.

## II. Background

19. At its 97th Session in 2008, the International Labour Conference adopted the ILO Declaration on Social Justice for a Fair Globalization. The Declaration recognizes, in the context of accelerating change, the commitments and efforts of the Organization and its Members to implement the ILO's constitutional mandate, including through international labour standards, and to place full and productive employment and decent work at the centre of economic and social policies. This Declaration is designed to strengthen the ILO's capacity to promote its Decent Work Agenda and create an effective response to the challenges of globalization that promotes and achieves progress and social justice.
20. The follow-up to the ILO Declaration on Social Justice for a Fair Globalization stipulated that the Organization would table a recurrent discussion at the International Labour Conference (ILC) to understand better the diverse realities and needs of constituents, to assess the results of the ILO's activities and to enable the Office to deliver more effective responses with respect to each of the Organization's four inseparable, interrelated and mutually supportive strategic objectives. These are: promote employment; develop and enhance social protection; promote social dialogue and tripartism; and respect, promote and realize the fundamental principles and rights at work.
21. This document contains the tripartite conclusions agreed at the 99th Session of the ILC, 2010, following the recurrent discussion on employment and the observations of the General Survey concerning employment instruments.
22. The overall objective of these conclusions is to identify actions required to respond more effectively to the diverse realities and needs of ILO Members for the generation of full, freely chosen and productive employment and decent work. These identify the challenges faced by member States, employers and workers and their organizations. To address these challenges, these conclusions propose actions that the Governing Body and the Office, governments, and employers' and workers' organizations, can take to support constituents' needs, whilst mindful of their diverse realities.
23. These conclusions call for improved methods of international cooperation that better enable the Organization and its constituents to benefit from each others' experiences. In many cases, increased collaborative work with other relevant international organizations is called for, as is improved policy coherence at national, regional and international levels, including South-South cooperation.
24. These conclusions draw on the Constitution of the International Labour Organization including the Declaration of Philadelphia, and on the ILO Declaration on Fundamental Principles and Rights at Work, as well as the ILO Declaration on Social Justice for a Fair Globalization. They take account of the profound impact of the global financial, economic and jobs crisis that began in 2008. They also establish a framework for implementing policies and policy options including all elements in the Global Employment Agenda previously agreed by the Governing Body and in the Global Jobs Pact previously agreed by the Conference.

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### **III. Macroeconomic policy frameworks to promote full, decent, productive and freely chosen employment**

**25.** Governments of member States should assess as appropriate the following:

- (i) creation and maintenance of productive and freely chosen employment, conforming to fundamental principles and rights at work and other international labour standards;
- (ii) policies to help maintain wage levels;
- (iii) design and implementation of a pro-employment macroeconomic policy framework that promotes growth, investment, sustainable enterprise, decent work, employability and skills development and a fair distribution of income, “to place full and productive employment and decent work at the centre of economic and social policies” (ILO Declaration on Social Justice for a Fair Globalization);
- (iv) production, collection, analysis and dissemination of high-quality labour market statistics and information on decent work in order to build a sound empirical evidence base for policy-making;
- (v) promote employment growth through both domestic and export-led economic growth;
- (vi) harnessing the input and experience of workers and employers through their representative organizations, through effective dialogue on policies affecting employment.

**26.** The role of the social partners includes:

- (i) providing timely, considered and constructive policy input to governments;
- (ii) advocating for agreed tripartite employment policy;
- (iii) promoting the Decent Work Agenda and social dialogue;
- (iv) participating in collective bargaining according to law and practice.

**27.** Priorities for the Office include:

- (i) improving and coordinating its technical and analytical capacity to examine macroeconomic policies from the perspective of employment outcomes. This can only be done effectively if the Office supports capacity building in those countries that currently cannot collect labour market statistics. The Office should also deliver high-quality policy advice upon request to governments and social partners and ensure constituents are aware of the services it can provide;
- (ii) increasing its engagement in international macroeconomic policy dialogues and pursuing partnership and dialogue with other relevant international organizations across the multilateral system on integrating employment objectives into macroeconomic advice and policy frameworks;
- (iii) promoting and strengthening policy work on the enabling environment for sustainable enterprises reflecting employment growth and decent work;

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- (iv) intensifying research efforts; submitting research to external peer review to improve quality, value-added and visibility; and using research findings to inform policy advice;
  - (v) engaging with other international agencies, international financial institutions and developed countries to strengthen policy coherence and to deepen development assistance and support for least developed, developing and transition countries with restricted fiscal and policy space to respond to the crisis.

