

**Independent Evaluation of the ILO's Strategy to Support Member  
States to Improve the Impact of International Labour Standards**

**International Labour Organization  
September 2008**

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First published 2008

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## ILO Cataloguing in Publication Data

Independent evaluation of the ILO's strategy to support member states to improve the impact of International Labour Standards

International Labour Office. - Geneva: ILO, 2008

1 v.

ISBN print: 978-92-2-121688-9

ISBN web pdf: 978-92-2-121689-6

International Labour Office

ILO Convention / application / supervisory machinery / technical cooperation / role of ILO / impact evaluation / programme evaluation / member State

01.03.7

*ILO Cataloguing in Publication Data*

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Printed in Switzerland

## **Preface**

This Evaluation Report relates to Summary GB GB.303/PFA/4/1 “Independent Evaluation of the ILO's Strategy to Support Member States to Improve the Impact of International Labour Standards” submitted by the Office to the Administration Council in the 303<sup>th</sup> Session, in November 2008.

The report was prepared by an independent evaluator with no previous ties or association to the NORMES Department. The evaluator is responsible for the contents and presentation of the findings submitted.

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## Executive Summary

The purpose of this strategy evaluation is to provide insight into the mandate, continued relevance, effectiveness, efficiency of the strategy, programme approach, and interventions in strengthening and broadening national capacities to ratify and improve the application of the International Labour Standards (ILS) by member States, and covering the period 2000-2006.

The scope of the evaluation involved review of the following: the coherence, relevance, and effectiveness of Office support to improve application of ILS; initiatives to extend application of ILS to the informal economy; the Office capacities and performance in supporting the strategy, outreach and promotion to raise awareness of the ILS and the supervisory system; integrating ILS into the Decent Work Country Programmes (DWCP); consideration of the programming context within the Programme and Budget (P&B) framework; follow up to comments made by the Committee of Experts to improve the application of ILS at the national level; working with countries facing serious standards-related issues; and finally, coordination across the ILO to maximise support to improve the impact of standards. The supervisory system is the main pillar of the ILO's normative function as a specialised agency of the UN.

The ILS strategy to support member States' improvement of the impact of standards is anchored administratively in the International Labour Standards Department (NORMES) but is an Office-wide responsibility. As well as the strategy identified by objectives, outcomes and indicators in the P&B in successive biennia, in 2005, the Committee on Legal Issues and International Labour Standards (LILS) initiated a strategy to improve standards-related activities in the ILO. This evaluation reviews both strategies and the commonalities between them.

The evaluation concludes that across the Office, more work is required to satisfactorily mainstream the ILS. There are several reasons for this: a professional and cultural divide between the development staff implementing programmes and the lawyers in the NORMES Department with weak incentives to work together more coherently; an almost total preoccupation in terms of work load with the supervisory system by staff in the NORMES Department; difficulties by staff in other technical areas in understanding the legal processes of ILS; and continued difficulties (in some programme areas more than others) in integrating ILS into Technical Cooperation. Some means of generating more field experience and understanding of field conditions among NORMES Department staff would bring benefits overall to TC programming and to the efficiency of the supervisory system.

The two functions of supervisory support and promotion of standards have been the subject of different organisational structures over the last few decades with no one approach being totally satisfactory. The advent of the DWCPs has presented extra challenges, in the short term at least. But as the Office comes to grips with the reality of country programming, there are recent indications that the modality of integration (in part encouraged by UN reform processes) is gradually happening with stronger incentives. The ILO has much to give in the UN reform processes as rights-based programming takes greater hold as the dominant paradigm in UN development activities. However, this and other outward looking activities of the Office are curtailed principally by the overwhelming attention given to servicing the supervisory system.

The challenge to coordinate the technical cooperation and integration of ILS, identified more than twenty years ago, still remains. To find extra-budgetary funds for TC activities in the normative function of the ILO remains difficult. The major exceptions are the activities related to the Fundamental Principles, especially child labour and forced labour.

The Office does follow up on priority issues as identified in the supervisory system but resource constraints mean that this cannot be done to its fullest extent. Making the links between ILO support and satisfactory outcomes will always be an imperfect science. Nonetheless, there are some instances of success where ILO support has been a key ingredient especially in areas of comparative advantage which include social dialogue to encourage cooperation between tripartite partners.

Extending the ILS into the informal economy is a considerable challenge with none of the modalities proposed by the Office so far making great headway. However, this is where the implementation of ILS outside the formal sector must make progress if they are to benefit a large proportion of the population. At this stage without substantial extra funds, the Office can do little more than monitor and take on board good practice lessons from its own experiences.

The ILS have a broad impact as global public goods in so far as they are used for a range of additional purposes, the degree to which is not fully known due to measurement problems. The NORMES Department has a valuable series of publications and website tools but with additional resources and cooperation across the Office the broader impact of the ILS could be better understood.

The LILS process requires that all constituents work together to agree to move forward. Radical action is required as the history of the reform of the ILS process shows that some of the major impediments of the past remain dominant. One must recognize that the resources of the Office are not sufficient for all of the mandates and actions it is requested to assume. Progress by consensus is always rather slow and there are some good signs that all parties appreciate the need for reform. It is hoped that the recommendations made in this report will contribute to providing guidance for more far reaching progress.

## List of abbreviations

ACTRAV	Bureau for Workers' Activities
ACTEMP	Bureau for Employer's Activities
APPLIS	A NORMES Department database
ASEAN	Association of Southeast Asian Nations
CCA	Common Country Assessment
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CFA	Committee on Freedom of Association
CAS	Committee on the Application of Standards
CCAS	Conference Committee on the Application of Standards
CSR	Corporate Social Responsibility
DANIDA	Danish International Development Agency
DECLARATION	Declaration on Fundamental Principles and Rights at Work
DFID	The Department for International Development
DWCP	Decent Work Country Programmes
EVAL	ILO Evaluation Unit
GB	Governing Body
HQ	Headquarters
ILC	International Labour Conference
ILO	International Labour Organization
ILOLEX	A NORMES Department database
ILS	International Labour Standards
IMO	International Maritime Organisation
INDISCO	Indigenous and Tribal People's Programme
IPEC	International Programme on the Elimination of Child Labour
ISO	International Standards Organization
ITC	International Training Centre in Turin
LIBSYND	A NORMES Department database
LILS	Committee on Legal Issues and International Labour Standards
MDGs	Millennium Development Goals
MULTI	Multinational Enterprises Programme
NATLEX	A NORMES Department database
NGO	Non-governmental Organization
NORMES	International Labour Standards Department
PRSPs	Poverty Reduction Strategy papers
P&B	Programme and Budget
PFAC	Programme, Financial and Administrative Committee
PROG/MAS	Programming and Management
RBSA	Regular Budget Supplementary Account
SECTOR	Sectoral Activities
SILC	Strengthening the International Labour Conference
SPF	Strategic Policy Framework
SLAREA	Strengthening Labour Relations in East Africa
TC	Technical Cooperation
TOR	Terms of Reference
TRAVAIL	The Conditions of Work and Employment Programme
UN	United Nations
UNDAF	UN Development Assistance Framework



# 1. Introduction

## 1.1 Introduction

The ILO is a Specialised Agency of the United Nations (UN) with the mandate for labour and social justice issues. It has a normative function which is expressed through the adoption, ratification, supervision and implementation of International Labour Standards (ILS). Therefore, it is a labour law-based organisation. This is the ILO's strongest asset and a comparative strength among all other international agencies. The elements of adoption, ratification, and supervision are integrated into the supervisory machinery. In order to facilitate implementation, the fourth element, the ILO has technical departments which provide expertise to constituents on best practices, with toolkits, research and expert advice, with the ILS as the major underlying structure.

The ILO has a tripartite structure unique in the UN in which employer and worker representatives, as the social partners of the economy, have an equal voice with those of governments in shaping its policies and programmes. The ILO encourages this tripartism within its member States by promoting social dialogue between trade unions and employers. Together, they formulate, and where appropriate, implement national policy on social, economic and other issues.

The Constitution preamble clearly states ILO's role in the 'establishment of universal and lasting peace.' The ILO's goals are very much part of the Universal Declaration of Human Rights and, inter alia, various ILO covenants are contained in the UN Covenants on Civil and Political Rights and Economic, Social and Cultural Rights.

A benefit of the ILS is to provide clear rules to the global economy to ensure that economic progress will go hand-in-hand with social justice, prosperity and peace for all. No other development institution combines the standard-setting and development vocations unless citing the UN system as a whole.

Although implementation of ILO's strategy to support member States' improvement of the impact of standards is shared across these many areas of the ILO, it is the International Labour Standards Department (NORMES) that anchors the strategy administratively and technically.

The ILS and their implementation are now receiving heightened attention in several ways. First, most generally, the rapid development of the global economy has brought prosperity for some but also growing inequalities and instability for others. The application of ILS aims to promote development and social justice, peace and prosperity through ensuring decent work and improving minimum conditions of work. Increasing attention on global forces has also brought into focus the potential role of non-state action including multinational enterprises. In addition, other international financing and development agencies and the rest of the multilateral system have shown interest in promoting the core principles contained in ILS. Second and closer to home, within the UN system, reform requires UN agencies to harmonise their activities and work together more effectively under joint outcomes. This presents special challenges to the ILO as an organisation to work with development agencies in a normative function, because there is increasing attention to normative action as an integral framework for collective development actions.

Third, internally in the Organisation, the Decent Work Country Programmes (DWCPs) are growing as its main mode of delivery to beneficiaries of its work.

These issues all bring their challenges to which the setting and implementation of ILS must respond. The ILS face strong competition in the form of codes of conduct, agreements at the multilateral (such as the Multilateral Framework on Labour Migration) and regional (e.g. the ASEAN agreement of labour migration) levels, and corporate social responsibility agreements. In addition, integrating normative aspects into development programmes still lacks sufficient lessons and experiences on what works best. There are issues of differing perspectives between the normative and development aspects on time frames, professional competencies, methodologies, integration, and financing of the required integrated programmes and projects. As a normative agency that aims to encourage decent work with both normative and developmental aspects, the ILO is under considerable pressures to restructure itself to be a country programme-led organisation. There must be demand for ILS at the national level and thus to be the central pillar of the Decent Work Country Programmes (DWCPs). They must be seen as a means to an end and lead to real improvements in decent work and other development goals such as the eradication of poverty.

The ILS date back to the origins of the ILO in 1919 and have been and remain an essential component in the international framework for improving the rights, livelihoods, security and opportunities of men and women. At present among the 182 member states, there are 188 Conventions, 198 Recommendations and 5 Protocols. As a result of a recent review, some 81 Conventions are designated as being up-to-date and to be actively promoted. To the present day, there have been over 7500 ratifications. The Fundamental Conventions, which are concerned with basic rights at work, have been ratified at very high levels.

The Office has been operationally accountable for supporting member states in monitoring and reporting on implementation of specific ILS. Supporting member States' capacities to ratify and apply standards, and thus improve the impact of standards to promote decent work and reduce poverty, has been a core strategy of the ILO since its creation. The Office acts as the secretariat for the Governing Body and the International Labour Conference which govern the ILS system and the Office is mandated and programmed each biennium to support ratification and implementation of ILS.

## **1.2 Purpose and Scope of the Evaluation**

The purpose of the evaluation is to assess the ILO's strategy<sup>1</sup> to improve the impact of the ILS, supporting member States to have better knowledge of ILO standards and have improved capacities to support implementation of standards in national priorities, benefiting from the ILO supervisory mechanism and assistance provided by the Office<sup>2</sup>. An additional strategy is to provide insight on the mandate, continued relevance, effectiveness and efficiency of the strategy, programme approach and interventions in strengthening and broadening national capacities to ratify and improve their application of international labour standards. This will include consideration of how the ILO's strategy should be continued or modified. The evaluation covers the period 2000-2006<sup>3</sup>.

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<sup>1</sup> Strategy refers to parameters laid out in successive P&Bs.

<sup>2</sup> Among which is included the work associated with the supervisory system, the network of field specialists and relevant expertise in technical departments.

<sup>3</sup> This evaluation was conducted over two years, beginning in March 2007. The Terms of Reference period was 2000-2006, but reference will be made as appropriate to the most recent activities even if they fall outside the

The issues which were investigated during the evaluation include:

1. Evidence of how the Office has increased the coherence, relevance and effectiveness of its support to improve application of fundamental and other international labour standards;
2. Initiatives to extend the application of labour standards to the informal economy;
3. The Office's capacities, approach and performance in supporting the strategy, including management arrangements that characterize the programme and its interfaces with other parts in the ILO;
4. Outreach and promotion to raise awareness and understanding of ILO labour standards and the supervisory process;
5. Progress made in integrating a standards-based approach in DWCP;
6. Consideration of the results-based framework, choice and use of indicators, and reviewing and reporting of progress within the P&B framework;
7. Follow up to comments made by the Committee of Experts that improve application of standards at national levels;
8. Approaches taken to make more efficient and effective the means of working with countries facing serious standards-related issues;
9. Coordination across the ILO to maximise the support to improving the impact of standards (field offices, field specialists, technical sectors, Turin Centre) and the roles and effectiveness of standards specialists in the field;

Four criteria were used to interpret the findings of the evaluation: role and relevance, focus and coherence, evidence of results and organisational effectiveness. Within each are various elements, which were lined up with the Terms of Reference (see Table 1):

**Table 1:** Evaluation criteria and elements of analysis

Evaluation Criteria	Elements of Analysis	TOR item
1. Role and Relevance	<ul style="list-style-type: none"> <li>• Effective definition and use of global niche and comparative advantage</li> <li>• Links to national priorities</li> <li>• Tripartite Partnerships and Networks</li> </ul>	<p>Progress made in integrating a standards-based approach in DWCPs</p> <p>Initiatives to extend the application of labour standards to the informal economy</p> <p>Follow up to comments made by the Committee of Experts that improve the application of standards at national levels.</p> <p>Approaches taken to make more efficient</p>

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evaluation period, in order to ensure the report is current and useful. Many recent activities in the period between 2006 and the finalisation of this report in July 2008 relate directly to the progress made on the implementation of the ILO strategy.

		and effective the means of working with countries facing serious standards-related issues.
2. Focus and Coherence	<ul style="list-style-type: none"> <li>• Appropriateness/fit of core components</li> <li>• Adequacy of actions and resource mobilisation</li> <li>• Validity of Design</li> </ul>	Coordination across the ILO to maximise the support to improve the impact of standards (field offices, field specialists, technical sectors, Turin Centre) and the role and effectiveness of standards specialists in the field.
3. Evidence of Results	<ul style="list-style-type: none"> <li>• Clear, verified and sustainable outcomes</li> <li>• Results in policy capacity level, with replication and expansion</li> </ul>	Evidence of how the Office has increased the coherence, relevance and effectiveness of its support to improve application of fundamental and other ILS
4. Organisational Effectiveness	<ul style="list-style-type: none"> <li>• Efficiency and timeliness of work processes</li> <li>• Knowledge development and sharing</li> <li>• Operations follow the planning</li> </ul>	<p>The Office's capacities, approach and performance in supporting the strategy, including management arrangements that characterise the programme and its interfaces with other parts of the ILO</p> <p>Outreach and promotion to raise awareness and understanding of ILO labour standards and the supervisory process.</p> <p>Consideration of the result-based framework, choice of use of indicators, and reviewing and reporting of progress within the P&amp;B framework</p>

The above evaluation criteria are generally applied to all of the ILO's strategy evaluations so that a broad view of organisational performance can be built up over time. Whereas it is true that some of the above TOR items could be fitted into more than one category, the logic for the categorisations is as follows:

In terms of role and relevance, the strategy evaluation relates to national priorities in three areas. The first is through support to countries in the Office's constitutional obligations to member states to support them in following up actions of the Committee of Experts; and second, as national priorities are expressed through Decent Work Country Programmes. The ILS are dependent on close links between the tripartite partners and the strategy seeks to build these capacities. Implementation of ILS requires very active support of tripartite partners, and the Office takes steps to try to expedite this process. Third, the TOR item on the informal economy is considered in this area because of its significant importance in the working lives of people. The role and relevance of the strategy should focus primarily on the principal strategy objective of promoting and realising standards and fundamental principles and rights at work, through the technical cooperation and programme resources. The examination of the Office's role in this area should be considered in light of the statement made in the 2008-09 Programme and Budget that the "challenges for the supervisory system of increased ratification numbers and consequent reporting obligations for member states and for the Committee of Experts ... are subject of current reflection."

In terms of focus and coherence, the strategy evaluation relies on integrating the inputs from all of the technical departments to support and implement the ILS. The ‘fit’ between technical cooperation and the supervisory process has been a key issue over many years. Issues to examine might be: whether ILS ratifications are taken into account within the DWCP, whether comments by the supervisory bodies are taken into account, and how far TC activities are linked to ILS. This might lead to conclusions as to the most effective ‘type’ of TC in differing circumstances and the role of research and the importance of utilising tools and best practices.

Organisational effectiveness relates to how internal processes work: how knowledge is shared and how well departments collaborate with each other. As support to the ILS is the Organisation's main mainstreamed strategy, it is important to see how the Office functions and integrates in enhancing the impact of ILS. There are close connections between this and ‘focus and coherence’ although this relates more to actions taken in design, while ‘organisational effectiveness’ relates more to implementation.

Finally, evidence of results is always elusive in strategy evaluations. Whereas a scorecard of the progress in ratifications of ILS, which gives some basic indication of the success of the strategy, can always be produced at both global and national levels, what is most vital is to see how the strategy has strengthened the partners to proceed with further support to the ILS and enhance their implementation.