#### **IV. Employment and labour market policies to promote full, decent, productive and freely chosen employment**

**28.** Governments of member States should consider and/or undertake, as appropriate, the following:

- (i) the recommendations of the Global Jobs Pact, including employment services, employment guarantee schemes, infrastructure investment, public sector development, social dialogue, collective bargaining and employment protection during restructuring, as well as sustainable enterprises to enable long-term employment and growth;
- (ii) employment targeting through integration of quantitative and qualitative targets for employment growth in economic and sectoral policies, investment and expenditure plans, and evaluating their implementation;
- (iii) setting up or strengthening mechanisms for effective coordination, coherence and commitment across government ministries on employment policy-making;
- (iv) articulating employment policies in national development frameworks, establishing and/or improving labour market information systems and integrating labour market indicators in national monitoring systems and budgetary reviews;
- (v) supporting the creation and growth of sustainable enterprises in all sectors and supporting job creation across sectors of the economy, recognizing the multiplier effect of targeted efforts;
- (vi) noting the G20 labour ministers' support for further development of high growth sectors like health care, elder care, education and public safety;
- (vii) targeting assistance for the creation of decent employment and income opportunities for vulnerable and disadvantaged groups, including through small and medium-sized enterprises, cooperatives and labour-intensive infrastructure investments;
- (viii) implementing a supportive regulatory environment conducive to job creation through sustainable enterprise creation and development;
- (ix) policy measures to address the challenge of youth unemployment, in particular through labour market programmes, to support their entry into sustainable employment and decent work;
- (x) new decent work opportunities that may be generated by changing forms of employment provided that adequate protection for temporary and non-regular workers is ensured;

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(xi) protect against disguised employment relationships.

**29.** The roles of social partners include :

- (i) providing timely, considered and constructive policy input to governments;
- (ii) using social dialogue and collective bargaining as appropriate, to address employment and labour market challenges;
- (iii) building awareness amongst their members of the Global Jobs Pact options; and
- (iv) proactively contributing to and using the Global Employment Agenda, ILO databases and information on international labour market policies, good practice and lessons.

**30.** Priorities for the Office should include:

- (i) reviewing and reporting on the multiple mechanisms (e.g. Millennium Development Goals, Poverty Reduction Strategies) that countries may be expected to use to reflect national commitments on employment, with respect to their coherence and collective reporting expectations;
- (ii) strengthening its capacities and expanding its services to provide timely and customized advice on employment policies, to evaluate their impacts, and to draw lessons;
- (iii) evaluating the use, effectiveness and outreach of its services and tools, including those relating to quality employment creation and advice on assessment of economic strategies and databases; reporting to the Governing Body on the results of these evaluations and learning from them in an effort to continuously improve the policies and services of the Office;
- (iv) carrying out employment policy reviews, and improving methods to draw lessons from them and sharing them with constituents;
- (v) providing regular training opportunities for governments, social partners and other major stakeholders on employment policy design, implementation frameworks and evaluation, including training on generating, analysing and utilizing labour market statistics for effective employment policy-making;
- (vi) stepping up its work on precarious employment in the informal economy through increased research and country reviews on factors that impede or facilitate transition to formality and decent work;
- (vii) strengthening its work on employment-intensive investment including public employment guarantee schemes for temporary employment, emergency public works programmes and other direct job creation schemes which are well targeted and include the informal economy;
- (viii) strengthening its work on cooperatives and social economy as important areas of employment creation.



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## **V. Improving employability, productivity, living standards and social progress**

**31.** Governments of member States should consider and/or undertake as appropriate the following:

- (i) designing and promoting policies in regard to wages and earnings, hours and other conditions of work that ensure a just share of the fruits of progress to all and a minimum living wage to all employed and in need of such protection;
- (ii) considering options such as minimum wages that can reduce poverty and inequity, increase demand and contribute to economic stability. The Minimum Wage Fixing Convention, 1970 (No. 131), can provide guidance in this respect;
- (iii) improving the quality and coverage of basic education and core competencies;
- (iv) improving knowledge on decent work and entrepreneurship skills which will enable individuals and enterprises to respond and adjust more easily to economic restructuring and economic downturns, and participate in the formal economy;
- (v) providing opportunities for lifelong learning and skills development, including higher order competencies through vocational education and training that benefit long-term employability and productivity;
- (vi) improving and expanding accessibility of appropriate vocational, and wherever relevant, entrepreneurship training, especially addressing the needs of women, young people and vulnerable groups;
- (vii) improving and expanding accessibility of vocational and entrepreneurship training, especially to cooperatives and micro, small and medium-sized enterprises;
- (viii) investing in labour market information systems to inform labour market policies, including training policies, their delivery; and to track impact and effectiveness of education and training in order to inform ongoing policy development;
- (ix) enhancing the capacity of their employment services to reach more jobseekers and employers and to improve their performance including in career guidance and job counselling;
- (x) strengthening institutions, practices and mechanisms to sustain employer and worker involvement in setting training priorities and assuring training quality and relevance at sectoral and national levels;
- (xi) promoting the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (the MNE Declaration) which, among other things, addresses training and living standards.

**32.** The roles of the social partners include:

- (i) participating in social dialogue and institutions designed to sustain dialogue between employers and their organizations, trade unions, and training institutions at national, sectoral and local levels, including in institutions to design and implement vocational education and training;

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- (ii) supporting opportunities for on-the-job training, both for employees and for young people amongst employers of all types from multinational enterprises to micro, small and medium-sized enterprises;
  - (iii) promoting productivity and responsible workplace practices and access to relevant training, information and services, particularly for small and medium-sized enterprises.

**33. Priorities for the Office should include:**

- (i) expanding its leadership role in skills development, building on the G20 training strategy prepared by the ILO, by documenting what works under what circumstances and with what resources, and by improving dissemination of this information, for example, considering the setting up and management of a global Knowledge Bank on education, skills and lifelong learning including on green growth;
- (ii) conducting rigorous research on green jobs in order to track how countries are realizing the potential for job creation, adapting traditional industries, and shifting towards environmentally sustainable production, and then be able to disseminate high quality, globally relevant information and to assist, in particular developing countries, to incorporate green jobs considerations and measures into Decent Work Country Programmes;
- (iii) developing diagnostic tools for anticipating skills needs. This includes considerations concerning changing demographics, as well as greening the economy, to reduce skills mismatches, to better meet industry needs and improve growth and employment on the basis of improved education and skills;
- (iv) documenting, consolidating and disseminating information on factors that enhance or hamper productivity gains and a fair distribution of their benefits, and devising ways of scaling up the implementation of good practices;
- (v) promoting the MNE Declaration including through cooperation with other international organizations and private initiatives aimed at improving living standards and social progress.

**VI. Trade and investment policies to promote full, decent and productive employment**

**34. Governments of member States should consider and/or undertake the following:**

- (i) taking measures to assess the employment and decent work impact of their trade and investment policies in order to inform policy choices;
- (ii) strengthening collaboration among relevant ministries to ensure that sufficient attention is paid to increasing employment opportunities and decent work through trade and investment policies;
- (iii) institutionalizing dialogue with the social partners around trade and employment issues and aid for trade, within those inter-ministerial coordination mechanisms.

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**35.** The roles of the social partners include:

- (i) social dialogue and cooperation on employment impact assessments of trade and investment policies, including fair adjustment programmes that facilitate transition of displaced workers, including to other decent work opportunities;
- (ii) where appropriate, collaboration on policies to support value-added growth and industrialization in developing countries.

**36.** Priorities for the Office should include:

- (i) strengthening its trade, investment and industrial policy expertise with a view to evaluating the employment and decent work impact of such policies;
- (ii) developing tools for assessing the dynamic quantitative and qualitative employment effects of trade and investment and promoting these tools to member States, including field support for countries as requested;
- (iii) increasing capacity to undertake research and analysis on the employment effects of trade and investment and industrial policies with the aim to inform policy advice;
- (iv) engaging the governments and social partners, separately and together, in discussing and disseminating research findings on the impacts of trade and investment agreements on employment and decent work; and encouraging empirical findings to feed into national policy-making;
- (v) expanding collaboration with other relevant international agencies to, among other objectives, expand the dissemination of research findings on the employment impact of trade policies to inform national, regional and international discussions, and promote policy coherence;
- (vi) scaling up initiatives that have proven effective in helping enterprises and workers benefit from trade opportunities, for example the Better Work Programme, Sustaining Competitive and Responsible Enterprises (SCORE) and the MNE Helpdesk;
- (vii) promotion, in the export sector of countries, of the ILO's core labour standards. In addition, in those countries that have not ratified ILO Conventions on occupational safety and health and maternity protection, promote safe workplaces and fair treatment of women who become pregnant.

## **VII. Standards-related action around the strategic objective of employment**

**37.** The Global Employment Agenda has reaffirmed the complementarity between rights and economic benefits.

**38.** Governments are encouraged to take the following steps:

- (i) respond positively and as a matter of priority to the Office campaign for the ratification of fundamental labour standards and the “governance” Conventions (as identified in the annex to the ILO Declaration on Social Justice for a Fair Globalization), which include the Employment Policy Convention, 1964 (No. 122), taking steps for their effective implementation;