### **1.3 Methodology, Information Sources and Outputs**

Information was drawn from a variety of sources and through a mix of methodologies. First, a desk-based review was carried out of Office programming documentation such as planning and implementation reports, documents from various governing body committees, previous reviews of the work of the NORMES Department, and reviews and evaluations that relate to implementation of ILS by technical units.

Second, country case studies reviewed the relationship between the supervisory process and supporting member States to promote the impact of ILS in Colombia, Nepal, Qatar, and Swaziland. Countries were chosen on the basis of (a) region, (b) type and complexity of ILS issues at stake, and (c) the intensity of technical cooperation activities in the country. In addition, field visits were conducted to two countries, Tanzania and Thailand, where interviews were held with ILO field staff and tripartite partners.

Third, over sixty interviews were held at ILO Headquarters in Geneva, to meet with officials from the NORMES Department and officials in the technical departments, as well as the leadership in employers and workers’ organisations. Some officials were interviewed more than once in order to go into greater depth on key issues. In addition, representatives of the employers’ and trade union federations in Geneva, as well as selected delegates to the ILC, were interviewed. Telephone interviews were also held with about two-thirds of the standards specialists currently in the field.

### **1.4 Limitations**

The multiple approaches ensured that evidence was triangulated by different sources and with different methodologies to avoid potential biases. However, there are limitations to any methodology and resources applied to it, and it is acknowledged that some issues will require deeper investigation to lead to firmer conclusions. The predominant limitation relates to the

fact that the ILS are widely spread in terms of the involvement across the Office and the many forms in which they are manifested. These could not be researched comprehensively and there was heavy reliance on official documentation (e.g. Office Implementation Reports) which is a form of self-reporting. Also, resources were only sufficient to visit two regions for face-to-face discussions with field staff and national partners.

Finally, the evaluation was carried out at a time of some flux in terms of review of the standards strategy. The study was launched when there was a significant review of the ILS strategy underway in the LILS Committee.

The outputs of the evaluation are:

- a) A summary report of findings and recommendations, prepared by the Evaluation Unit, to be presented at the November 2008 Governing Body, including a written response from the Office
- b) A more detailed evaluation report to be prepared by the evaluation team and made public
- c) Background documentation and analysis on which the findings, conclusions and recommendations are based.

## **1.5 Governing Body Committee Structures**

It is worth providing background information on the roles of the different Governing Body Committees in relation to this evaluation and other activities as they are integral to interpreting this report<sup>4</sup>.

This evaluation report was requested by the Programme, Financial and Administrative Committee (PFAC). The PFAC is responsible for examining budgetary estimates and expenditure, as well as all financial and administrative matters referred to it by the Governing Body or referred to it by the Director General. This includes all independent evaluation reports. The PFAC debates the evaluation conclusions and recommendations and comments on these, and then expects the lessons learned from the evaluations to be incorporated into future Office planning and programming, and to be advised of the follow-up process. As per normal practice, the subject of this evaluation was proposed by the Office's Evaluation Unit, endorsed by the Office's Evaluation Advisory Committee, and approved by the Governing Body. Then the Terms of Reference for this evaluation were circulated for comment to the representatives of the Governing Body and endorsed by it without reservation.

The Committee on Legal Issues and International Labour Standards (LILS) is currently conducting a review of the strategy of the ILS activities, and reference will be made on several occasions in this report to the 'LILS process'. LILS advises the Governing Body on matters relating to: the different Standing Orders; the ILO's standards-related activities, including the approval of report forms for ILO Conventions and Recommendations and the selection of Article 19 (conventions and Recommendations) reporting; action relating to the protection of human rights, with particular reference to the elimination of discrimination on the basis of race and sex; international legal instruments and judicial decisions affecting the ILO's standards related work; and legal agreements concluded by the ILO with other international organisations (except in the area of technical cooperation).

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<sup>4</sup> Drawn from: ILO, Compendium of Rules applicable to the Governing Body of the International Labour Office, Geneva 2006.

The standards supervisory system is made up of a number of committees and the most relevant to this report are the three Committees mentioned:

The Committee on Freedom of Association (CFA) has the mandate of examining allegations regarding infringements of trade union rights against ILO members States with a view towards making recommendation to the Governing Body whether cases are worthy of examination by the Governing Body. Freedom of Association and Collective Bargaining are among the founding principles of the ILO. More than one respondent for this evaluation described it as *'the jewel in ILO's crown'*, and is so significant that there is this separate/additional supervisory procedure to ensure compliance of countries that have not ratified the relevant conventions (C87 and C98).

The Committee of Experts on the Application of Conventions and Recommendations (CEACR) is appointed by the Governing Body to examine government reports on ratified conventions, providing impartial and technical evaluation of the state of application of ILS. The CEACR makes two kinds of comments: observations, which are comments on fundamental questions raised by the application of a particular convention by a state, and direct requests which are technical questions or requests for further information.

The Conference Committee on the Application of Standards (CCAS) is a standing committee of the Conference, and examines the annual report of the CEACR, and selects various observations for discussion and recommendation.

## **1.6 Organisation of the Report**

This report is organised into four chapters plus annexes. Chapter One lays out the structure of the evaluation: its objectives, methodology, terms of reference, and organisation. Chapter Two assesses the programming structure: the objectives and indicators for the strategy for improving the impact of the ILS, and the various modalities of the Office Strategy and other issues relating to the implementation of the strategy by the Office. The findings in terms of the main strategy components are given in Chapter Three, focusing around each component, in-turn. Conclusions and recommendations are provided in Chapter Four.

## **1.7 Acknowledgements**

The evaluation was conducted over a period of two years and involved a number of evaluation specialists from both inside and outside the Office, as well as research assistants. The evaluators had no previous connections to the area of work, and their competencies covered extensive programming and evaluation experience in ILO (especially in strategy evaluations), as well as background in the area of integrating rights-based issues into development organisations. In addition, an external consultant, distinguished in labour law prepared an issues paper which was used as a resource for the report.

EVAL is very grateful to those who contributed to the study across all Departments in ILO, and especially the NORMES Department, which gave considerable time and attention to the investigations of the evaluators. In addition, Office staff and partners in the countries visited (Tanzania and Thailand) devoted time and patience to explain the many details, and others who provided valuable responses to telephone interviews. Also thanks are due to ACTRAV and ACTEMP for the information they provided.



## **2. Description of the Programming Context and Office Modalities**

### **2.1 Introduction**

This chapter is devoted to the programming context that relates to ILS, taking into account the breadth and depth of the role that ILS play in the work of the Office. The ILO's strategy to support members States' capacity to improve the impact of labour standards is a special case because:

- ILS are not a single programme or specific issue which the ILO implements, but rather is the most mainstreamed and recognised modality of the Organisation's action within the international development architecture. It is linked to all programmes in some way: ILS are mainstreamed and supported in part through both regular budget and TC programmes coordinated by technical departments and by the NORMES Department.
- The strategy also differs from others in that it is very closely linked to, and dominated by, the Conference and the Governing Body in the form of the standards supervisory mechanisms.

There has been considerable literature produced by commentators of many different backgrounds about the ILS, of which only a relatively small amount has been reviewed for this evaluation. Thus, the following comments in this report are highly selective and are made to provide some background information that might be helpful to understanding the implementation modalities that the Office employs.

The concept of labour standards can have many different meanings. As a common basis, labour standards relate to a normative framework, often codified in national legislation that is applied to employment conditions or industrial relations. These issues include regulatory frameworks, employment security, benefits, health and safety and other issues.

But the key point that relates to implementation of ILS is that many standards are broader in scope than these national labour standards: most ILO Conventions are minimum standards to govern labour relations, labour administration, and the protection of labour. Other Conventions, called the promotional instruments, cover broader issues of employment, human resource development and social policies, and thus are promotional rather than protective conventions. At various points, different conventions overlap with international human rights. As one example, the UN International Covenant on Economic, Social and Cultural Rights has a number of provisions covering the ILO's promotional and protective labour standards.

This Chapter is largely descriptive as it lays out the programmes of the Office, their expected objectives and modalities in pursuit of the ILS strategy to support member States.

### **2.2 Early Efforts to Improve the ILS**

The evaluation covers the period 2000-2006. However, recent efforts to improve the ILS date back to the Report of the Director-General to the 81<sup>st</sup> Session (1994) of the International Labour Conference. A result of the discussion generated by the report was the ripening consensus on the need for specific action concerning basic or fundamental rights and other international labour standards. This consensus led to the development of what eventually became the Declaration on Fundamental Principles and Rights at Work and its Follow-up. A



key feature of this instrument is its report and technical cooperation-based follow-up mechanism for Members that have not ratified the fundamental Conventions.

A working party to further assess the status of the ILO's standards was set up by the Governing Body under the LILS Committee in March 1995. Over a seven-year period, this Working Party, also known as the "Cartier" group, carried out a case-by-case examination of the Conventions and Recommendations adopted before 1985. The Cartier group concluded its work in 2002 following which the Office attempted to implement an "integrated approach" to standards development. The paper submitted by LILS to the Governing Body in March, 2003, set out a three stage process.

The first stage consisted of making a complete inventory of the situation in the area under consideration. The inventory was to be undertaken by the Office in accordance with guidelines established by the Governing Body. The inventory was to lead to a more accurate assessment of the following:

- To what extent existing ILO or other international standards in the area considered contained deficiencies that needed to be remedied;
- Along what lines revision should be undertaken once it had been decided in principle by the Governing Body;
- To what extent there was an overlap between the two which might call for consolidation.

The second stage was to be a general tripartite discussion of the above described inventory by a Conference technical committee. The Conference discussion would aim at establishing a plan of action which would identify potential new subjects for standard setting and specify the general objective and form of possible new or revised standards. Rather than conducting a discussion in the abstract, the tripartite discussion aimed to obtain a clear idea of the type of standard setting best suited to the desired goal.

In the third stage, the Governing Body would draw specific conclusions from the discussions regarding standards-related or other activities. In particular, recommendations were welcomed regarding when and in what terms a given subject should be placed on the Conference agenda with a view to the adoption of an instrument. Once new standards were adopted they were promoted and their application was supervised by the NORMES Department. Finally, corrections and revisions to the standards were made based upon supervision.

An example of the process outlined above was the Governing Body's decision to include in the 91<sup>st</sup> Session of the International Labour Conference an item on "ILO standard-related activities in the area of occupational safety and health: An in-depth study for discussion with a view to the elaboration of a plan of action for such activities".

The integrated approach would have greatly improved (or should have improved) the design of the strategy being evaluated. Unfortunately, the approach was not well understood by the entire Office or the constituents. It did not yield the potential results that some had anticipated. However, some think that the 2008 Declaration follow-up might offer an opportunity to build upon this early innovative approach.

## 2.3 Role and Expected Impact of the ILS<sup>5</sup>

As noted above, the strategy to improve the impact of the ILS is central to the many activities of the Organisation. At the most general and important level, the ILS must contribute to the development of people as human beings, with the ILS forming a path to decent work. This must be seen as the overall objective, the crucial litmus test, of the effectiveness of the ILS. Work is crucial to dignity, well-being and development, and the creation of jobs; and decent working conditions are integral to economic and human development. The ILS form an international legal framework for fair and stable globalisation, backed by government, workers and employers as a partnership. The ILS lay down the basic minimum social standards agreed upon by all players in the global economy. This framework ensures a level playing field in the global economy so that countries compete with others on the same terms, accepting that in the long run, lowering labour standards does not benefit any party.

A growing body of research shows that the ILS often accompany improvements in productivity and economic performance<sup>6</sup>. Workers, who feel less vulnerable, are properly remunerated, secure and safe are motivated to innovate and this also facilitates more flexible labour markets. The ILS also provide a safety net in times of economic crisis which can be mitigated if social protection, well-articulated labour market policies and social dialogue are in place. Labour standards are essential to these outcomes and are the indispensable foundation for ensuring that national labour standards meet minimum qualifications that allow national labour standards to be effective. The ILS are integral to good governance as labour markets need to be governed by a fair set of rules and institutions.

The ILS provide a strategy for reducing poverty and can be effective in the informal economy. Most of the ILS apply to all workers not just those working under formal work arrangements. Some standards such as those for indigenous and tribal groups, home workers, and migrant and rural workers deal specifically with the informal economy.

A second role and impact of the ILS is more practical, being seen with having various uses.<sup>7</sup> They are models and targets for labour law. The ILS serve as targets for harmonising national law and practice in any particular field, even countries that have not ratified the convention in question. Similarly the ILS can be sources for international law applied at the national level, to judge the adequacy of national law. In addition, the ILS can provide guidance for developing national and local policies as well as improve various administrative structures relating to labour.

There is a third role and impact of the ILS, one which this, and similar investigations and research, always begin to uncover but never comprehensively detail. The ILS are used in a huge range of different forms outside labour law. Staff in the Office provided lots of

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<sup>5</sup> This section is based on ILO, *Rules of the Game: A Brief Introduction to Labour Standards*, Geneva 2005, and Sengenberger, W, *Globalisation and Social Progress: The Role and Impact of International Labour Standards*, A Report prepared for the Friedrich-Ebert-Stiftung Foundation, Bonn, July 2005.

<sup>6</sup> A recent publication from the UK Department for International Development argued that as well as being key political rights, the fundamental Conventions can expand opportunities for the poor, and protect households from being plunged into poverty. There is an economic case that support of substantive standards such as minimum wages and obligations to provide decent working conditions can raise productivity by boosting labour motivation and effort, improve workers' health and induce employers to adopt new business strategies. Building alliances between workers in the formal sector and those not traditionally protected by labour institutions is regarded as a key strategy. See DFID, *Labour Standards and Poverty Reduction*, May 2004

<sup>7</sup> See *Rules of the Game*, pages 18-20

anecdotal information which would be useful to collect in a comprehensive manner. There are examples of member States who do not, for one reason or another, wish to ratify a particular convention but use its text and principles in many different ways, for example to write policies.

Multinational entrepreneurs have used voluntary codes of conduct for the governance of labour conditions. These codes are not seen as a substitute for binding international instruments but play an important role in spreading ILS principles. The World Bank and Asian Development Bank have integrated aspects of the ILS into some of their investment activities. Advocacy groups and NGOs draw upon ILS to call for changes in policy, law or practice. In many respects, the ILS have laid down basic principles that have been incorporated into general international human rights law.

## 2.4 The Complexity of Assessing Indicators

Indicators are at the core of assessing the performance of a strategy. A great deal has been written on how to assess the impact of ILS in terms of verifiable and useful indicators<sup>8</sup>. This is not an easy matter. The most common one used is the level of ratification of conventions that create the basis for supervisory activities. The greatest problem it seems is how to settle on indicators which show that progress has been made, or not made, outside of the supervisory system. Involving the supervisory system, in terms of its impact on national legislation, there are ‘cases of progress’ and ‘cases noted with interest.’ The former have been used by the CEACR since 1964<sup>9</sup> and the latter since 2000. The Committee on Freedom of Association has had a similar process of evaluating its impact over the past 35 years.

Cases of progress relate to governments which have made changes in their law or practice to give fuller effect to ratified Conventions. Cases noted with interest relate to other measures taken by governments. There are also important, but difficult to quantify, indirect effects of the Committee’s work. Neither of these indicators gives much of a sense of the magnitude of importance. In fact, the evaluation team’s attention was drawn several times to notable ‘high profile events’ instigated or caused by the supervisory system which had national and regional, even global, repercussions. In a note to the evaluation on this subject, in response *inter alia* to questions about establishing causation, NORMES has rightly drawn attention to the importance of dialogue between the various actors. The outcome of the Committee’s work can be measured on the basis of a whole range of sources of information, including indications that have come from the consultations between parties.

In some cases, it is clear and even governments may state, that action has been taken as a result of Committee pronouncements. However, some of these indicators still only relate to changes in legislation, while not being able to capture changes as a result of the application of the law. This is the meaning behind the much-quoted distinction between ‘law on the books’ and ‘law in action’. This is more readily apparent in the case of the CFA where, as a result of its judgements, workers may be reinstated, or one party stops intervening in the affairs of another. Seeking indicators for the impact of the Office strategy is complicated and requires the inputs of all technical departments in ILO, not only NORMES.

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<sup>8</sup> A substantial and recent contribution is: Kucera D (Ed): *Qualitative Indicators of Labour Standards: Comparative Methods and Applications*, Social Indicators Research Series, Springer, and ILO, 2007.

<sup>9</sup> CEACR listed 159 instances in which it noted with interest changes made in 85 countries. This has now risen to 2620 since Committee began listing them.

But the Office must assess improved capacity to constituents and this would be essential for the Strengthening the International Labour Conference (SILC) process: an inventory of ways in which ILS enhance the decent work agenda should be part of this process.

## 2.5 Supporting member States to improve the impact of standards, strategy by Office Sector: Objectives and Outcomes

The nature of the strategy in all Sectors has been tracked using the Office documentation of Programme and Budget and Implementation reports from 2002-03 to 2006-07. This document-based analysis concentrates only on where the ILS are explicitly incorporated into the objectives, outcomes and indicators of programmes. Although there is mention of ILS in several areas of the commentary accompanying the programming structure, this does not oblige programme managers to report on how they have mainstreamed ILS. Therefore, this inventory is not intended to suggest that the role of ILS is totally restricted to these areas. This information is provided as Annex Table 1.

In Annex Table 1, Programme and Budget Objectives, Outcomes, Indicators and Results are provided for the Normative Action for the biennia 2002-03, 2004-05 and 2006-07. But given the centrality of ILS to all programmes in the ILO, in this Chapter, the inclusion of ILS in the objectives and outcomes of programmes in other areas of Sector 1, and Sectors 2, 3 and 4 was reviewed. This information is provided in tabular form in Annex Table 2.

### Sector 1 (Normative action)

This evaluation is focusing on the strategy used to attain the strategic objective of the ILO Strategic Policy Framework, given in the Terms of Reference as Operational Objective 1b (Normative Action) and Operational Outcome 1b.1 in the Programme and Budget for 2006-2007. Objectives, outcomes and indicators are stated below in Table 2.

**Table 2:** Strategic Objective No 1 (in Sector 1): Promote and realise standards and fundamental principles and rights at work: operational objective, outcome and indicators, 2006-07.<sup>10</sup>

Operational Objective 1.b Normative Action	Operational Outcome 1b.1: Improving the impact of standards	Indicators for Outcome 1b.1
International labour standards and the standards supervisory process influence legislation and policies of member States for achieving decent work and international development goals.	Constituents in member States have better knowledge of ILO standards and have improved capacities to support implementation of standards in national priorities, benefiting from the ILO supervisory mechanism and assistance provided by the Office.	<p>Member states improve the application of standards as noted by the Committee of Experts;</p> <p>Member states improve the application of standards as noted by the Committee on the Freedom of Association;</p> <p>Member states ratify or make progress in implementation of the key provisions of the main gender equality Conventions;</p> <p>Employers and workers' organisations make observations on the application of standards, and</p> <p>The Office processes supervisory reports which are received on time.</p>

<sup>10</sup> Programme and Budget for 2006-07

Over the period of this evaluation, the standards strategy in Sector 1 has gradually and incrementally become more outward looking. In the 2000-01 period, the performance indicators were linked to the functioning of the regular and special supervisory procedures, supported by the International Labour Standards Department. In the following biennium, the strategy in that period was to carry out analysis and consultations with the aim of improving effectiveness and efficiency of standards related activities. The strategy also proposed adoption of an integrated approach to standards setting, to extend the impact of related supervisory and promotional activities, with occupational health and safety as the first focus. The strategy was further oriented towards servicing the Committee of Experts and the Committee on Freedom of Association. In addition, it was an approach involving all national social partners in addressing the issue raised by the CFA.

In 2004-05, the strategy continued its more outward-looking formulation. It emphasised the importance of consulting on changes taking place in member states. Therefore, the objectives included influencing the legislation and policies of member States for achieving decent work and the Millennium Development Goals. This signalled the need to foster Office-wide collaboration and the role of technical cooperation and technical advisory services. However, services to the supervisory machinery of Convention reporting remained the predominant activity as the number and complexity of reports intensified.

In the 2004-05 period, the need for ILS to be more visible and more widely known was recognised in the Sector 1c strategy, to strengthen its knowledge base and to encourage its access by external partners. However, in the 2006-07 biennium, the services provided to the ILS system and its supervisory machinery were emphasised as the dominant element in the ILO's normative strategy. It was noted that the workload attached to the Committee on Freedom of Association in particular continued to grow. Other elements in the strategy continued to indicate the desired more outward-looking orientation. This included consultation with tripartite partners, better information and training on standards for ILO technical and field staff, and further development of the standards-related databases. Therefore, for 2006-07, the indicators for this objective were focused on process indicators for the Office's servicing of the Committees of the supervisory system. This strategic objective delinked the promotion and implementation of ILS from the work of the rest of the Office.

### **Other Areas of Sector 1**

It was emphasised in Chapter 1 that the ILS are the Organisation's most mainstreamed and recognised modality within the international development architecture. They are regarded as the backbone of the Organisation. Therefore, it would be expected that references to ILS would be made in several other outcomes and indicators in other areas of Sector 1 and also in Sectors 2, 3 and 4. This evaluation identifies these other outcomes. Annex Table 2 summarises the role of ILS in Operational Outcomes and Indicators across the Sectors in the Programme and Budget documents 2002-03, 2004-05 and 2006-07. The table shows that generally through this period, the ILS were embodied in the areas of the Office's activities as follows:

#### Declaration and IPEC

Strategic Objective 1: Standards and Fundamental Principles at Work (implementation by the Declaration Department). Obviously, the ILS are embodied in the work of the Declaration

which promotes the eight fundamental conventions<sup>11</sup>. Generally, the approach of the strategy in this area was to encourage the ratification of these fundamental conventions. As the biennia passed, the approach became more concerned with supporting changes in member States' policies, legislation and institutions so that they could realise these fundamental conventions. In the latest biennium examined (2006-07), the strategy was oriented towards giving support to all tripartite constituents, including workers' organisations, employers and national authorities. Indicators at the beginning of the reference period focused on numbers of member States that ratified conventions. In later years, indicators reflected progress made (using ILO assistance) to implement the provisions of the Conventions.

As regards child labour (implemented by the International Programme on the Elimination of Child Labour, IPEC), focus in the earlier years of the evaluation period was also on encouraging the ratification of the two child labour-related conventions (C138 and C182). This moved progressively towards supporting upstream activities related to member States' policies and capacity building so that the conventions could be more effectively implemented on the ground rather than be manifested as only national laws<sup>12</sup>. In the biennium of 2006-07, the indicator related to the progress in implementation of IPEC's time bound programme approach.

## **Sector 2**

In Strategic Objective 2: Employment. It is noteworthy that in Programme and Budget statements of 2002-03 and 2004-05, only the strategy commentary refers to various conventions. There is no mention of ILS being incorporated into programme objectives until the Programme and Budget of 2006-07, and then it is mentioned only twice. The first mention is in the area of employment, labour market, skills and employability (Operational objective 2a), encouraging the use of Recommendation 195 and Convention 142 (both in the area of human resource development as a guide for the development of policies and programmes). The second mention is in the area is youth employment. In this instance, member states are supported to develop programmes which reflect the employment policy convention No 122, in response to core elements of the Global Employment Agenda. Target indicators related partly to ratifications of conventions and to the number of member States that developed and implemented appropriate programmes.

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<sup>11</sup> There are eight fundamental conventions which embody these principles, see section 6 in this Chapter for the full list. In addition there are four priority conventions for general promotion:

C81:	Labour Inspection Convention
C122:	Employment Policy Convention
C129:	Labour Inspection (Agriculture) Convention, 1969
C144 :	Tripartite Consultation (International labour Standards) Convention, 1976.

These have been designated as priority instruments as a means of encouraging member states to ratify them because of their importance to the functioning of the ILS system.

<sup>12</sup> The distinction already made as 'law in action' rather than 'law on the books'.

## Sector 3

Strategic Objective 3: Social Protection, Working Conditions (Safe Work) and TRAVAIL. These are the chief promoters of the ILS (and codes and guides) with the encouragement of their ratification, application and generation of pertinent information. In the most recent biennium, the objectives still refer to ratification of ILS. However, there is also an emphasis on capacity building in member States through the application of tools and enhancement of knowledge. These objectives relate to activities that enable constituents strengthen their policies and capacities in this area. The importance of the informal economy is emphasised in the biennium 2006-07.

## Sector 4

Strategic Objective 4: Strengthening Tripartism and Social Dialogue. The ILS are integral elements in the tripartite consultations. Under operational objective 4b, relating to governments and the institutions of social change, the strategy aims to support member States to ratify conventions relating to labour administration (C150) and Tripartite consultation (C144). In the biennium 2006-2007, a broader objective of improving governance was proposed, strengthening the components of the institutions of social dialogue. In addition, the proposal would extend the coverage of labour law to the informal economy and take practical steps to ratify conventions. Also, the fundamental principles embodied in C87 (Freedom of Association) and C98 (Collective Bargaining) were emphasised. With outcome 4c1, the ratification of ILS within the role of social dialogue in specific sectors became distinct areas of activity. Examples include the sectors relating to ILS in the maritime and fishing sectors and specifically the ratification of the Seafarers' Identity Documents (C185).

## 2.6 The medium term strategic approach for Normative Action: SPF 2002-2005 and SPF 2006-2009

As noted above, the Office outcome and strategy in the area of normative action has evolved since 2000. It was originally centred on providing services to the supervisory bodies, constituents, the Governing Body and the ILC. The focus later became integrating the promotion of standards and their implementation and hence to improve people's lives. Work dating from 2000 has also focused on better understanding the contribution of ILS to the concept and realization of decent work.

The Strategic Policy Framework (SPF), covering the four year period beginning in 2001, set out the initial vision for strengthening international labour standards. This Governing Body paper stated as a high-level objective for the Office, the following:

*Services are provided to the supervisory bodies, constituents, the Governing Body and the International Labour Conference, enabling existing standards to be supervised and new standards to be set. (SPF 2002-2005)<sup>13</sup>*

Building from the need to better address the social dimensions of globalization, the SPF document noted the importance of ILS as a social pillar for the global economy. It emphasized the urgency to make ILS more relevant to the associated evolving challenges. The plan was also partly to combine normative action with technical cooperation to advocate a rights-based approach. This would be done primarily through Declaration and IPEC

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<sup>13</sup> Operational Objective 1c: Normative Action, page 7.

initiatives, but also as the previous section shows, through other sectors as well. In addition, the Office proposed a comprehensive review of standard setting, supervision, promotion, technical cooperation and related issues based on tripartite support to modernize and strengthen the standards system.

The Office strategy incorporated continued support to the supervisory mechanism. This was done in order to help identify particular problems, make recommendations and contribute to an assessment of progress towards decent work at the national level. In addition, the Office committed to practical assistance to constituents, drawing on all sectors of the Office, and to explore conceptually the contribution of ILS to the decent work agenda.

Looking ahead beyond the TORs period, in the ILO Strategic Policy Framework for 2006-09<sup>14</sup>, the ILO reconfirmed its commitment to assisting countries in the ratification and application of the ILS, setting forth a similar high-level objective:

*International labour standards and the standards supervisory process influence legislation and policies of member States for achieving decent work and international development goals. (SPF 2006-2009).*<sup>15</sup>

With the sharp increase in ratification of core Conventions, the document noted that this would be a growing area of the Office's work. Likewise, linking supervisory dialogue with tripartite participation was emphasized as a means of addressing constraints and monitoring progress. The path forward also entailed shifting focus and approach to address country and region-specific initiatives. Noting the persistence of some violations, the Office opened the issue of further specific measures for addressing these cases. Finally, the ILO medium-term strategy emphasized the growing involvement of multilateral agencies in promoting and applying core labour standards. In addition, it proposed taking steps to ensure consistency with content and process surrounding the ILS<sup>16</sup>.

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<sup>14</sup> ILO, *Strategic Policy Framework 2006-2009 and preview of the Programme and Budget proposals for 2006-07*, GB.291/PFA/9, Geneva, November 2004.

<sup>15</sup> This is operational objective 1 (b). Normative Action. The operational outcome for this objective states, *Constituents in member States have better knowledge of ILO standards and have improved capacities to support implementation of standards in accordance with national priorities, benefiting from the ILO supervisory mechanism and assistance provided by the Office*. See Section 1.2 in this report.

<sup>16</sup> In 2008-09, this process will continue to be placed through Decent Work Country Programmes. Therefore, the indicators and targets have shifted from comments and ratification to targeted technical assistance provided by the Office, and to the influence of ILO standards and processes upon and within other bodies. The strategic framework reinforces the basic point about the true ends to be served by ILO standards with three issues: i) standards are a means to the larger end of achieving decent work and development goals; ii) it is the idea of actual realisation of standards, not only their legal reflection in domestic law, which is the object of the exercise, and finally (iii), a key element of the strategy is to improve member state capacity to achieve these real goals.



## 2.7 Linking up the SPF with the LILS Process

Towards the end of the reference period for this evaluation, a major process of modernizing standards was launched under the governance of the Committee on Legal Issues and International Labour Standards (LILS), (the ‘LILS Process’)<sup>17</sup>. This move, to set out a strategy for the generation and implementation of the ILS, was a major innovation<sup>18</sup>. It was generated through a period of consultation by the NORMES Department and ILO constituents.

However, given the current balance of workload, the LILS process largely relates to the relationship between the NORMES Department and the supervisory system. Additional review work under LILS coordination has focused on strengthening the standard setting process (selecting items for the Conference agenda, consensus building, keeping standards up to date), the supervisory and review system (review of reporting arrangements, working methods of supervisory bodies), special procedures of the CFA, and the Article 24 procedures as well as other supervisory procedures.

Although implementation of the strategy is being shared across many parts of the ILO, the NORMES Department has anchored the strategy administratively and technically and plays the major role in implementation. Additional support has come through the ILO standards specialists posted in selected field offices and specialists from other technical units working to support specific Conventions and Recommendations. Social Partners also have a role to play in helping to that the ILO supervisory bodies deal with law in action.

The strategy paper presented to LILS reviewed the progress made over the previous decade for the ILO strategy in normative action, noting questions for further consideration. In March 2007<sup>19</sup> a paper, also presented to LILS, outlined issues and a proposed strategy for a new phase of reviewing and adjusting the standards system to respond to the dynamic situation in which it operates. As part of this, recent changes introduced to reporting procedures are scheduled for review. A paper presented to the LILS Session of November 2007 laid out an interim plan of action for the implementation of the standards strategy<sup>20</sup>.

Table 3 below summarizes information provided in both SPF documents, and several LILS papers. It includes the March 2007 paper, as well as the Programme and Budget for 2006-07 and 2008-09. There are four primary strategy components: (i) keeping the body of standards relevant and up to date, (ii) supporting the improved supervisory process, (iii) improving national capacities for ratification and implementation, (iv) extending visibility and support for ILS, and (v) influencing national and international policies.

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<sup>17</sup> See Improvements in the standards-related activities of the ILO: Outlines of a future strategic orientation for standards and for implementing standards-related policies and procedures. GB.294/LILS/4, November 2005.

<sup>18</sup> For this initiative the senior management of NORMES deserves much credit.

<sup>19</sup> ILO: *Improvements in the standards-related activities of the ILO: Outlines of a future strategic orientation for standards and implementing standards-related policies and procedures*, GB.294/LILS/4, Geneva, March, 2007.

<sup>20</sup> ILO: *Improvements in the standards-related activities of the ILO: Possible approaches and an interim plan of action to enhance the impact of the standards system*, GB.300/LILS/6, Geneva, November 2007.

**Table 3:** Logic model for ILO strategy to improve the impact of standards (Outcome 1b.1)

Primary Strategy Components	Form of outcome/ impact	Main means of action	Indicator 2006-07	Indicator: 2008-09
Keeping the body of Standards relevant and up-to-date				
Support improved supervisory process	The standards system updated and strengthened	Comprehensive reviews for LILS and ILC of standard setting, supervision, promotion, technical cooperation and related issues		
Improve national capacities for ratification and implementation	Ratification of Conventions and reform of national legislation and practice to enable implementation	Training; guidance, technical missions, other technical assistance and technical cooperation, particularly linked to ratification and implementation of core Conventions	(i) 400 instances of member States improving the application of standards as noted by the Committee of Experts. (ii) 50 instances of member States improving the application of standards as noted by the Committee on Freedom of Association. (iii) Specific targets to ratify or make progress in implementation of the key provisions of the main gender equality Conventions.	(i) 50 cases in which member States apply ILO targeted technical assistance to ratify conventions (ii) 100 cases in which member States apply ILO targeted assistance to develop or modify national legislation or practice in line with ILS.
Extend visibility and support for ILS	Document the real impact of standards; parliamentarians, judges, inspectors, and legal practitioners apply standard to their work.	Targeted exchange and information to wider audience – national and international levels; empirical studies on economic impact of standards <sup>21</sup>		

The available indicator information was taken from the two most recent Programme and Budget documents (see Annex Table 1). The implementation of the standards strategy itself

<sup>21</sup> This particular outcome was not covered in the March 2007 strategy paper but was in previous documentation.

also provides an appropriate set of process indicators. In the next chapter, the evaluative information derived from interviews and case studies is used to formulate conclusions about the performance of the office strategy across sectors and to make some comments about the LILS process in its early stages of implementation.

The next section describes the ways in which the Office strategy is implemented and the modalities used.

## **2.8 Implementation and Modalities of the Office Strategy supporting member States to improve the impact of the ILS.**

Information on the implementation and modalities of the Office strategy was found in various Governing Body documents such as the paper entitled “Improvements in the Standards-Related Activities of the ILO: From Strategy to Implementation (GB.298/LILS/4).

### *Role of Declarations*

A powerful modality of promoting ILS is Declarations. There have been four Declarations to date<sup>22</sup>: The first was the Declaration of Philadelphia, in 1944, which expanded the mandate of the Organisation as the Second World War ended, and two years later was incorporated in the Constitution. This was followed by successive versions of the Apartheid Declaration which was first adopted in 1964. This established programmes of work for the ILO and mandated action of various kinds. Then came the Declaration of Principles concerning Multinational Enterprises and Social Policy, adopted by the Governing Body in 1977 and updated in 2000. This was part of the drive by the international community to establish rules of conduct for multinational enterprises and it included a follow-up mechanism. The Declaration on Fundamental Principles and Rights at Work, that was adopted in 1998, converted constitutional principles on human rights into obligations. It included a follow-up mechanism that launched a series of technical assistance programmes. The Fundamental Principles Declaration is the most significant modality designated to promote the ILS and enhance their impact on the ground.

The ILO created this special promotional measure to strengthen the application of the four principles and associated rights that are fundamental for social justice. Member States recognise that certain basic values are inherent in ILO membership, namely: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective elimination of child labour; and the elimination of discrimination with respect to employment and occupation.