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- (ii) ratify and implement effectively the up to date Conventions covered in the General Survey concerning employment instruments of 2010;<sup>1</sup>
  - (iii) effectively implement the Recommendations covered in the General Survey concerning employment instruments of 2010;<sup>2</sup>
  - (iv) give due consideration to the relevant standards referred to in paragraph 14 of the Global Jobs Pact;
  - (v) reinvigorate efforts to ensure economic downturns do not lead to violation or weakening of fundamental rights at work or national labour laws.
- 39.** Employers' and workers' organizations are encouraged to work with governments and the Office to promote ratification and implementation of the above instruments.
- 40.** The primary obligation of companies is to respect national law. In the absence of relevant national law and regulations, companies should be guided by the principles agreed in international labour standards. The MNE Declaration is an important reference document in this regard.
- 41.** Priorities for the Office include:
- (i) promote the ratification and effective implementation of the instruments mentioned in paragraph 38(i) above;
  - (ii) promote coherence and implementation in practice of international labour standards through advice in reference to national employment policies and Global Jobs Pact country implementation, as well as use of their principles where relevant in regional and international forums where the ILO interacts with other multilateral agencies;
  - (iii) promote the Employment Relationship Recommendation, 2006 (No. 198), as an instrument to combat disguised employment relationships with particular attention to women and young people;
  - (iv) draw guidance from ILO Conventions on public and private employment agencies<sup>3</sup> in order to assist in modernizing and strengthening employment services as well as from best practices at the national level;
  - (v) strengthen capacity building and provide technical assistance to member States to enable effective implementation of the Conventions and Recommendations mentioned in paragraph 38(i) above.

<sup>1</sup> The Employment Policy Convention, 1964 (No. 122), the Human Resources Development Convention, 1975 (No. 142), and the Private Employment Agencies Convention, 1997 (No. 181).

<sup>2</sup> The Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189), and the Promotion of Cooperatives Recommendation, 2002 (No. 193).

<sup>3</sup> The Employment Service Convention, 1948 (No. 88), and the Private Employment Agencies Convention, 1997 (No. 181).

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## **VIII. The interrelationship of the four strategic objectives and their impact on the strategic objective of employment**

- 42.** The inseparable, interrelated and mutually supportive nature of the four strategic objectives in the Global Jobs Pact is increasingly looked to not only as an effective crisis response and recovery strategy, but as the framework of a new social and economic development paradigm, characterized by employment-centred and income-led growth with equity:
- (i) The full economic and social growth potential of a society cannot be realized if people are not benefiting from a social protection floor.
  - (ii) By the same token, social security schemes cannot be financed without a sound economic and employment base.
  - (iii) Freely chosen employment cannot be realized without respect for the fundamental principles and rights at work.
  - (iv) A fair sharing of the benefits of productivity gains and growth and of adjustment burdens in times of economic crises cannot be assured without social dialogue.
  - (v) And, productivity gains and employment growth cannot be achieved without an enabling environment for sustainable enterprise.
- 43.** The Office, governments and social partners need to increase their technical and institutional capacities to use the ILO Declaration on Social Justice for a Fair Globalization, the Global Jobs Pact and the Global Employment Agenda to institutionalize coherence and the mutually supportive character of the four strategic objectives.
- 44.** Governments of member States should consider and/or undertake as appropriate the following:
- (i) combining measures such as minimum wage, income transfers, social protection, employment policies, public investment and skills and entrepreneurship development to improve the quantity and quality of jobs, including for groups typically disadvantaged in the labour market;
  - (ii) utilizing mechanisms that encourage social dialogue, based on freedom of association, including collective bargaining, to preserve jobs during downturns and to enhance employability, education and training and the appropriate skills for those forced to seek new work, to define working conditions, and to agree on measures to improve productivity and to share gains from improved productivity;
  - (iii) building adequate social protection for all;
  - (iv) strengthening the capacities of labour inspection services including to help employers comply with national labour law through enforcement and education and to provide access to technical training and education services, including on occupational safety and health, which can improve the quality of life of workers and boost productivity;
  - (v) deploying employment policies to build a more inclusive society, including for example ensuring that policies and programmes serve the objective of gender equality and meet the needs of groups typically disadvantaged in the labour market.

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**45. Priorities for the Office should include:**

- (i) strengthening the systematic oversight and coordination processes ensuring that employment and the other three sectors of the Office work together on the key policy frameworks including the Global Employment Agenda and the Global Jobs Pact;
- (ii) improving transparency in resource allocations, building synergies and better participation of the social partners including in technical cooperation projects, recognizing the cross-cutting role of the Bureau for Employers' Activities and the Bureau for Workers' Activities in the work of the Office;
- (iii) raising and reallocating adequate resources in order to speed up the process of the Global Jobs Pact implementation at country level where this is requested by member governments. This could happen in the following ways: (a) creating a designated Office team drawn from across the four strategic objectives of the ILO on applying the Global Jobs Pact at the country level who would lead rapid diagnostics and response support to field offices; (b) encouraging governments to ensure a genuine tripartite process at country level including, where necessary, capacity building of constituents; (c) using the full country scan methodology which should be completed as a first step;
- (iv) working cooperatively with other multilateral organizations to promote policy coherence for a fair globalization based on the guidance of the ILO Declaration on Social Justice for a Fair Globalization, the Global Employment Agenda and the Global Jobs Pact;
- (v) a systematic review and possible consolidation of the range of tools and methods for employment promotion at the country level, including for example Decent Work Country Programmes.