The areas of Collective Bargaining (C98 Rights to Organise and Collective Bargaining) and Freedom of Association (C87 Freedom of Association and Protection of the Right to Organise) are very special. The right to organise and form employers and workers organisations is the prerequisite for sound collective bargaining and social dialogue. The ILS with the work of the CFA and other supervisory mechanisms ensure that this fundamental human right is respected. Freedom of association ensures that workers and employers can associate to efficiently negotiate work relations. Collective bargaining processes ensure that employers and workers have an equal voice in negotiations. It allows both sides to negotiate a

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<sup>22</sup> At the time of this writing, a fifth Declaration is in process at the ILC of June 2008: a Declaration on Social Justice for fair Globalisation, which consolidates the Decent Work agenda as the integrated framework for the ILO's action.

fair employment relationship and prevent costly labour disputes, and helps to ensure that good labour relations benefit everyone<sup>23</sup>.

These are perhaps the most fundamental, as, without independent representative organisations, the other Conventions will not work. These are fundamental for universal social justice, underpinning all development efforts. Areas such as child labour, forced labour and developing the informal economy all have a freedom of association underpinning. Collective Bargaining and Freedom of Association may need more attention in the Office's impact strategy as without them many areas will not be effective.

There are eight fundamental conventions which embody the following principles:

- C29: Forced Labour Convention, 1930
- C87: Freedom of Association and Protection of the Right to Organise, 1948
- C98: Right to Organise and Collective Bargaining Convention, 1949
- C100: Equal Remuneration Convention, 1951
- C105: Abolition of Forced labour Convention, 1957
- C111: Discrimination (Employment and Occupation) Convention, 1958
- C138: Minimum Age Convention, 1973
- C182: Worst Forms of Child labour Convention 1999

There is a follow-up process to the Declaration with member States required to submit annual reports on all the fundamental rights for which they have not ratified the ILO convention. These reports, termed the Annual Review, are examined by the Governing Body. Also, the Director-General prepares a Global Report every year on one of the four sets of principles and rights to suggest new avenues for ILO technical assistance. The ILC examines the report and the Governing Body sets out a plan of action for technical cooperation for the following four-year period.

The purpose of the 1998 Declaration and its Follow-up is to assist member States to achieve full respect for the fundamental rights and principles at work, including the ultimate ratification of the conventions. Then, all member States will have been brought under the regular ILO supervisory system with respect to these instruments, with various sectors in the Office helping to implement ratified conventions. The 1998 Declaration has been supported with technical assistance funds.

Declarations bring focus, visibility and a sense of priorities. They are a powerful modality in promoting ILS.

### *Codes of Practice*

Codes of Practice have been used in the ILO for a long time. They are not legally binding but serve as practical guides for constituents. They are not intended to replace the provisions of national laws or regulations, or accepted standards. However, some constituents find them more acceptable modalities than legally binding conventions. Each code is first prepared by

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<sup>23</sup> These conventions are related to Freedom of Association and Collective Bargaining: C135: Workers Representatives, 1971; C141: Rural Workers Organisations, 1975 and C151: Labour Relations (Public Service), 1978.

the Office and finalised at a tripartite meeting composed of experts nominated by the Governing Body. They have been used effectively in the area of occupation safety and health where there are about forty codes.

There is a Code of Practice for HIV/AIDS, *HIV/AIDS and the World of Work (2001)*. This area of HIV/AIDS is progressing in 2009 towards a recommendation rather than a fully fledged convention. This reflects the changing circumstances of HIV/AIDS in that it requires a legislative structure (that *inter alia* treatment has become available and that there should be access for all). The reporting elements will enable progress in the application of the good practices to be monitored. Technical staff reported that in terms of implementation, codes of conduct can often be more effective instruments than conventions in terms of ease of implementation for tripartite partners.

### *Frameworks*

The Occupational Safety and Health framework conventions including the Promotional Framework for Occupational Safety and Health Convention No 187 (2006). The aim of this framework is to establish a road map by identifying three key elements of a national policy required for step-by-step improvement in occupational safety and health worldwide. This would be accomplished, among other ways, through wider ratification of other relevant instruments. The Maritime Labour Convention is a comprehensive consolidation of most maritime instruments and thus clarifies and simplifies the process of implementing ILS for Office technical staff.

### *Using Technical Cooperation Funds to promote Conventions*

Technical cooperation funds are the major modality for supporting member States. A recent LILS document<sup>24</sup> proposed a typology of different types of technical cooperation intervention based on three levels: i) pre-ratification (promotional work, identification of national needs and priorities, information gathering, training and capacity building); ii) ratification (legal advice support for national institutions to apply standards, legal technical assistance), and iii) implementation (strengthening of data collection and reporting capacity, exchange of documentation, experiences and good practice, inclusion of ILS into technical cooperation programmes by ILO and other donor agencies).

Technical cooperation funds applied to the Declaration on Fundamental Principles fall largely into the former category and the success of this is to be seen in the high level of ratifications of those conventions. The volume of technical cooperation funds available within the NORMES Department has historically been quite small. However, there is one large technical cooperation project to be located in the NORMES Department, and this covers all three areas: this is the Project to Promote ILO Policy on Indigenous and Tribal Peoples (PRO169) embodied in C169. As of March 2007, projects were ongoing in Kenya, Morocco and Nepal with others initiated in Cambodia and Cameroon. Training activities have been conducted at the Turin Centre to improve staff capacity to promote the principles of C169 and for donors in order to strengthen the application of principles to development cooperation. This TC unit is placed within NORMES, is funded by DANIDA, and supports the promotion of C169. It is responsible for the inter-regional programme to support self-reliance of indigenous and tribal communities through cooperatives and other self-help organisations (INDISCO).

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<sup>24</sup> GB. 298/LILS/4, March 2007

Information has been provided by NORMES about Assistance to China for ratification of Convention 111 (Discrimination). A TC programme was implemented in 2004 which was funded by the cash surplus resources. The purpose of the programme was to conduct activities extending over six years and promote continued advocacy, training, and information and experience exchange. China ratified C111 in January 2006. Also for C111, NORMES technical assistance and advice was provided to Indonesia and Iran, with a particular emphasis on gender equality, to encourage increased commitment on the part of the Government to implement this Convention.

The conclusions of the Committee on the Application of Standards (CAS) have served to prioritise NORMES Department technical assistance to member States and its coordination with the sub-regional offices and the Turin Centre. In May-June 2005, at the ILC, CAS identified 19 cases related to ratified conventions for technical assistance and 14 technical assistance missions were subsequently implemented. Twelve of the 19 cases involved the fundamental conventions and eight of these involved C87 (Freedom of Association). All but one of these received a mission from NORMES or other staff in ILO to provide advice. From the meeting of the CAS in May-June 2006, technical assistance was provided in 6 cases out of 14 identified. Of these follow-up requests, 10 out of the 14 covered the fundamental conventions, half of these being freedom of association and collective bargaining.

### 3. Findings of the Evaluation

#### 3.1 Programming across Office Sectors

This section is based on the information generated on achievement of outcomes as provided by comparing the Office Implementation reports with target setting in the Programme and Budget (P&B) and by interviews held with Office staff. The use of information from the P&B and Implementation Reports has strengths and weaknesses. On the plus side, there is a historic value: a review of the information across and within Office sectors and over several biennia gives an overall picture. The picture illustrates how the ILO is gradually changing its focus as it responds to Governing body mandates, resource availability, and changing approaches to meeting development challenges. Therefore, a review of this information has merit when assessing the performance of the Office in mainstreaming such a central mandate as the ILS.

However, there are minuses. First, these are self-evaluation reports with indicator selection, target setting, and outcome reporting all within the hands of the implementing departments and the Office programming machinery. There is no independent opinion as to whether events should move faster or be assessed on a more challenging basis. Second, there is an incongruity between the time necessary for the normative function to permeate a large complex organization like the ILO and the timelines for change implicit in programming cycles. This area of work takes many years to complete and cannot be sliced up into short programming stages. In this sense, the normative action does not fit into the time frames of ILO's donors and supporters. Therefore, the Office faces genuine difficulties in setting indicators which go beyond a simple tally of how many cases have been achieved.

In the area of Normative Action (see Annex table 1), of the 16 indicators that are proposed through the three biennia of 2002-03, 2004-05 and 2006-07, 14 relate to the functioning of the supervisory system. There are two indicators which are separate from this system, both in 2004-05. First is an indicator, that is conspicuously different from the other indicators, covering how well the ILS were included in the formulation of the Poverty Reduction Strategy papers (PRSPs). Second is an indicator dealing with the increased use of information by constituents especially for human rights training. Most of the targets for the supervisory system are met which largely cover 'cases of interest' and 'cases of satisfaction' noted by the Committee of Experts (see Chapter 2 of this report for a further discussion of what these indicators mean). Processing of supervisory reports was a target not met fully at either the beginning or the end of the biennia. This suggests that the system is still generating more work than it is able to handle. The target indicator relating to the PRSPs was only partially met. The target was that 'all PRSPs to which ILO contributes referred to ILS', and this was achieved in 7 out of 15 instances.

In programme areas in Sector 1, other than Normative Action, there was a high level of ratifications of the fundamental conventions. There was also a strong showing of member States in responding to the fundamental conventions as shown through reports to the follow-up to the Declaration. The indicators reflect the need to implement the fundamental principles and rights at work and so the targets for member States doing so are more modest than ratification of the appropriate conventions and are generally achieved.

Programmes for child labour and forced labour receive substantial amounts of technical cooperation funds that encourage the high levels of ratification and implementation of conventions in these areas.

A thinness of the role of ILS in objective setting in Sector 2, Employment, was reflected in many of the interviews held with Office staff for this evaluation. There were difficulties in understanding the role of the ILS in generating and sustaining employment. In addition, staff in the Sector had difficulties engaging with the NORMES Department in order to clarify the matter. At the time of this writing, some progress is now being made in the area of Corporate Social Responsibility (CSR). The Multinational Enterprises Programme (MULTI) is responsible for the follow up to the Declaration on Multinational Enterprises and Social Policy and the unit works on the adoption of standards for the private sector. Generally, the experience of the Office is oriented towards working with governments on standards, not with industry. In addition, at the time of writing, there is also the welcome development of the significant inclusion of the ILS (C122) in the employment sector in the South Africa DWCP.

In Sector 3, Social Protection, indicators and targets also revolve around ratification of the appropriate conventions, codes and guides, with the later establishment of policies and national programmes of action. Beyond ratification of conventions, the later biennium shows a satisfactory level of capacity building through the use of ILO tools and an increased knowledge base. Although social protection conventions address major issues in the lives of workers, ratification remains low overall and their impact is restricted to the formal sector. More research and practical action in terms of outreach needs to be done to prove that the ILS enhance productivity, employment and growth.

In the sector of Social Dialogue, Sector 4, a similar pattern to previous sectors was observed. There is satisfactory ratification of proposed numbers of conventions predominates throughout the three biennia. In the most recent P&B, one set of outcomes is focused on ratifications in the maritime and fishing sectors, which actually involve only a small proportion of the total work force. Social Dialogue aims at an integrated and proactive approach, working to promote labour law at the institutional level. In this situation, promoting conventions one-by-one is not an effective approach.

The key finding from a review of the documentation is that a relatively small number of the ILS are involved in the work outside Sector 1. Although this may appear a rather narrow perspective in terms of the P& B objectives, this was confirmed by interviews with Office staff. The view expressed was universal that much more work is required to integrate the ILS into ILO's programmes. The ILS should be better mainstreamed into the work of the Organisation. Several reasons were advanced for this gap. There is a professional and cultural divide between the working approaches of the lawyers in NORMES and the development-related professionals in other sectors. Also, the understanding of field conditions among NORMES lawyers needs to be increased. There is a preoccupation with the supervisory system on the part of NORMES staff, almost to the exclusion of all other ILS-related activities. More ILO technical staff should be aware of the conventions<sup>25</sup> and they

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<sup>25</sup> As one illustration, a word search was conducted through about 279 evaluation reports that exist in the EVAL data base, I-Track. Of these 143, about 51% made reference to labour standards in any way. These 143 broke down to 54% for child labour conventions (reflecting the large proportion of IPEC evaluation reports in the data base) and additionally one-third made a general reference to labour standards. Four reports each made reference to forced labour, migrant, indigenous peoples, and freedom of association evaluations, with single references to employment policy, social security, and social dialogue conventions.



should receive briefings about the ILO normative functions when they arrive as new staff. There is some confusion as to who 'owns' the technical conventions. Programming staff need to gain more experience integrating the ILS into DWCPs. Lastly, the incentives for technical staff to promote ILS should be strengthened. This is related to difficulties, including lack of compelling research findings, in keeping standards relevant for some constituents. Several respondents drew attention to the fact that in the past, technical specialists had worked on the files of the conventions while based in units. For a while, this allowed for better integration of ILS into technical work. At the present day, this level of integration is only achieved in IPEC which maintains a small legal unit.

The organizational and resource distribution of functions relating to supervisory support and promotion of standards have provided problems for decades. No one approach has delivered a satisfactory mix of centralized versus decentralized responsibility and work load. The two functions are highly complementary and require a full knowledge and perspective of the issues at hand. At the individual Convention and Recommendation level, expert knowledge in the technical topic, as well as a sound appreciation of labour law and labour administration, are critical success factors for developing, promoting and supporting implementation of Conventions.

The ILO's current approach to managing these functions has been to centralize much of the responsibility for standards support, particularly to CEACR, in the NORMES Department. Since 1996, resources earmarked for work on Article 22 have been exclusively allocated to NORMES. Standards specialists in the Department also directly handle promotion and support for the core human rights Conventions once ratified. NORMES also takes primary responsibility for ensuring Office follow-up and support to countries for problems raised by the CEACR and the CCAS. There is a good record on Office follow-up to Conference Committee requests, and there is now a system in place for monitoring.

Several functions remain decentralized to the technical department. Pre-ratification promotional campaigns and work on the development of new instruments are primarily handled by ILO technical departments. Cooperation between NORMES and the technical departments is reported as uneven, with cases ranging from strong coordination to almost none at all. Interviews revealed that only a few technical departments recognized a designated role and responsibility in supporting implementation of specific standards. Only a few respondents acknowledged regularly consulting CEACR observations and comments. Very few programmes internally can call upon legal expertise for this work.

Standards specialists in the field are charged with tackling basic training and capacity building for standards in general and for the core Conventions more particularly. However, there is not an explicit designation of responsibility for accountabilities. There are some efforts between headquarters and field specialists to plan for coordination and joint action. For the most part, collaboration is not well institutionalized and a number of field staff felt that they were left to work largely on their own.

There are several areas that need to be strengthened. For example, no one is doing basic analysis and no one is minding, in a consequent way, the more protracted situations. There is no consistent and regular way for monitoring the real impact of standards in terms of quality of life. However, as noted elsewhere, this is a complex matter. There is an absence of technical specialists in review of Article 22 reports. This means that CEACR comments and observations tend to be more legal rather than technical.

A number of ILO officials raised concerns about the limited field experience of many NORMES officials. In some cases, standards specialists rotating to the field are not oriented towards mobilizing or managing technical cooperation and have had limited direct exposure to the development aspects of ILO's work. There is need for more training and support for these staff members. In addition, standards specialists need to rotate more regularly to and from the field.

The ILO has in the past invested in capacities for training ILO staff on standards. It has supported briefings on selected issues and liaising with various departments on technical cooperation initiatives or technical assistance linked to supervisory process. The standards network, headquarters and field, are often found in a resource trap. The shortage of resources means that little effort can be made to mobilize resources for standards promotion. This includes raising awareness of colleagues as to how standards promotion can be more directly integrated into project proposals and activities.

There have, however, been earlier models in the life of the Office that might be reconsidered. One is the very successful system of technical departments reviewing country reports to advise NORMES on the real issues. This model has been almost completely abandoned now because the technical departments are prevented by the current programming methods from requesting and allocating resources specifically for this purpose (except IPEC). This system had the advantage of a two-way flow of information being introduced. The Committee of Experts are provided with sound field-based and technical knowledge. Concomitantly, the Committee's judgements can be reflected in project design documents.

There are other modalities that should be considered such as seconding NORMES staff to technical units or attachments of short period to regional offices, as well as their rotation into the field for longer periods. Another possible modality would to strengthen the role of the social actors to better assist the ILO supervisory bodies in improving the impact of the ILS.

### **3.2 Findings from Linking up the SPF with the LILS Process**

In Table 3, the available indicator information is taken from the two most recent Programme and Budget documents (see Annex Table 1). In addition, the implementation of standards strategy, as laid out through the LILS process, has provided an appropriate set of process indicators. But as indicated in the review of P&B indicators and their targets, the strategy does not have a means of tracking progress against benchmarks for processes. It also does not have baselines for assessing capacities and performance in Office programmes or in the Organisation's constituents. However, the LILS process has not been required to develop this information nor to report on aspects beyond the high-level programme and budget indicators.

As Table 3 suggests, the results framework presented contains a number of gaps which limit the extent to which an evaluation can assess performance against stated targets in this integrated standards strategy. The targets and indicators presented in the two most recent P&B documents have evolved but continue to measure performance by pointing to direct impact as evidenced through supervisory reporting.

These indicators provide little information about the impact of the strategy to support member States. They record that an event has happened in the supervisory system but the causative relationship with other Office actions and Sectors is not addressed. This reinforces the often quoted observation in this evaluation that the supervisory system, and the support that the NORMES Department gives to it, operate largely in isolation from other parts of the Office.