**IX. Requests to the Governing Body for items to be placed on its agenda**

- 46.** Receive a report of ways in which international organizations, including international financial institutions and the United Nations, are providing support to employment policies and employment objectives, and the state of collaboration with the ILO.
- 47.** Organize a forum during the Governing Body on macroeconomic policy options for rapid high-quality employment generation, and how the ILO is promoting employment objectives through macroeconomic advice to governments and constituents. The discussion should be based on evidence-based analysis of country experience.
- 48.** Consider a discussion on major periodic capacity-building exercises in the regions on employment policy analysis and design guided by the impact assessment of these policies.
- 49.** Consider whether to develop a "rapid response" capacity from across the Office to be able to work effectively with other international organizations or alone, to assist countries who request support to develop a strategy to deal with fiscal crisis or economic restructuring in regard to employment and social policy.
- 50.** Request the Director-General to rapidly initiate discussions with the main international financial and economic institutions and other relevant international bodies with the objective to achieve a better coherence between economic, financial, employment and social policies at the international level. Invite the Director-General to submit to the

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November 2010 session of the Governing Body a document outlining the elements and possible forms of a framework with the objective of promoting coherence between these policies. This document should provide a coherent framework to give governments and social partners the best possible advice to achieve full and productive employment and decent work at the centre of economic and social policies, while enhancing cooperation and exchange of experiences among them. In preparing the elements of such a framework, the Office should consult with the main economic and financial international institutions with a view to achieve a better coherence among economic, financial, employment and social policy at the international level, bearing in mind the contribution this can also make to facilitate coherence amongst government policies at the national level and their advocacy internationally.

51. Reschedule the ILC discussion on employment and social protection implications of the new demographic context as soon as possible.
52. Initiate a review of the follow-up mechanism for the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy to be taken up by the Governing Body's Subcommittee on Multinational Enterprises with a view to developing promotional options.
53. Determine a framework with the view to defining appropriate action to ensure that employment-related standards are kept up to date.
54. A systematic review and possible consolidation of the range of tools and methods for employment promotion at the country level, including for example Decent Work Country Programmes.
55. Provide an update on how the Organization is giving effect to the Conclusions on the Promotion of Sustainable Enterprises (ILC 2007).
56. Options for improving and implementing impact assessments more consistently and ensuring that these impact assessments are systematically considered in the context of future work of the Office.
57. The Officers of the Governing Body consider these conclusions and, without delay, in consultation with the Officers of the relevant Governing Body committees, identify reports or information they might request from the Office as a result of this discussion.
58. In accordance with the ILO Declaration on Social Justice for a Fair Globalization, which provides that the Organization would table a recurrent discussion at the International Labour Conference, among others, "to assess the results of the ILO's activities with a view to informing programme, budget and other governance decisions", the Director-General will take all necessary steps to:
  - (i) ensure that these conclusions are taken into consideration during the implementation of the Programme and Budget for 2010–11 and in subsequent bienniums within the limitations of existing resources;
  - (ii) explore ways of finding the necessary resources to fully implement these conclusions, including through extra-budgetary and Regular Budget Supplementary Account resources;

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**3.4 EVALUATIE VAN DE WERKING VAN HET MECHANISME VAN DE FOLLOW UP 1998 ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK.**

### **3.4 Evaluatie van de werking van het mechanisme van de follow up 1998 ILO Declaration on Fundamental Principles and Rights at Work.**

De *1998 Declaration on Fundamental Principles and Rights at Work* bevat een set van sociale grondbeginselen die de ILO lidstaten worden geacht na te leven enkel op grond van hun lidmaatschap van de ILO. Het bevat de volgende universele grondbeginselen:

1. de vrijheid van vakvereniging en het recht op collectieve onderhandeling;
2. de uitbanning van alle vormen van verplichte of gedwongen arbeid;
3. de effectieve afschaffing van kinderarbeid;
4. de bestrijding van discriminatie in arbeid en beroep.

Deze grondbeginselen zijn tevens opgenomen in de acht fundamentele ILO-verdragen, die ILO lidstaten geacht worden bij voorrang te bekrachtigen. Nederland heeft deze fundamentele verdragen geratificeerd.