That said, it is reiterated that developing more effective indicators is no easy task. However, the strategy will require some much stronger means of showing, among other aspects, how national capacities have been enhanced in terms of implementation of the ILS.

To fill the information gaps, qualitative information has been supplemented from the LILS documentation. Based on this information, the evaluation suggests that the Office consider introducing additional performance information. It also suggests that targets and key progress markers be linked to the supervisory component of their Office-wide strategy (i.e. all Sectors), which is largely part of the regular reporting to the LILS Committee. In addition, the Office could add a risk assessment to the strategic framework to enlighten the Committee as to the high stakes of delays in reaching some of the more critical milestones. These aspects of performance could be considered within the continuing discussions in LILS.

That said, other parts of the Office, mostly in Sector I, have been directly involved in the promotion of the ILS. In addition, they have provided assistance to constituents for the implementation of the ILS. The Programme for the Promotion of the Declaration and IPEC work directly on promoting core Conventions although this is largely independent of NORMES. Other programmes promote ratification and support implementation of the many additional technical standards (see Annex table 2 (3b1, 3b2 and 4b)).

In 2004-05, the structure of the NORMES Department was streamlined with the intention of increasing efficiencies and of improving understanding and visibility of the ILO's normative role. For 2006-07, strengthening of the ILS systems was designated as a mainstreamed strategy of the ILO. This was done in recognition of their importance as a means of development rather than an end in itself. But servicing the supervisory system remains the dominant activity, which inevitably has an effect on the impact of other areas.

The LILS process has been reviewing the standards system very actively on an ongoing basis over the last few years. This is the latest of a series of ongoing discussions over many years to reform the standards setting process. In addition, the Cartier working group concluded its work in 2002. It focused on the promotion of a reduced number of up-to-date Conventions and Recommendations. The discussions in 2005 also cemented the introduction of the innovative Maritime and Occupational Safety and Health Conventions modalities. The Committee emphasised the need to keep standards up to date as a continuing concern. Promotion of standards and technical cooperation has been endorsed by LILS to include: national implementation, follow up to the LILS working party, promotional campaigns, consolidation of practical materials, thematic databases, follow-up to supervisory comments, country-specific projects, integration of standards into country programmes and tripartite involvement.<sup>26</sup>

However, this constant effort, to reform an area seen by some as being the preserve of lawyers who are comfortable with legal terminology, seems to have set the standards setting machinery significantly apart from the rest of the Office outside the NORMES Department. Staff members across the Office are not well-informed about the process and struggle to see its relevance to their day-to-day work.

The LILS strategy has a consistent logic to explain how changes are to be brought about. However, implementation has not been consistently supported across all components, and in

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<sup>26</sup> See GB.292/LILS/7, Geneva, March 2005, paragraph 35. See also GB.288/LILS/6 and GB.288/10/2, paragraphs 10-24, both Geneva, November 2003.

some cases, progress has been slow. This raises concern that the strategy may have been too ambitious for the Office to implement, or alternatively, that it may require more radical measures. The latter may include an examination of the incentive system for involved parties to stimulate change and what needs to be put in place.

### 3.3 ILS and Technical Cooperation

The difficulties found in coordinating standards with technical cooperation have been a source of concern in the Office for several years. Internal reviews have addressed the ongoing problems of trying to connect technical cooperation with the ILS<sup>27</sup>, and made detailed proposals for reform. Various shortcomings have been identified in the way that the ILS are integrated into technical cooperation programmes. These include:

- ILO officials do not always view the interaction between TC and ILS as a fundamental objective;
- ILO's partners are often poorly briefed on the financing and administration of TC programmes and the ILS have almost no role in the decisions of multilateral partners;
- ILO's partners received little technical assistance in the areas of the ILS;
- There is no training on the ILS for staff at headquarters or in the briefing and guidance given to experts;
- Project preparation, monitoring and evaluation documents make little reference to standards; and
- Material that is available in internal networks on standard setting and TC is of poor quality.

The report made many good recommendations, covering expanded training, improved flow of information to field offices and documentary procedures. The report recommended that the NORMES Department follow the progress of operational activities more closely, give stronger support to regional standards advisers, and improve their overall communications with the field operations.

A Circular was issued by the Director General in 1987, following an exhaustive review in which it was stated:

*The expansion of operational activities during recent years, the increasing complexity of the mechanisms governing the management of technical cooperation programmes, the more rapid turn-over among experts and the increasing diversity of categories of staff directly engaged in projects, no doubt explain the fact that the importance which should be accorded to the indispensable links between standards and activities in the field have sometimes been lost from sight as appears from an analysis of the situation recently carried out by the Standards Department in consultation with all the central and external services.*<sup>28</sup>

Then in 1994, the Director General's Report, in discussing the relationship of ILS and Technical Cooperation, noted:

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<sup>27</sup> For example, "...the observations and comments of the Committee of Experts on the Application of Conventions and Recommendations are virtually ignored in technical cooperation activities". (At p.3)

<sup>28</sup> Circular N0.163 "Links between international standards and ILO technical cooperation activities" 29.05.87

*It cannot be denied that over the years, and for reasons deriving from both the political context and from the mechanisms by which technical cooperation was carried out, the two lines of ILO action moved separately and in parallel.<sup>29</sup>*

The interviews held with technical staff in the Office for this evaluation all point to the fact that the lack of coordination between the standards system and technical cooperation, highlighted in internal studies still exists. However, the evaluation found that things are slowly changing for the better. The need to strengthen technical cooperation was also reviewed by LILS in November 2005. The LILS review also found that more needs to be done.<sup>30</sup> Information from the case studies (see Annex for further details) show how technical cooperation funds have been used to address situations highlighted by the supervisory system.

Review of the material submitted by the NORMES Department shows that the Office does try to follow-up priority issues as identified in the supervisory mechanisms and member governments are always anxious to get support. Follow-up is often difficult due to the coordination of field and HQ specialists in the resolution of specific problems arising during application. At country level, serious issues can drag out over a long time period. Standards specialists in the field take on high priority issues but often have to cover as many as ten countries. They are inundated with requests and in the absence of sufficient funding provide one-on-one advice to member States. They work with their programming colleagues in a variety of ways to push the ILS onto centre stage.

Work constraints on NORMES staff in Geneva mean that they do not visit the field often enough, although when they do, their assistance is always seen as valuable. Standards specialists in the field are not part of NORMES management or funding. Their travel and expenses are covered in regional budgets, so their chiefs are not necessarily sympathetic to the ILS-related demands. In addition, specialists do not receive their instructions from NORMES. As already noted, most NORMES officials need more field exposure that would allow them to understand problems in the field.

Some countries have benefited from TC programmes that have supported key actors in the ILS process, such as high court judges. Basic support in expediting the reporting process and training national officials is often required because of the complexity of the process and the fact that staff is being frequently rotated into and out of ministries of labour.

In 2005, an improved methodological and personalised follow-up of the conclusions of the Committee on Legal Issues and International Labour Standards (CEACR) was implemented in an effort to integrate TC in a more systematic manner. With ratified Conventions, the purpose is to help member States overcome obstacles to implementation. Since 2005, the conclusions of the Committee have served to prioritise NORMES technical assistance and its coordination with the sub-regional offices and the ITC Turin (see Chapter 2 for details).

The evaluation's reviews of country case studies and field missions, outlined below and detailed in the Annexes, show that the Office tries hard to link issues identified by the supervisory system; however, much still falls through the cracks. This is another outcome of the rather overwhelming nature of the ILS machinery. Priorities should be set in some way to ensure that valuable work is not being ignored. Some of the possibilities are being discussed in LILS.

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<sup>29</sup> ILO: *Defending Values, Promoting Change*, ILC, Geneva, June 1994, paragraph 87.

<sup>30</sup> See GB.298/LILS/4, Geneva, March 2007, paragraph 24.

## *Colombia*

Colombia's unstable political situation and the failure of the state to fully control its territories (some areas are de facto under the control of military groups) make it difficult to achieve adherence to ILS. In recent years, comments of workers' organisations concentrated on acts of violence against trade union leaders and trade unionists, obstacles to establishing or joining trade unions, the restructuring of public bodies in order to get rid of trade unions, refusals to register new trade unions, and the prohibition of the right to strike.

An ILO technical mission took place in October 2005 following an invitation of the government to the Employer and Worker Vice-Chairpersons of the Committee on the Application of Standards. In 2006, the CEACR noted several efforts made by the Colombian government to counteract violence against leaders and members of trade union organisations through the Justice and Peace Act<sup>31</sup> and a security fund.<sup>32</sup> Moreover, the government started to provide protection for trade unionists.<sup>33</sup> In 2007, the government and representatives of employers and workers concluded the Tripartite Agreement for the Right of Association and Democracy. The problems that the CEACR has been raising in the last years are planned to be examined in this context.

## *Qatar*

The issue of child jockeys breached C29 (Forced Labour) and C182 (Worst Forms of Child Labour). In 2005, the CEACR noted that the Government was willing to avail itself of an ILO technical advisory mission to ensure compliance with the ILS. In 2006, Qatar took concrete measures by introducing robot jockeys in place of children. This was accomplished with influence from ILO and human rights groups but was accomplished without ILO cooperation. The ILO offered assistance in 2006-07 for the elaboration of a national equity policy. However, the CEACR has noted slow progress.

## *Nepal*

There is a positive linking of TC, ILS and political changes in Nepal which has seen a great deal of political turbulence over the last few years. The new Constitution written at the beginning of 2007 has a commitment to respecting ILS including collective bargaining and workers rights. Earlier, in August 2006, the parliament ratified C169 (Indigenous and Tribal Peoples) and this contributed significantly to the peace process. The main areas of support of the 72 TC projects undertaken in Nepal were gender and child labour, elimination of bonded labour, youth employment, training on fundamental conventions, poverty reduction, and governance of labour migration and promotion of indigenous and tribal rights. All have the scope to include the ILS to some extent. This largely depends on the skills, motivation and interest of the project designers and how easily they are able to mainstream ILS.

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<sup>31</sup> Act No. 975 on Justice and Peace, 25 July 2005

<sup>32</sup> National Security and Citizen's Coexistence Fund, by Decree No. 21870, 7 July 2004

<sup>33</sup> The Commission for the Regulation and Evaluation of Risks (CRER) of the Programme for the Protection of Witnesses and Persons under Threat, under the authority of the Ministry of the Interior and Justice, provided protection to 163 trade union organisations and 1,615 trade unionists in 2004.

## *Eastern and Southern Africa*

Social dialogue projects and programmes have performed well in Eastern and Southern Africa. In Swaziland, ILO TC projects have had a major focus on building the capacity of trade unions. Among other things, a High Level Mission proposed the institutional framework for more effective tri-partite social dialogue to pursue better application of ILS on freedom of association. Swaziland also benefitted from a TC project that aimed at strengthening national labour law administration. Issues raised during CEACR discussions are reflected in the rationale of TC project proposals. The East African countries of Tanzania, Kenya and Uganda have benefitted from technical assistance in the area of social dialogue, especially from a successful regional project (SLAREA: Strengthening Labour Relations in East Africa) on labour relations. This project focused on strengthening the implementation of the principles of collective bargaining and freedom of association. Tanzania is a location for major work in the area of child labour. It has undertaken a second phase of the Time Bound Programme and two other projects. In addition, a programme to enhance gender equality rests heavily on the ILS on discrimination to promote its activities.

The Tanzanian case study illustrates well the problems of implementing ILS so that they impact on decent work for low income workers and employers. The ILS do not reach beyond the formal sector and this is significant in a country where about 90% of the population work in subsistence agriculture. The cadre of labour inspectors is too small to effectively cover more than a few establishments and they have no transport. In Tanzania, as in other countries examined, technical staff does well to integrate the ILS aspects to their projects, in the area of gender, discrimination and relations with tripartite partners, without being attached to the ramifications of the supervisory system.

## *Thailand*

Thailand provides an example of the use of the ILS as a global public good, in other words, providing substance and text that can be borrowed for other purposes. The Ministry of Labour in Thailand has established a Thai Labour Standard. The Thai Corporate Social Responsibility is a voluntary code and is used as a criterion for certification of establishments applying the requirements of the Standard. Implementation has been variable and workers' rights could be more strongly incorporated.

Earlier observers have referred to a continuing disconnect between technical cooperation and implementation of the ILS. However, country visits made for this evaluation and feedback from other sources suggest that many ILO field programme staff are aware of the role of ILS in their work. They appreciated the existence of Conventions and Recommendations, which were seen as an advocacy device, despite difficulties in implementation on the ground. While traditional technical cooperation is often predicated on a top-down model, there is another direction. Programmes can give voice and resources to poor people (such as women's credit) and can strengthen their participation in the political process at the local level thus giving them the motivation to encourage the implementation of the law as it exists and take up their entitlements.

The ILS often act as a fulcrum for programming. However, the ILO TC programming faces some difficulties in finding a balance between upstream (advocacy, policy setting, national institution building, strengthening of national action) and downstream action. The way in which this balance is established also determines the degree of tripartite partners' ownership.

In these circumstances, the role of social dialogue between the partners is important as a means to facilitate the groundwork for implementation of the ILS.

### **3.3.1 TC involving improving the use of information emanating from the supervisory machinery**

The reporting machinery, as described above, puts substantial demands on governments and carries with it a strong impression of being legalistic. The comments are often difficult for the lay people (the non-lawyer) to decipher, which generates some aura of user-unfriendliness. Governments reported that the recipient ministries face heavy demands for information that may outstrip available resources. In addition, these demands are multiplied when it is necessary to ask other ministries that have a lesser incentive, to provide information. Governments also report duplications in the requests for information from the Office.

There is poor appreciation of the wealth of information available both in and outside of the Office. Access has been improved through new databases and search functions. However, new formats and products are needed that appeal to a wider range of users. Technical persons supporting the monitoring and reporting functions need to have practical expertise with the real world context of Conventions implementation. Office support should be aware of the perspective that the ILS have become very entrenched as technical matters of concern almost entirely to lawyers and that the standards and their supervisory processes an end in themselves. Non-lawyers may be reluctant to get too deeply involved. The information sent to the member States needs to be more influenced by the situation in those locations. In addition, it should be more appreciative of the circumstances where those users of information live and work. The evaluation found many well aware of these problems but sometimes the response does not reflect this awareness.

The work of promoting implementation of C182 and C138 garners half of the ILO's technical cooperation and is put to good use. It is a strong example of how TC can be applied to promote Conventions in order to make substantive progress both in terms of rights and development. On the other hand, where resources are less abundant, the ILS strategy can only progress at a modest pace.

Other useful activities include imaginative work by staff in the gender and disabilities areas to enable women and the disabled to become empowered and promote their rights, such as manifested through C111 (Discrimination). In other areas TC applied to developing labour policies and labour relations has been important, if long term, stepping stones along the road to Convention ratification and implementation. Elsewhere, the Organisation's processes have sparked a fast track process for member States to deal with a contentious issue before the somewhat slower process of Convention ratification. Entry points can be found with individual Conventions of particular interest to the tripartite partners. These might be skills training, HIV/AIDS, indigenous peoples, or issues raised by social partners as civil society groups such as migration. Field visits confirmed that the workers' representatives are often most concerned with the application of the ILS to the informal economy. However, a large amount of resources will be needed to support the ILS process.

In general, the case studies indicate that in the overall TC funding envelope, little TC activity is linked to the outcomes of the supervisory system. The supervisory system can draw attention to the need for more effective tripartite consultations and this has lead to TC projects in the field of social dialogue and industrial relations (see Nepal again for example, in 1997-



2006). Lessons from the field show that, generally, it is very difficult to generate donor funds in this way: normative activity is not attractive to donors for a range of reasons<sup>34</sup>.

### 3.4 Integrating ILS into the DWCPs

Decent Work Country Programmes constitute new entry points for targeted training and capacity building for the implementation of relevant standards. Systemizing follow up to comments of the supervisory organs aims at helping to remove the obstacles to implementation. It does this by identifying national priorities, assisting on law and practice, and building capacity for implementation. However, the integration of the ILS into DWCPs is going through a steep learning curve. Some urgency is needed to come to terms with how the ILS can be more visibly and substantively integrated into DWCPs. The ILS may be an awkward entry point in DWCP programming.

To help with this process, the Office has invested in development of country-specific baseline data related to specific Conventions. It also has a database of country profiles summarizing comments by the supervisory bodies of the ILO, among other country-level information.

DWCPs respond to and are consistent with national development frameworks, very few of which are written from a rights perspective. Further complicating this is the need to limit DWCPs to a few high level priorities. These outcomes are supported by resources, usually in the form of technical cooperation. These, in turn, tend to bundle around technical themes, with support for standards cross-cutting many of the technical interventions, though showing considerable unevenness. The Office has not yet decided on the best means of addressing more protracted problems within a DWCP approach. This was evident in several case studies where, despite long-standing exchanges on core standards complaints, no mention of these was found in the DWCPs for those countries. Attention has to be paid in making the linkages between supervision questions and the DWCP as the former reflect the implementation of national and international legal obligation. In the future, as normative aspects (i.e., human rights and international treaty issues) become better integrated as elements by the UN Country Team, the ILS should be in the forefront of this work.

The links between programming areas and Convention ratification and implementation are more obvious in ILO interventions where “upstream” actions (e.g., advocacy) are linked to “downstream” activities, such as pilot projects. Not unexpectedly, C182 and child labour programmes are the most common examples. Another example is the Conventions on forced labour where the programming, the nature of the Convention, and the role of national and international advocacy are all linked together to give coherent programming approaches. However, it is important to emphasise that these are two areas where the technical resources and allocation of time lie outside NORMES. Therefore, they are more effective because they are less burdened by the supervisory process. There are also other examples of good practice on an ad hoc basis that could be scaled up.