In de Annex bij de 1998 Verklaring is tevens een *follow-up* aangenomen. Lidstaten die de acht fundamentele ILO verdragen niet hebben geratificeerd dienen jaarlijks te rapporteren op welke wijze zij de in de 1998 Verklaring opgenomen beginselen toepassen. Deze rapportages worden verwerkt in de *Annual Review*. Dit *Annual Review* wordt jaarlijks geagendeerd tijdens de Beheersraad van de ILO.

Daarnaast brengt de Directeur-generaal van de ILO ieder jaar aan de Internationale Arbeidsconferentie het *Global Report* uit dat ziet op de naleving van één van de hierboven genoemde beginselen. Dit rapport wordt door het ILO secretariaat samengesteld op basis van bestaande informatie. Dit jaar ging het *Global Report* over de bestrijding van kinderarbeid.

In 2008 heeft de Internationale Arbeidsconferentie de *Social Justice Declaration for a fair Globalization* aangenomen. Deze verklaring bevat de 4 strategische doelen van de ILO: werkgelegenheid, sociale bescherming, sociale dialoog en tripartisme, en fundamentele arbeidsnormen.

Ook deze verklaring kent een *follow-up*. Tijdens de Internationale Arbeidsconferentie vindt jaarlijks een *recurrent discussion* plaats over één van de vier genoemde strategische doelstellingen. Deze discussie wordt gevoerd op basis van een rapport dat door de ILO wordt uitgebracht. Dit jaar werd de eerste *recurrent discussion* gehouden over werkgelegenheid. Aan de *recurrent discussion* worden conclusies verbonden.

Het Committee on the follow up of the 1998 Declaration on Fundamental Principles and Rights at Work besprak de stroomlijning van de follow up van de 1998 Verklaring met de follow up van de 2008 Declaration on Social Justice for a fair globalization. Dit Comité werd voorgezeten door dhr. W. Bel, overheidsvertegenwoordiger van Nederland.

De discussie kwam in essentie neer op het stroomlijnen van de rapportageverplichtingen van beide verklaringen. Dit heeft geleid tot een herziening van de follow up van de 1998 Verklaring.

Het ILO secretariaat had een voorstel gedaan voor de herziening van deze follow up. Dit voorstel hield in dat het *Global Report* zou worden vervangen door het rapport voor de *recurrent discussion* over de fundamentele principes en rechten op het werk. Dit gaf aanleiding tot veel discussie. Zowel de regeringsvertegenwoordigers als de sociale partners gaven aan zeer te hechten aan het behoud van het *Global report*. In het Comité is nu besloten om dit rapport te stroomlijnen met de *recurrent discussion* die voortvloeit uit de 2008 Verklaring. Het *Global Report* zal nu de basis vormen voor de *recurrent discussion* over internationale fundamentele arbeidsnormen.

Het tweede voorstel van het ILO secretariaat was het laten vervallen van de *Annual Review* uit de follow up van de 1998 Verklaring. Werkgevers- en werknemersvertegenwoordigers waren het niet eens met dit voorstel. Voor sociale partners was het van groot belang om jaarlijks een overzicht te houden van de wijze waarop landen die de fundamentele arbeidsverdragen niet hebben geratificeerd, toch deze ILO grondbeginselen naleven. Momenteel hebben 52 ILO lidstaten niet alle fundamentele arbeidsverdragen geratificeerd. Onder deze landen vallen onder andere Nieuw-Zeeland, Canada, de VS, Koeweit en Chad.

Het behoud van deze *Annual Review* is mede van belang voor sociale partners omdat sociale partners en regeringsvertegenwoordigers op basis van dit *Annual Review* bepalen welke landen technische assistentie van de ILO zullen krijgen. Nadat de regeringsvertegenwoordigers in het Comité aangaven geen bezwaar te hebben tegen het behoud van het *Annual Review* heeft het Comité besloten deze rapportageprocedure te behouden.

**3.4.1 SPEECH VOORZITTER COMITÉ 'FOLLOW UP 1998 ILO DECLARATION  
ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK'**

We have learned that we must push for better social protection, including unemployment insurance and training funds, as these schemes provide our workers with a springboard to alternative opportunities. We also recognize that it is vital to keep pushing for policy reforms so that the market fosters job creation – an environment that promotes quality and, most importantly, crisis-resistant employment options for our workers.

Our experience has also taught us to focus on building partnerships, not only with our traditional social partners, but also with other sectors such as the academic world, big global markets, micro-, small and medium-sized enterprises, young people, workers in the informal economy and other sectors of our local communities. All of them are stakeholders, both in terms of key policy decisions and in terms of ensuring that interventions are more effective and responsive.