In some DWCPs, the state of ratifications is given as a “report card,” with a note as to what is expected next in the way of ratifications. Less covered are profiles of the country’s record in implementation and participation in the supervisory process. DWCP documents and their associated performance plans and review processes provide a potential means of profiling good practices and progress.

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<sup>34</sup> The NORMES Department will be producing a self-evaluation of the work to support the ILS with technical cooperation at the Committee on Technical Cooperation in March 2009.

From 2008, NORMES has moved ahead on some of these issues by disseminating a practice guide for the integration of technical standards into technical cooperation projects. It is working on the review of the modalities for the quality assessment of DWCPs as a basis for more targeted standards-related inputs. However, from the interviews conducted for this evaluation, there is still scope for working much more closely with technical departments. The aim of this work should be to better understand the perspective from those units and to break down perceptions of the monolithic aspects of the supervisory system.

An analysis of the distribution of country programme outcomes by Strategic Framework operational outcomes for the period 2006-07 was conducted. The analysis showed that the standards operational outcome, improving the impact of standards, was mentioned on only 26 occasions (out of total defined country outcomes of 1051). Of course, the ILS play a strong role in other outcomes, notably fundamental principles and rights at work. These were mentioned in 115 country programme outcomes. Additional mention included child labour (65) skills and employability policies (89) and improved policies, strategies, instruments and tools for social protection (two outcomes combined to make up 90).

This country programme outcome was associated with the strategic link of ‘improving the impact of standards’ that was included in 24 country programmes in the period 2006-07. In 2008-09, there is a significant increase. There were 66 countries where the outcome was associated with the standards strategic link, which was modified for this biennium to ‘Increase member State capacity to ratify ILS’.

A recent review produced by ACTRAV<sup>35</sup> mapped DWCPs to show references to the ILS (not sufficient, not at all, references made) and workers’ involvement (appropriate or partial). Twenty-six DWCPs were reviewed (Africa 9, Asia 8, Europe/ Central Asia 7, Latin America/ Caribbean 1 and Arab States 1). The involvement of the workers was deemed appropriate in 17 and partial in nine, in other words was appropriate in two-thirds of DWCPs. Specific references to the ILS were made in 15 (or just over half) of DWCPs. There were insufficient references in eight and no references at all in three. These findings correspond to a survey that the evaluation team carried out in August, 2007 of the available DWCPs and the references they had made to ILS.

However, although a review of documentation over the evaluation period does not show significant inclusion of ILS in DWCPs, there are recent positive signs that integration is becoming more effective.

### **3.5 Initiatives to extend ILS to the informal economy**

The issue of extending the application of labour standards to the informal economy is one of the ILO’s greatest challenges. First, the problem is growing. With the expanding effects of globalisation, more and more workers are becoming part of the informal economy. Second, these problems cannot be addressed through one convention or recommendation alone. A strong argument against ILS in developing countries is that they have been only selectively applied and coverage outside the formal sector is very weak. In these circumstances, some ILS can be seen as privileges for selected groups of organised workers. The required modality is complex, the effort required by constituents is considerable, and the target is moving.

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<sup>35</sup> ACTRAV, Decent Work Country Programmes at a Glance, draft tables, February 2007.

Readers with a sufficiently long memory will remember the recognition of the informal economy with the ILO World Employment Programme missions of the 1970s. However, the subject was given more recent impetus with the ILC paper of 2002<sup>36</sup>. Those in the informal economy are diverse but share two important characteristics. They are not recognised or protected under any legal and regulatory frameworks, and second, they are highly vulnerable. Therefore, enhancing rights in the informal economy was a central part of this ILC report. Also, those in the informal economy should not be seen as a separate group from those operating in the formal sector. Formal and informal enterprises and workers co-exist along a continuum, with decent work deficits most serious at the lower end<sup>37</sup>.

In a sense, all of the ILS apply to those in the informal economy in that these standards do not exclude them. ILO Conventions also have a provision that standards be implemented in a way appropriate to the national circumstances and capabilities. Some instruments focus on specific categories of workers who are often in the informal economy, such as home workers, rural workers and indigenous and tribal peoples. However, in practice, there are difficulties in verifying and enforcing standards in the informal economy. None-the-less, in some areas, the ILS could be a means of moving people along the continuum mentioned above.

The discussion of the ILC report led to the following conclusions and resolution:

*“Invites the governing body to give due consideration to them (i.e. the conclusions) in planning future action on reducing decent work deficits in the informal economy and to request the Director-General to take them into account both when preparing the Programme and Budget for the 2004-05 biennium and in allocating such resources as may be available during the 2002-03 biennium.”*

Since then the Office has used various modalities to pursue this issue. In the P&B of 2002-03, it set up an inter-sectoral working group to follow-up what each programme and department had committed to do in the informal economy. It started as an *In Focus* initiative between employment and social protection; however, no resources were committed. The P&B of 2004-05 included the following statement,

*‘Mechanisms (are) being set up to collect and share lessons from good practice and policy across the four strategic objectives and different regions, and extra budgetary resources will be sought.*

In the P&B of 2006-07, the informal economy continued as one of five *In-Focus* initiatives. The Implementation Report for this period noted the development of various tools, knowledge development with constituents. Eight member States drafted new laws or amendments to existing labour legislation to provide greater social protection to various sections of the informal economy. National plans and programmes have figured in another eleven members states, most related to HIV/AIDS in the world of work. In the P&B of 2008-09, the informal economy takes on the stature of an immediate joint outcome with its associated indicators of performance and targets. Sectors 2 and 3 hold lead responsibility for this joint outcome.

The informal economy is concerned with home-based, part-time, uncovered workers. The ILS and other aspects of decent work can be used to move people along the continuum. In the context of DWCP, work at the country level has to go beyond the stated priorities. The

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<sup>36</sup> ILC, Report VI, Decent work and the informal economy, 90<sup>th</sup> Session, 2002

<sup>37</sup> ILC Report 2002, page 4

DWCP as an integrated package has to integrate standards, and quality and conditions of work.

There is a need to determine what standards apply in the informal economy. If a project is started, there should be a clear path to follow and work out the ILS direct and indirect contact points in the project. For example, if women work away from home, then this may mean that the girl child is pulled out of a school and therefore C182 is breached. There are means in informal economy projects of giving people a voice and this encourages them to take up their rights. There is a need to introduce better understanding of rights, social dialogue and OSH. ILO projects need to sequentially identify and make use of opportunities for standards, rather than ILS-alone projects.

Zambia is a case in point. In response to the “informalization” of the Zambian economy, two major regional projects were implemented by the ILO. The objective of the projects was to bring labour legislation into conformity with ratified ILO Conventions by strengthen the capacities of the government and Social Partners to promote and apply the fundamental principles and rights at work and support social dialogue. According to an evaluation conducted by EVAL, both of these projects have made significant contribution to labour law reform, as well as training of trainers, and support to tripartite partners in addressing a host of labour issues. This is a good example of how Technical Cooperation projects can use the standards as the basis for national policies that offer social protection to workers in the informal economy.

### **3.6 Issues relating to the functioning of the NORMES Department**

Under Article 19 of the Constitution, member States are required to report at appropriate intervals as requested by the Governing Body, on non ratified Conventions and on Recommendations. Their reports should indicate the extent to which the instruments have been or will be affected. Under Article 22, reports are periodically requested from States which have ratified ILO conventions. With 188 Conventions and 165 member States, there is a heavy reporting load and hence workload on the NORMES Department<sup>38</sup>. This workload is related to constitutional obligations and so cannot be modified without explicit action by the Governing Body. The current LILS exercise aims to implement some reforms to this end. However, that is outside the Terms of Reference of this evaluation study.

The workload generated by the supervisory procedure has risen with the steady increase in the volume of ratifications and information submitted to the supervisory bodies. However, the capacity adjustments to absorb the extra volume have proven inadequate. Although the heavy reporting schedule is further burdened to some extent with the mounting number of late or missed reports<sup>39</sup>.

In terms of work practices at the Office level, there is one study that is important in this respect. This is an internal PROG/MAS study of 1992 on the working methods of the Standards Department.<sup>40</sup> This report affirmed that the promotional aspects of the work of the NORMES Department were complementary to the work relating to supervision. The primary

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<sup>38</sup> Although, heavy workload is a fact of life for all ILO Departments as they face additional requests and mandates while the regular budget resources stay fixed.

<sup>39</sup> In March 2007, the Office reported less than 30% of reports are submitted by their due date. (GB.298/LILS/4, Geneva, March 2007.)

<sup>40</sup> ILO: *Report on the Study of the Professional Workload, Work Organisation and Working Methods of NORMES*, PROG/MAS, Geneva, January 1992.

responsibility of promoting the ILS then rested with the Department and was shared with the Regional Advisers. This system is no longer in existence. The report noted that the NORMES Department had then made little progress in following up the recommendations relating to promotion as made in the 1986 report. Each area of NORMES had continued to work in a rather isolated manner. The report concluded that efforts to improve the situation and to promote linkages between the supervisory system and promotion of standards through a more outward orientation of the department proved difficult. It stated that “there is little interaction with the regional advisors and other technical departments”<sup>41</sup> and observed that the NORMES Department “still sees its role with respect to the supervisory functions very much as a goal in itself”<sup>42</sup>.

In a manner very similar to other internal studies, the research carried out in this evaluation shows that not much has changed in regard of the above conclusions. The NORMES Department has struggled at various times to become more outward looking both in the Office and beyond. The servicing of the Constitutional obligations involved in the supervisory system has been the principal impediment.

### **3.6.1 Workload<sup>43</sup>**

The supervisory process absorbs a very high proportion of the NORMES Department available resources. The supervisory process has grown steadily over the years as the number of member States and the number of conventions has both increased. Adjustments have been made to the system of reporting to attempt to lighten the load. A review of the results is due out soon. The increasing number of ratifications leads to an increase in the number of reports requested. This number increased from 2,313 in 2001 to 2,637 in 2005, but decreased slightly to 2,586 in 2006. The number of reports that are received in time for the sessions of the Committee of Experts has stayed constant at around 66%. The number of reports received by the deadline has also remained more or less constant at 25-28%. This figure increases the workload of the Office and the Committee of Experts and also presents difficulties for governments. Further contributing to the workload is the increase in the number of observations sent by employers’ and workers’ organisations. This has come about because these organisations are encouraged from several sources to participate in these observations on the application of ratified conventions.

However, a more relevant point to make is that there is an extremely high rate of reception of reports within a year of when they are due, especially when it is compared to all other supervisory processes at the international level. There has been an exponential increase in the number of observations sent by employers’ and workers’ organizations, jumping over the past two decades from several dozen to upwards of 500 annually. While this is an encouraging sign of engagement by the social partners, which has been on occasions solicited by the Govern Body, these observations add to the workload of the Office.

The annual reports of the CEACR and reports of the CFA (3 per year) have always been released on time. The number of deferred reports has decreased substantially since 2005. The Office is keeping up under this load. However, the price is heavy because the combination of these and other factors makes the current practice a major draw on resources. Furthermore, it

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<sup>41</sup> ILO: *Report on the Study of the Professional Workload, Work Organization, and Working Methods of NORMES*, PROG/MAS, Geneva, January 1992, paragraph 10.

<sup>42</sup> Ibid. paragraph 156.

<sup>43</sup> GB.298/LILS/4, March 2007

impinges on Office capacities to make progress on reporting improvements at national level as well as other strategic priorities.

The work load issues linked to managing the reporting process has been the primary and overriding bottleneck to the NORMES input to a full implementation of the ILO strategy. Without a short-term resolution to these issues, it will undermine, if not largely stall, progress in the much needed implementation of the ILS so that the objective of decent work for all is met more substantially.

The workflow of the supervisory support component of the NORMES Department is also highly uneven and seasonal. The period from October to March requires full staff commitment plus reliance on short term staff, interns, and external collaborators in order to meet deadlines for the processing of Article 22 reports as well as other reports. Outside of non-seasonal peak periods, NORMES staff finds it difficult to pursue other objectives often requiring a different set of skills and knowledge base. Despite these substantial efforts, deadlines are missed and reports are deferred. This is primarily because of excessive work volumes in combination with delayed submissions of reports.

Some progress has been made in updated conventions following up the findings of the Cartier Committee. The Committee proposed recommendations relating to the ratification and consequential denunciation of Conventions. However, much more needs to be done to make a dent in the workload that is involved in driving the standards machinery.

The Office has done a substantial amount in terms of analysis, providing support, innovative Convention making and working to streamline Conventions. There have been some breakthroughs which can serve as templates for future action, especially in the context of progressive implementation. It is making progress with resource mobilization and promises to provide a good practices case for support to integrating several existing Conventions. Feedback was also received that the current newly developed Convention on Occupational Safety and Health reflects real needs and problems. This Convention provides a practical focus for a range of activities to support decent work, with similar implications for the nature of Office support.

Heavy responsibilities and workload fall onto field specialists. However, the nature and level of the work is highly uneven across regions and from country to country. In most field offices, standards work has too few resources to carry out serious work plans. Resources merged within technical cooperation projects for standards promotion means limited involvement, though experiences vary considerably. There is weak coordination with headquarters on capacity building and awareness-raising. Headquarters tends to focus on the support for supervisory functions, and in this regard, has more influence than field specialists. Therefore, the field specialists feel some difficulty and incompatibility of their multiple roles as providers of technical assistance to build capacity and supporters of monitoring and advocates for action within a supervisory context. Also, standards specialists in the field report to their office directors and are funded from their budgets. This often leaves them with insufficient resources to do their work. Overall, the number of standards specialists in the field is disproportionately small to the importance of ILS as the Organisation's centrally mainstreamed strategy. This is the major modality by which the crucial normative-development interaction can be field-tested and can compensate, in part, for the NORMES Department's lack of field experience.

The current organizational structure of the NORMES Department has shifted. It went from a small number of individual work units to a series of horizontally-integrated working groups. The workgroup membership overlap and all of the coordinators report directly to the Director. As the restructuring is only two years in place, it is not yet clear if it can address challenges surrounding capacity, coordination and culture.

There were related concerns expressed by the tripartite partners. However, at the field level, there are cases of effective cooperation between standards experts and their other field specialists, such as employers and workers, occupational safety and health, and skills development.

The conclusion to draw here is that virtually all of the information collected for this evaluation shows that the workload of servicing the supervisory system takes up a large amount of time. This servicing is seen by some NORMES staff as being the beginning and end of their duties. There is strong devotion to ‘the files.’ Outreach to, and communication with, other parts of the Office is not seen as a priority as it is inhibited by the current work load situation.

### **3.7 Looking Outside: Integrating the normative function into UN Reform**

The normative function of ILO and its associated machinery of generation of the ILS and reporting is the Organisation’s chief competitive advantage among international agencies. This commits the Organisation to the heavy responsibility of ensuring that its modalities and experiences are properly modernised. Therefore, it is incumbent on the ILO to ensure that the Standards are integrated into other similar structures and these other modalities learn from ILO experiences. In short, while ILO’s normative function is at the ‘top of the pile’, it must modernise to stay there and support less substantial structures’ growth.

#### **3.7.1 Contribution of ILS to UN-related national development frameworks**

The Rome meeting<sup>44</sup> of February 2003 committed the development community and partner countries to action in the areas of harmonisation and alignment with national development priorities. The purpose of this meeting was to strengthen a national system for planning, implementation, monitoring, evaluation and reporting. The UN response was delivered within the framework of the Millennium Development Goals (MDGs) and the commitments, goals and targets of the Millennium Declaration and international conferences, summits, conventions and human rights instruments of the UN system.

Within the UN, harmonisation refers to unifying procedures so that the UN can act as one body at country level. This requires alignment with national priorities, most of which are expressed through national objectives, in some countries through the PRS. These processes provide opportunities for mainstreaming the ILS and for achieving their better implementation at the national level.

The appearance of ILS within the PRS appears to be somewhat infrequent. From the limited survey that was carried out as part of this evaluation, only Tanzania asserted the importance

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<sup>44</sup> High Level Forum on Harmonisation, Rome, February 2003.



of child labour and C182 in its PRSP<sup>45</sup>. Some countries have adopted rights-based PRS and this provides an extra opportunity for the ILS.

The UNDAF has, to a great extent, focused on development work. The role of the normative function of the specialised agencies is in the early stages of being defined within the UNDAF. Another aspect under development in the UNDAF and related UN Country Team activities is the adoption of the human rights approach to development as the dominant development paradigm though its implementation is very uneven so far. Mainstreaming human rights is a task facing UN programming staff and it is a main pillar of the UNDAF in some national situations. But it is difficult to do.

Until the last few years, the ILO has not been a significant participant in the UNDAF. This is because of several reasons. First, the process has been largely dominated by the four Ex-Com agencies of UNDP, UNICEF, UNFPA and WFP. Specialised agencies carrying out normative or 'global public goods' functions such as ILO, but also FAO, WHO and UNESCO, have found it difficult to find entry points. The Ex-Coms have common governance procedures and so have found it easier to harmonise as a block. Also, many of the specialised agencies do not have country offices everywhere and so have been physically left out of the process. As regards the ILO specifically, it did not until recently have a clear link to the MDGs. But the key element for the ILO is that, as the UN's most senior specialised agency, it should take the lead in endowing the UNDAF with a stronger normative – human rights function.

However, this is not a straightforward process. UN reform processes are primarily operational. The ILO achieves its goals through its tripartite structure, normative goals and social dialogue. Also, country programming is new to the ILO. The ILO has been slow in ensuring that the ILS are mainstreamed into UNDAF processes. What is needed for any rights-based integration is that the standards are clearly linked to specific development issues and that they take a promotional aspect rather than supervisory. Standards can also be used as an important advocacy tool.

All this suggests that the ILO, as the longest term actor in the area of normative action is in a position to take a significant role in ensuring that the ILS are fully expressed. Not all the ILS will necessarily fall inside the UNDAF or the PRS. However, the ILS are not often mentioned in the UNDAF in the section relating to human rights. This suggests that the establishment of legal standards and the ILS *per se* are not an easy entry point into programming. The ILS are not incorporated into the concepts or training that UN staff received on mainstreaming human rights<sup>46</sup>. The capacity in the UN for mainstreaming human rights needs considerable development. The ILO should take this opportunity at this early stage to promote more strongly the incorporation of ILS into this dialogue. Part of the reason for this, it is acknowledged, may lie outside of the ILO's hands in so far as employment issues were not originally strongly represented in the MDGs. This would be a good time to more actively promote the ILS within the international human rights agenda.

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<sup>45</sup> As Chapter 2 mentions, the inclusion of ILS in the PRS was an objective in the programming of 2004-05 with 7 member states referring to the ILS in their PRSPs. For further information on how ILS can relate to economic planning modalities, see Roger Plant (1994), *Labour Standards and Structural Adjustment*, ILO, Geneva.

<sup>46</sup> The training coordinators for the mainstreaming human rights into development programmes would welcome this.



In the LILS process, an outline component has been to provide for including the ILS in the CCA/UNDAF and PRS (and this should also include Codes of Conduct<sup>47</sup>). The concern is that there is insufficient expertise to work on a subject where most relations with the rest of the UN system on development issues are in the hands of economists in the Office. This requires some thought as to how, in the Office context, these two streams of expertise can be better integrated and profound biases overcome.

In countries where migration is a concern there is an opportunity to promote ILO Conventions. The frequent mention of gender, however, is often aligned to the UN's International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), rather than ILS. The major exception is, again, the worst forms of child labour where C182 is mentioned along with actions to apply the CRC. Development observers find it difficult to separate the rationale for the two. This is because the CRC mentions are in the Committee of the Rights of the Child, one of the UN's treaty bodies, and one which has no links to operational activities. In other areas, the ILO joins UN partners with many UNDAFs in areas such as skills and youth employment. Apart from what has been mentioned above, it is often difficult to line up specific ILS with UNDAF outcomes. What is necessary is to get references to ILS in UN development activities, not just in UN supervision.

Therefore, the Office must take more advantage of these opportunities provided by the current approaches of UN reform to improve the coherence of its objectives and approaches. This is especially true where the UN Country Team in question has a strong attachment to the rights-based approach. However, it is recognised that incentives are weak among UN agencies to recognise themselves in this regard. The ILO is the agency with the most experience on approaches to proposing and ratifying treaties and Conventions and assisting their implementation through TC and it should share this experience with its partners.

### **3.7.2 Extending ILS to other global and regional organizations**

The ILS are an opportunity to broadcast the most significant of the ILO's activities, however, there is also a threat. As a public good, ILS can be used by anyone. Corporations, trade unions, civil society groups, domestic courts, international organizations of all types (financial, human rights or other), global agencies such as ISO, NGOs of many types, investment advisors, pools of private capital, supply chain monitors and risk analysts may all make use of the ILS, in some way, for their own ends. There is a large external interest in and use of the ILS by these groups which constitutes a large external demand and opportunity for the ILS. The Office must recognise and agree on a strategy for making an inventory of the uses of the ILS and how lessons can be learned. This should be done in order to gain understanding of opportunities to enhance the implementation of the ILS to achieve decent work. A key element for modernizing the strategy for improving the impact of ILS must understand and harness this potential. There is no claim to ownership of the ILS so there can be interaction and coordination between the ILO and external actors. The objective is to maximize the impact of standards in the lives of real people. The ILO can take the lead in putting these opportunities into action and assume a position of leadership in this external domain.

The Office has begun an effective exchange and dissemination of information to a wider audience. NORMES has taken a very proactive role in this regard and made a significant

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<sup>47</sup> A common appearance for the ILO in the UNDAF is shown by its Code of Conduct for HIV/AIDS in the workplace, where these programmes share high visibility, especially in Southern Africa.

contribution to the Office Discussion paper for the Tripartite Meeting of Experts on the Measurement of Decent Work in terms of information on rights at work and the legal framework for Decent Work.

The findings of the evaluation suggest that the existence of an external world where the ILS has an impact should supplement the internal constitutional obligations and related administrative processes over which the ILO has complete control. However, it was found that those who were engaged with external partners, whether international or local, public or private, were concerned that their work would be seen as undermining internal processes. As a result, some important outreach to external audiences is conducted in ways which underplay its profile within the organization, and at a distance from the NORMES Department. This is counterproductive, but is the result, in part, of the overall package of ideas about law. A part of that package is that the standards supervisory processes are the way ILO law is done. Any other activity is a lesser, “non-legal” process which may do damage to the authority of ILO law.

There are several other factors. One is the perception that NORMES input will prevent others from taking an incremental approach to standards promotion (i.e. perfectionism from the lawyers on what standards require). Second, is the tendency of NORMES to say that nothing can be done until they have signed off and that no attention can be paid until after the meeting of the relevant committee. This calls for a varied approach, especially a discussion and clear understanding that others have a role to play. At the same time, an effort should be made to ensure that alternative ‘interpretations’ are not actually offered by other parts of the Office in a way that would undermine the legal position. This, in turn, implies that real training for non-lawyers in what the standards with which they work are supposed to mean. The evaluation received information that staff members in and outside the Office, who are not involved with supervision, often do not understand the meaning of standards, as well as the flexibility in many of them.

Other bodies take up the ILS and use them, often only changing a few words, for their own purposes. The ILO position is rightly that the ILS are non negotiable as legal standards. But the Office has to be better informed about their use by other organisations. This would enable the Office to provide guidance and to obtain valuable information that might, in turn, improve the efficiency with which the ILS system operates. The Organisation has an interest in trying to ensure that other actors understand the ILS in the same way that the ILO understands them. This is a legitimate ILO interest because misinterpretation by others can cheapen the value of this ‘brand’, especially when others say they are referring to ILO standards.

International organisations which are users include the Asian Development Bank<sup>48</sup> and the International Finance Corporation<sup>49</sup>. However these organizations use the ILS at the headquarters level and little impact is trickling out to the field. But the question to be raised is: without the tripartite backing, especially of employees, who receives the main benefits from these instruments? Is the element of social justice sustained and, in relation to the ILS, do these alternative instruments indicate what value is added by the ratification process?

The NORMES Department does engage in exchanges of information with supervisory systems of other human rights bodies. Periodic reporting by ILO to the UN treaty bodies on human rights has contributed to a better integration of ILO standards and supervisory practice

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<sup>48</sup> Asian Development Bank/ILO: *Core Labour Standards Handbook*, Manila, 2006.

<sup>49</sup> The IFC is active in promoting C158 (Termination of Employment Convention, 1982).

in the work of UN treaty bodies. These include the Committee on Economic, Social and Cultural Rights (CESCR). The latter of which includes comments from the Committee of Experts in its own General Comments. Collaboration between NORMES, CESCR, and Office technical departments have led to the adoption of General Comment No 18 on the Right to Work (2005) under Article 6 of the UN Covenant. NORMES staff also participates in sessions of this Committee from time to time.

The Committee on the Elimination of Racial Discrimination systematically calls upon countries to ratify Convention 169 (Indigenous and Tribal Peoples). The ILO also has a consultative role (started in 2007) in assisting the Committee on the Rights of Migrant Workers (1990) in monitoring the rights of migrant workers.

The NORMES Department collaborates with UN Special Rapporteurs on Indigenous Peoples, including technical inputs for reports, participation in seminars and provision of information for missions. NORMES has also collaborated with the UN Permanent Forum on Indigenous Peoples and the Africa Commission on Human Rights as well as contributing to the integration of C169 issues into MDG, PRSP and other activities.

Significant resources have been devoted by the NORMES Department to the adoption of the International Maritime Convention in 2006. This required close collaboration between the International Maritime Organisation (IMO) and two joint working groups (SECTOR was also involved.)

### **3.7.3 Extending the visibility and support for ILS**

As noted in Chapter Two, the SPF 2006-09 proposed an effective communications policy to enable the ILO to reach a broader audience and to communicate its values and policies. The ILS, as a major pillar, are a primary content area for communication. Three objectives were identified<sup>50</sup>:

- Streamlining the supply of reports by governments through an innovative use of information technology
- Providing enhanced access to information on ILS stored in a reliable and up to date knowledge base, and
- Improving the visibility of ILS by reaching the ILO's tripartite constituents and the broader public.

The main means of action laid out in the SPF were targeted exchange and information to wider audiences, and empirical studies on the economic impact of standards. The indicator was:

*“Five cases in which other organisations and bodies refer to, or make use of, ILS and supervisory body comments in their own policies.”*

“Visibility” may not be the most appropriate choice of words. Does it refer to how many people are informed about ILS or about extending the range of those who benefit from ILS? The Office is often preoccupied with the implementation of human rights at the national level. Human rights mechanisms and processes are often viewed as being somewhat censorious. They identify failures of member states to comply with standards, rather than supporting them to meet the basic rights of their population as a means to development. A balance needs to be struck. The Office needs to have a targeted outreach with information, exchange and training.

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<sup>50</sup> GB.298/LILS/4, Geneva, March 2007, paragraph 75.

Above all, it should promote the impact of the ILS and human rights on development and poverty<sup>51</sup>.

### 3.7.4 Knowledge as a strategy

Developing a knowledge strategy means that the support the Office provides must be better informed about the world it seeks to change and be better informed about the changes it has achieved. This large topic can be broken down into several related issues: 1) both the input and the output functions of the supervisory system; 2) the types of information requested by and collected for the supervisory system by the NORMES Department; 3) the relationship to DWCPs; and, 4) input from other departments and sources and monitoring of real impacts. This aspect of the knowledge problem also covers knowledge of the rationale for the ILS. This is a separate but vital part of the strategy to maximize the impact of standards. The question to be raised is, to what extent has NORMES' knowledge strategy and information outreach been relevant, credible and accessible to its users?<sup>52</sup>

The target audiences and users of standards related information are as identified and described in the Governing Body paper GB.298/LILS/4, paragraph 85:

*(i) the people and institutions that are directly concerned by labour standards, i.e. the constituents, the Office and intergovernmental organizations; (ii) the people and institutions that also have a direct interest but do not have a very extensive knowledge of the standard-setting system, i.e. legal practitioners, judges, Members of Parliament, nongovernmental organizations, multinational corporations, universities and the media; and (iii) the broader public in so far as they are interested in labour issues in general.*

NORMES has the role of the knowledge manager and focal point in the ILO for all ILS-related information and has made considerable efforts and advancements. Knowledge assets on the ILS are produced by a variety of sources. The NORMES Department is responsible for making all relevant information accessible to the target audiences in a user-friendly way. In addition to NORMES, other technical departments of the ILO also generate, host and disseminate knowledge about ILS, including Declaration, IPEC, Travail, Social Dialogue, Sector, Gender, and LILS.

The NORMES Department has developed a knowledge infrastructure with various instruments and platforms for facilitating the sharing and use of standards-related information. The most important are: a) the ILS website, b) information publications (print, download or on CD-Rom), and c) databases produced and maintained by NORMES. There are four databases with a wide range of information: ILOLEX, APPLIS, LIBSYND, and NATLEX. The LILS Review notes that these databases are:

*...the most visited department-specific information products of the ILO, with over 1 million external user requests per month. They are at the core of the knowledge base on international labour standards and important tools of*

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<sup>51</sup> Until the early 1980s, the ILO supported a series of articles in the International Labour Review entitled, "The influence of standards on... (per country)". These were done by local experts against a fairly modest payment and were very useful.

<sup>52</sup> Performance criteria might include: i) number, scope and effective packaging of knowledge assets, ii) adequacy and sustainability of knowledge infrastructure, and iii) access and use by target audiences to ILS-related information.

*dissemination of information as well as of visibility for international labour standards and the supervisory system.*<sup>53</sup>

Managing and constantly updating this amount of information is a challenge. The NORMES Department could consider ways to administer and maintain the NATLEX database through closer coordination between all the departments of the Office<sup>54</sup>. Whereas NATLEX has recently been upgraded, APPLIS, LIBSYND and ILOLEX are in need of major upgrading and technological investment in the coming years. Since there has been a reduction in resources available for these services, additional external resource mobilization may be necessary.<sup>55</sup> During the upgrade, it would be important to revise the databases to avoid any ILO-internal jargon and abbreviations.

There is also an impressive compilation of publications. All CEACR comments, all CFA cases, the Freedom of Association and Collective Bargaining Electronic Library are available. In addition, a very useful promotional booklet is available: *Rules of the Game: a brief introduction to International Labour Standards*. This has helped to demystify the supervisory system for many users. There are also some efforts to assess impact of ILS. There are discussions on occupational health and safety at the International Labour Conference in 1991. This was an effort to measure impact on the basis of a composite questionnaire. Also, a legislative profile was drawn up and is available on the ILO website.

As the data base expands, there should be more information for the lay user and more complementary explanation to the key legal documents to make them more accessible to non-legally trained users.

Apart from hosting the four databases, the ILS website provides a wealth of background information on the ILS: what they are, why they are important, which subjects they cover, how the supervisory mechanism works, and other related information. The information on the website is complete on these subjects and easy to understand. It is, therefore, a useful introduction to the subject for a lay user.

What is clear, however, is the nearly exclusive focus on the legal aspects (texts and procedures) of the ILS. There are few links or references to technical cooperation projects that promote standards or build member States' capacity to apply them as their primary or secondary objective. References or links could be placed, for example on the "Technical Assistance and Training" page. This would help to make the ILS more relevant to programming.

The website could provide more references or links to information on labour standards that was produced by external users of labour standards. This might include the new ISO international framework agreements<sup>56</sup> and lending conditionalities of development banks. These could be of great interest to constituents and other users.

The system of the ILS would be made more user-friendly if there were examples on their use and application in the real world and by also showing how the rest of the ILO uses them in their work. These databases are doing what they were designed to do, which is to compile

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<sup>53</sup> GB.298/LILS/4, Geneva, March 2007, paragraph 81.

<sup>54</sup> GB.298/LILS/4, Geneva, March 2007, paragraph 82.

<sup>55</sup> A USDOL funded project enabled a more rational collection and analysis of legal information through more modern technologies.

<sup>56</sup> The new ISO international framework agreements have a much lighter supervisory system than the ILO and from which some lessons might be drawn.

supervisory information. They reflect only the legal analysis of the application of standards. The challenge is, therefore, to supplement these data bases with information that would be more easily understood and more easily applied. This is a goal that should concern the entire Office.

## 4. Conclusions and Recommendations of the Evaluation

### Summing up

This chapter provides the findings of the evaluation by Terms of Reference Item. There are two main points: first, ILS are not adequately mainstreamed within the Office operations, and second, the workload balance of the Office, mostly between supervision and promotion, needs to be carefully assessed. There is no automatic or easy shuffling of resources between the two. One further possibility is that reforms will help release resources that can be used to support the supervisory process in Geneva. However, it is most likely that any additional resources will do no more than allow NORMES to catch up on the backlog of work.

There are continuing concerns, expressed strongly during the evaluation, that the supervisory mechanism supported by the Office is under considerable tension. Concerns were expressed to the evaluation in a number of areas. First, the monitoring system must be able to handle what has become an overwhelming workload. At the same time, it must maintain expertise to analyse the barriers to compliance in complex and varied circumstances. Second, the output of the system must be helpful in securing real compliance, be effectively delivered, and be received by recipients with the capacity to respond. Third, there must be effective measurement and feedback systems regarding implementation. This requires adequate indicators and systems of measurement of impact.

The salient issue is that these are new demands on the system that did not exist when it was designed. What actually needs to be reviewed is the way in which the system adapts to new expectations. This review should take into consideration that the system is doing exactly what it was originally designed to do, which is quite simply to comment on legislative compliance and some aspects of practice.

**Recommendation 1:** The strategy for implementing International Labour Standards can be enhanced through the International Labour Conference and the Governing Body paying special attention to updating existing Conventions, developing innovative forms (such as the structure of the Maritime Labour Convention, 2006), and adopting new relevant conventions.

**Recommendation 2:** The continuing discussions in the Committee on Legal Issues and International Labour Standards should address the issue of capacity and be directly linked to improvements in the system. In addition, the Office should prepare time series data and detailed analysis of workload trends. This data should be linked to benchmark thresholds of resource capacity that can be adjusted to match projections for the near future.

The current workload of the Office is primarily directed to supporting the supervisory system at the expense of other priority work within this strategy, the absence of which is felt at country level. The Office should review the share of resources that it commits to each strategy component and identify means of integrating Office-wide efforts to support at country level.

**Recommendation 3:** The Office needs to make an inventory to better track how Decent Work Country Programmes are addressing and integrating International Labour Standards into the performance aspects, including through monitoring and review. In addition, the Office should lay out a strategy for more strongly advocating the importance of International

Labour Standards in United Nations reform processes and the mainstreaming of human rights approaches in United Nations programming.