As we emerge from the crisis, measures to ensure a sustainable, job-led recovery and growth are being taken. For many years, we have reaped significant benefits from the contributions of Filipino migrant workers in employment overseas. Inward remittances have significantly contributed to boosting our economy. However, for a small developing country like the Philippines, a rapidly increasing population, coupled with a steady increase in the number of entrants onto our labour market, continue to put a strain not only on our economy's long-term ability to sustain its people, but also on decent work standards for our workers.

As we consolidate efforts to strengthen the domestic economy and the capacities of local players, one important factor comes to the fore. This factor is internal labour mobility and the need to reverse current migration flows away from urban areas and towards the countryside. Moving industrial production to rural areas, in order to create job opportunities outside of the metropolis, must become a priority. The largely untapped job-creating potential of the agricultural sector must likewise be harnessed to ensure that people have access to quality jobs and decent work standards, both in and outside of our cities.

The Philippines has taken to heart the aim of ensuring quality work for its workers, as part of its efforts to recover from the crisis. We recognize, however, that in this interconnected world of ours we cannot achieve this aim alone. A safe global environment is essential. I therefore once again call on the ILO, together with the United Nations and the International Maritime Organization, to help keep the lands and seas of the world safe, so that decent work can effectively thrive everywhere. I refer in particular to the shipping lanes in and outside the Gulf of Aden, and request that a serious and combined effort is made to ensure the safety of commercial maritime traffic and workplaces in the area.

Of the activities outlined in the Director-General's Report, we support capacity building in the field of employment and macroeconomic policies. Our country's experience has shown that we need to focus on coherent policies as the cornerstone for effective interventions to promote economic viability and, as a result, efforts to save and create jobs.

As a closing note, I wish to congratulate the Conference on affirming the global commitment to priority issues, such as domestic work, HIV in the workplace, the need for countries to show a stronger commitment to international instruments on em-

ployment and, most importantly, to the fundamental principles and rights at work.

*(Mr de Robien takes the Chair.)*

**REPORT OF THE COMMITTEE ON THE 1998  
DECLARATION: SUBMISSION, DISCUSSION  
AND APPROVAL**

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*Original French: The PRESIDENT*

We will now pause in our general discussion and move to the approval of the report of the Committee on the 1998 Declaration. The Report and the accompanying resolution are contained in *Provisional Record* No. 10. I would like to invite the officers of the Committee to take their places on the rostrum. I now give the floor to the Chairperson and Reporter, Mr Bel.

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*Mr BEL (Government, Netherlands; Chairperson and Reporter of the Committee on the 1998 Declaration)*

It is my honour as Chairperson and Reporter of the Committee on the Review of the Follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work to present to you the report of the Committee's work, which is published in *Provisional Record* No. 10.

The Committee held four sittings, during which I, as Chairperson, was struck by the degree of consensus and support for the 1998 Declaration and its Follow-up, which was viewed as an integral part of the Declaration itself.

The importance of the 1998 Declaration and its Follow-up is undisputed. The Declaration on Fundamental Principles and Rights at Work is one of the core documents of the ILO. All Members, even if they have not ratified the Conventions in question, have an obligation – arising from the very fact of membership of the Organization – to respect, promote and realize the principles concerning the four categories of fundamental rights.

In the 12 years of its existence, the 1998 Declaration has gained much ground outside the ILO, and this is reflected within the ILO by the recognition in the 2008 Declaration on Social Justice for a Fair Globalization that the fundamental principles and rights at work are one of the Organization's four strategic objectives.

In our Committee, speakers from all sides considered the 1998 Declaration and its Follow-up to be as relevant today as ever before. Much stress was laid on the increasingly numerous references made to this Declaration inside, and particularly outside, the ILO. It was noted that the Declaration was frequently referred to in, and had become a source of inspiration for, multilateral discussions and many private and business initiatives, as well as official government statements at the highest levels.

The task assigned to the Committee was to review the follow-up to the 1998 Declaration. Such a review was not only foreseen in the follow-up itself but appeared timely in the light of the adoption of the Social Justice Declaration in 2008.

The follow-up to the Social Justice Declaration introduced a scheme of recurrent discussions on each of the four strategic objectives, one of them being the respect, promotion and the realization of the fundamental principles and rights at work.

The Committee considered that the 2008 Declaration was important in its own right but in no way did it supersede the 1998 Declaration. Indeed, it was

strongly felt that it could in fact provide a means of increasing the effectiveness of the 1998 Declaration. Fundamental principles and rights at work are referred to in both Declarations and in their follow-up procedures.

The alignment of the two follow-ups therefore imposed itself as a necessary step. However, it was the manifest will of the Committee in aligning the two follow-ups, that the objectives and the functions of the follow-up to the 1998 Declaration be retained. I am confident that the follow-up to this Declaration has been strengthened, rationalized, and made more efficient by the Committee's work.

What then were the concrete decisions taken by the Committee? The Committee focused on two aspects of the follow-up to the 1998 Declaration, the annual reviews and the Global Reports. The Committee decided that the annual reviews would continue to cover the effort made by the non-ratifying States towards ratification of the Conventions under all four categories of fundamental principles and rights at work, underlining that these annual reviews were not a substitute for the established supervisory mechanisms.

The Reports requested from Members which have not ratified one or more of the fundamental Conventions will be compiled by the Office and submitted each year for review by the Governing Body. It is understood that the Office will draw up a document for discussion, adding an introduction to it, highlighting the progress made and any significant developments in the preceding period.

As regards the other reporting procedure, the Global Report, the Committee took a major decision. The Global Report will cover all four categories of fundamental principles and rights at work and will, as the substantive report submitted to the Conference, serve to inform the recurrent discussion at the Conference on the strategic objective of promoting the fundamental principles and rights at work. The Global Report will be discussed interactively by a Conference committee.

Much emphasis was placed in the Committee on the guidance provided to the Office by the Global Report procedure in identifying areas for technical assistance. The Committee, for the recurrent discussion on fundamental principles and rights at work, will submit conclusions for adoption by the Conference, including in the form of a plan of action for technical assistance. Under the new system, therefore, this function will be even more effective and the follow-up to the 1998 Declaration will have gained new ground.

As regards the modalities for the recurrent discussions, the Committee stressed that these would be agreed upon by the Governing Body. It is up to the Governing Body to decide if the recurrent discussion on the strategic objective of fundamental principles and rights at work will cover all its four categories, or one, two or three of them.

The Declaration on Fundamental Principles and Rights at Work and its Follow-up has emerged stronger than before. I mentioned earlier that there was great desire in the Committee for consensus. I wish to highlight the fact that at no point in its work was the Committee obliged to resort to a vote, a very different situation compared to 12 years ago when the Declaration and its Follow-up were first adopted. In this instance, the Committee adopted its draft report and the draft resolution unanimously

and I commend these texts to the Conference equally for unanimous adoption.

Finally, I wish to revert to the way in which all the groups underlined the role of the technical cooperation programme in promoting the 1998 Declaration. The need for technical cooperation is enshrined in the 1998 Declaration, putting an obligation on the ILO to assist member States. Moreover, this applies to all member States, whether or not they have ratified the relevant Conventions. The Declaration also requires the ILO to mobilize internal and external resources for this purpose. All the groups in the Committee, Governments, Employers and Workers, felt strongly that the ILO should continue to assist member States in their efforts to respect, promote and realize the fundamental principles and rights at work and recognized that this would require more technical cooperation, not less.

The Committee on the Review of the Follow-up to the 1998 Declaration of Fundamental Principles and Rights at Work has carried out its mandate, in my view, very successfully. With the adoption of the draft resolution, it will be for the ILO to implement the follow-up and ensure the level of technical cooperation necessary. The point was made in the Committee that there was a need for a better balance between the four categories of fundamental principles and rights at work and that every effort should be made to ensure that the approach remained promotional and rooted in capacity building. The year 2012 is just around the corner. When the Conference meets in that year, at its 101st Session, the Committee for the Recurrent Discussion on Promoting the Fundamental Principles and Rights at Work will be able to assess the results and evaluate progress made in this priority area and strategic objective.

With these words, it remains only for me to thank my fellow officers for their support. It was an honour, and a pleasure, for me to work with two such illustrious and experienced partners. I thank the Office for the excellent guidance and assistance it provided to the Committee and, of course, the interpreters who made our communication possible.

I submit the report and the resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work to the Conference and recommend their adoption.

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*Original Spanish: Mr FUNES DE RIOJA (Employer, Argentina, Employer Vice-Chairperson of the Committee on the 1998 Declaration)*

On behalf of the Employers' group I would like to call the Conference's attention to the fact that, in our discussion in the Committee on the 1998 Declaration, and like the Workers' group, we were convinced that the subject was of great importance for our group and for the future of the ILO. So, it is not by chance that the groups' spokespersons, Roy Trotman and myself, have been chosen as their Vice-Chairpersons too. Mr Wim Bel was an excellent Chairperson and I commend him not just for his diplomatic skills but for his technical expertise. I also thank the Office, Mr Kari Tapiola and his team, who did an excellent job.

As employers, we reiterated our commitment to the Declaration on Fundamental Principles and Rights at Work. We cannot forget that this Declaration is a promotional instrument which aims at increasing the efforts of all Members to promote, respect and implement the four fundamental princi-