**Recommendation 4:** The Office should consider a more active role for technical sectors in promoting the International Labour Standards, mainly by providing information and technical references that are usable to the wider public.

**Recommendation 5:** Further develop Technical Cooperation to promote the use of the International Labour Standards by national institutions as a means to extend effective coverage of ratified conventions to unprotected workers in the informal economy.

**Recommendation 6:** The Office should conduct a follow-up study to analyze and recommend improvements to the work organization and working methods of the current staff and non-staff resources earmarked for standards promotion and application. This should include:

- A clear action plan for improving the internal coordination and collaboration on promotion of standards through better designated responsibilities across the field and Headquarters.
- A timely assessment of workload and capacities for managing the report processing services within the NORMES Department, along with estimates of capacities and resources available for each of the other strategy components.



## Annexes

### Annex 1. Terms of Reference

#### Terms of reference:

## Independent evaluation of the ILO's strategy to support member States to improve the impact of standards



*April 2007*

### 1. Introduction

The ILO is conducting an evaluation of its strategy to support Member States to improve the impact of standards.

The terms of reference have been prepared in line with the ILO's evaluation framework, endorsed by the Governing Body in November 2005 (GB.294/PFA/8), taking into account particular characteristics of the ILO's operational strategy to improve the impact of international labour standards (Outcome 1b.1 in 2006/07 Programme and Budget). In accordance with ILO guidelines for independence, credibility and transparency, responsibility for the evaluation will be based in the Evaluation Unit. The evaluation team will be composed of one or two senior external consultant(s) and an ILO independent evaluator without prior links to the programme and strategy. The evaluation will also benefit from the input of a senior evaluation advisory committee. The evaluation process will adhere to the international norms and standards for independent evaluations by the United Nations Evaluation Group.

The evaluation will be participatory. Consultations with member States, international and national representatives of trade union and employers' organizations, ILO staff at headquarters and in the field, UN partners, and other stakeholders will be done through interviews, meetings, focus groups, and electronic communication. An evaluation network mailing list for distribution of documents and messages as well as a dedicated electronic mailbox for the evaluation for stakeholder comment and input will be established.<sup>57</sup> Final versions of all evaluation documents will be the responsibility of the evaluation team.

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<sup>57</sup> The evaluation team and secretariat can be reached at the following contact points: [eval\\_normes@ilo.org](mailto:eval_normes@ilo.org); telephone (022) 799-7055; fax: (022) 799 6219.

## **2. Background on the ILO's strategy to improve the impact of standards.**

### **History and organizational approach**

The international labour standards system, with its supervisory machinery, is a key distinctive feature of the ILO, which is used to improve the application of labour standards in countries. International labour standards date back to the origins of the ILO and have been and remain an essential component in the international framework for improving the rights, livelihoods, security, and opportunities of people. Over the years, international labour standards have grown into a comprehensive system of instruments on work and social policy, backed by a supervisory system designed to address problems in their application at national level. At present, there are 187 Conventions and 198 recommendations and five Protocols. A recent review of these by the Governing Body designated 7X Conventions as being up-to-date and to be actively promoted.

The rapid development of the global economy has brought with it fluctuations and instability as well as growing inequalities. The role of international labour standards in promoting social justice, peace and prosperity has accordingly received heightened attention. The application of ILS aims at promoting development and social justice through ensuring decent work and improving minimum conditions of work. They can be a means of guiding national and local social policies and improving associated administrative structures. Increased attention on global forces has also brought into focus the potential role of non-state action including multinational enterprises, as well as other international financing and development agencies and the rest of the multilateral system, in promoting the core principles contained in ILS.

### **Vision, strategy and objectives**

This evaluation will assess the ILO's primary strategies to support its operational objective 1b and outcome 1b.1: International labour standards and the standards supervisory process influence legislation and policies of member States for achieving decent work and international development goals. (SPF 2006-2009).<sup>58</sup> The ILO outcome and strategy has evolved from one centred on services being effectively provided to the supervisory bodies, constituents, the Governing Body and the International Labour Conference (ILC), to enable existing standards to be supervised and new standards to be set, to one integrating promotion of standards as well. Even as early as the 1980s, with the "Aboughanem Report", the links between standards and technical cooperation were being highlighted, following the realisation that these parts of the ILO's mandate had grown steadily apart. It has been explored on other occasions, namely on the occasion of the 1994 report of the Director-General to the ILC. Work dating from 2000 has also focused on understanding better the contribution of international labour standards to the concept and realization of decent work. Relatedly, a major process of modernizing standards was launched under the governance of the Committee on Legal Issues and International Labour Standards (LILS).

Implementation of the strategy is shared across many parts of the ILO. However, the ILO's International Labour Standards Department anchors the strategy administratively and technically. Additional support comes through the ILO standards specialists posted in field

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<sup>58</sup> The operational outcome for this objective states, *Constituents in member States have better knowledge of ILO standards and have improved capacities to support implementation of standards in national priorities, benefiting from the ILO supervisory mechanism and assistance provided by the Office* (para 187 in Programme and Budget for 2006-07).

offices, a system initiated in another form in 1980, and specialists from other technical units working to support specific Conventions.

In addition, other parts of the Office, particularly in Sector I, are directly involved in the promotion of labour standards, and in providing assistance to constituents for their implementation. Both the Programme for the Promotion of the Declaration and International Programme on the Elimination of Child Labour work directly on promoting core Conventions. Other programmes promote ratification and support implementation of the many additional technical standards.

In 2004-05, the structure of the Labour Standards Department was streamlined with the intention of increasing efficiencies and improving understanding and visibility of the ILO's normative role. For 2006-07, strengthening of international labour standards systems was designated as a mainstreamed strategy of the ILO, recognizing their importance as a means of development as well as a goal. Initiatives have focused on revitalizing standards by identifying and promoting up-to-date instruments, and by offering assistance in the practical application of standards. In addition, integrating standards-related objectives into Decent Work Country Programmes constitute new entry points for targeted training and capacity building for the implementation of relevant standards. Systemizing follow up to comments of the supervisory organs aims at helping to remove the obstacles to implementation, by identifying national priorities, assisting on law and practice, and building capacity for implementation.

In 2006-07, an estimated \$45.6 million of regular budget and \$2 million of extra budgetary resources are earmarked for implementing this strategy.

### **3. Client**

The principal client for the evaluation is the Governing Body, which is responsible for governance-level decisions on the findings and recommendations of the evaluation. The evaluation is also intended to provide a basis for improved leadership and decision-making by ILO management.

### **4. Purpose and scope**

The purpose of the evaluation is to provide insight on the mandate, continued relevance, effectiveness and efficiency of the strategy, programme approach and interventions in strengthening and broadening national capacities to ratify and improve their application of international labour standards. This will include consideration of how the ILO's strategy should be continued or modified. The strategy evaluation will cover the period 2000-2006.

The scope of the evaluation will involve review of:

- a) Evidence of how the Office has increased the coherence, relevance and effectiveness of its support to improve application of fundamental and other international labour standards;
- b) Initiatives to extend the application of labour standards to the informal economy;
- c) The Office's capacities, approach and performance in supporting the strategy, including management arrangements that characterize the programme and its interfaces with other parts in the ILO;

- d) Outreach and promotion to raise awareness and understanding of ILO labour standards and the supervisory process;
- e) Progress made in integrating a standards-based approach in DWCP;
- f) Consideration of the results-based framework, choice and use of indicators, and reviewing and reporting of progress within the P&B framework;
- g) Follow up to comments made by the Committee of Experts that improve application of standards at national levels;
- h) Approaches taken to make more efficient and effective the means of working with countries facing serious standards-related issues;
- i) Coordination across the ILO to maximise the support to improving the impact of standards (field offices, field specialists, technical sectors, Turin Centre) and the roles and effectiveness of standards specialists in the field;

## **5. Evaluation methodology**

A review of strategy, including partnerships and main means of action, with focus on evolution of the programme over time will be supported through a series of interviews and review of related documentation. The interviews will explore the extent of positive changes in policies and practices that can be attributed to ILO advocacy and service efforts.

A desk-based review will analyze selected reporting and other programme documentation, key performance criteria and indicators, to compare and assess the coherence and continuity of work over time. Attention will be given to main means of action, implementation performance, perceptions of major progress and significant achievements, as well as notable products and outputs in the main means of action. Application of good practices, including a results-based management approach, and use of lessons learned will also be considered.

A series of electronic surveys and national case studies will provide means of documenting the usefulness of technical work within member States. Cases will be selected according to where the ILO has worked over a longer period of time, and also where its work is considered innovative with need to know more about its effects (approximately five case studies). Case studies will also consider integration of standards in strategies and approaches at country-level around the broader Decent Work Agenda, and will consider the roles and responsibilities of others within and outside the ILO in reinforcing the process (approximately five case studies).

Drawing from available country and global programme documents, reporting and evaluations, an analysis of how results are being planned, monitored and progress reported will be prepared and policies and practices reviewed.

## **6. Outputs**

The following written outputs will be produced:

- A summary report of findings and recommendations, prepared by the Evaluation Unit, to be presented to the November 2008 Governing Body, including a written response from the Office.

- A more detailed evaluation report to be prepared by the evaluation team and made public.
- Background documentation and analysis on which the findings, conclusions and recommendations are based.

## **7. Timeframe and management arrangements**

The evaluation will be conducted by a senior external evaluator with support from the ILO Evaluation Unit. The ILO Evaluation Unit will be responsible for the overall management of the evaluation.

The evaluation timeframe is from February to September 2007 \*. A time table is shown below.

<b>Task</b>	<b>Time frame</b>
Consultations on draft terms of reference	January 2007
Formation of evaluation team	April 2007
Desk review	April 2007
Finalization of terms of reference	April 2007
Staff and constituent interviews	May 2007
Case studies	May 2007
Draft findings report	June 2007
Final evaluation report	August 2007
Summary to the GB prepared	September 2007
Governing Body discussion	November 2007
Follow up plan of action	December 2007

At evaluation start up, the detailed set of questions will be finalized to address issues raised during desk reviews and an initial round of interviews.

\* The time frame was extended so that the main bulk of reporting writing was carried out in the period May-August 2008 following submission of comments from Office departments between October 2007 and April 2008.

## Annex 2. Case Studies

### Independent Evaluation of ILO's Strategy to support member States to improve the Impact of Standards: National case studies

#### Introduction

The supervisory system of the ILO comprises of the *Committee of Experts on the Application of Conventions and Recommendations* (CEACR), which examines the application of the ILS and makes two kinds of comments: observations and direct requests. Observations contain comments on fundamental questions raised by the application of a particular convention by a state. Direct requests relate to more technical questions or requests for further information. The *Conference Committee on the Application of Standards* (CCAS) is made up of government, employer, and worker delegates. During the International Labour Conference, convened in June, the standing Committee of the Conference examines the annual report of the CEACR, usually adopted in the previous December. In many cases the Conference Committee draws up conclusions recommending that governments take specific steps to remedy a problem or to invite the ILO missions or technical assistance. Situations of special concern are highlighted in special paragraphs of its General Report.

The complaint procedure is governed by articles 26 to 34 of the ILO Constitution. The complaint can be submitted against a member state for not complying with a ratified convention by another member state which ratified the same convention. Upon receipt of a complaint, the Governing Body may form a *Commission of Inquiry*, consisting of three independent members, which is responsible for carrying out a full investigation of the complaint, ascertaining all the facts of the case and making recommendations on measures to be taken to address the problems raised by the complaint.

For overseeing the compliance with the Conventions Nos. 87 and 98 on freedom of association and collective bargaining, the Committee on Freedom of Association (CFA) was established to examine complaints about violations of freedom of association, whether or not the country concerned had ratified the relevant conventions. Complaints may be brought against a member state by employers' and workers' organizations. The CFA is a Governing Body committee, and is composed of an independent chairperson and three representatives each of governments, employers, and workers. If the CFA decides to receive the case, it establishes the facts in dialogue with the government concerned. If it finds that there has been a violation of freedom of association standards or principles, it issues a report through the Governing Body and makes recommendations on how the situation could be remedied. Governments are subsequently requested to report on the implementation of its recommendations. The CFA may also choose to propose a "direct contacts" mission to the government concerned to address the problem directly with government officials and the social partners through a process of dialogue.

The ILO does not just supervise the application of ratified conventions. It also provides different forms of technical assistance whereby the ILO staff support countries address problems in legislation and practice in order to bring them into line with the obligations under ratified instruments. Forms of technical assistance include advisory and direct contacts missions, during which the ILO officials meet government officials to discuss problems in the application of standards with the aim of finding solutions; and promotional activities, including seminars and national workshops, with the purpose of raising awareness of standards, developing national actors' capacity to use them, and providing technical advice on

how to apply them to the benefit of all. The ILO also provides assistance in drafting national legislation in line with its standards.

The main focus of these case studies is placed on gathering information and presenting current situation with regard to the ILS derived from the documents of the CEACR observations and direct requests, country technical missions' reports and technical cooperation projects documents from 2000 to 2007. The case studies did not cover all the conventions ratified by the respective country, it only focused on the main issues that were of concern to the CEACR and the respective Member State. Two countries – Tanzania and Thailand – were the subject of a visit.

The country case studies were intended to provide material to review the state and value of ILO technical assistance work within member States in the implementation of ILS. They covered:

The state of ratification of main conventions (especially those relating to fundamental principles and core priority) and the integration of these conventions in

## **1) Colombia**

### **Main Issues and government responses**

Colombia's unstable political situation and the failure of the state to fully control its territories (some areas are de facto under the control of military groups) make it difficult to achieve adherence to ILS. In recent years, comments of workers' organisations concentrated on acts of violence against trade union leaders and trade unionists, obstacles to establishing or joining trade unions, the restructuring of public bodies in order to get rid of trade unions, refusals to register new trade unions, and the prohibition of the right to strike.

In 1998 and 1999, the Governing Body considered appointing a Commission of Inquiry in response to complaints and recommendations made by the Committee on Freedom of Association on Colombia. However, this commission was never appointed and instead, a Special Technical Cooperation Programme was set up.

An ILO technical mission took place in October 2005 following an invitation of the government to the Employer and Worker Vice-Chairpersons of the Committee on the Application of Standards.

In 2006, the CEACR noted several efforts made by the Colombian government to counteract violence against leaders and members of trade union organisations through the Justice and Peace Act<sup>59</sup> and a security fund.<sup>60</sup> Moreover, the government started to provide protection for trade unionists.<sup>61</sup> In 2007, the government and representatives of employers and workers concluded the Tripartite Agreement for the Right of Association and Democracy. The problems that the CEACR has been raising in the last years are planned to be examined in this context.

The number of murders of trade unionists declined in 2005<sup>62</sup>, and the office of the Attorney-General is progressing in related investigations, although some of these are hindered by the

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<sup>59</sup> Act No. 975 on Justice and Peace, 25 July 2005

<sup>60</sup> National Security and Citizen's Coexistence Fund, by Decree No. 21870, 7 July 2004

<sup>61</sup> The Commission for the Regulation and Evaluation of Risks (CRER) of the Programme for the Protection of Witnesses and Persons under Threat, under the authority of the Ministry of the Interior and Justice, provided protection to 163 trade union organisations and 1,615 trade unionists in 2004.

<sup>62</sup> Six cases between Jan-June 2005, compared to 27 cases over the same period in 2004

armed groups, fear of witnesses and difficulties to protect them, and geographical complications.

Consequently, the CEACR noted that, although the murder rate has declined, the trade union movement in Colombia continues to be confronted with a situation of grave violence and that despite the establishment of an investigation unit within the Office of the Attorney-General, devoted exclusively to the investigation of violations of the human rights of trade unionists, impunity continues to prevail. Convictions have only been achieved in four cases. The Office of the United Nations High Commissioner for Human Rights in Colombia has criticised several aspects of the Justice and Peace Act (No. 975).

Currently, 20 active cases are pending before the CFA. Main issues are murder of and violence against trade unionists, anti-union dismissal, and acts against the freedom of association.

### **Technical Cooperation**

The basic ILS priority of country-level activities was C182 on the elimination of child labour; and one project focused on the improvement of labour relations. The usefulness of ILO technical cooperation (TC) in Colombia remains unclear, as no information could be identified regarding the outcomes of ILO technical cooperation projects. The activities undertaken by the Colombian government with regards to ILS are not supported by ILO technical cooperation projects, but can be seen as a government response to the comments handled by the ILO and issues brought up through the ILO tripartite consultations.

### **Conclusion**

No TC projects relate to the comments made by the CEACR, but its activities supported Government responses and improvements toward the application and implementation of ratified core and priority standards.

Little information exists as to whether any cooperation link between the TC project and the work of NORMES exists. In particular, there is no information on follow-up activities undertaken after the high-level tripartite visit in 2005. It is therefore improbable that the government took up the ILO high level tripartite mission's offers to TC in respect to the practice of linking the signing of collective accord and in ensuring the right of public employees to bargain collectively.

Overall, due to the complicated situation within the country and protracted internal armed conflict, which led to the disability of the state structures to provide social security and protect its citizens, there is an obvious need to strengthen the ILO's efforts in technical assistance to the government in fulfilling its obligations to adhere to and respect the ILS.

### **Constraints that need to be addressed**

The current practise to conduct non-union collective accords to the prejudice of collective agreements raises concerns. The ILO offered TC to resolve this issue.

The prohibition of true collective bargaining in the public sector – a lack of compliance with the conventions 151 and 154, the need for enactment of domestic legislation to harmonise it with the ILS. Currently the public servants can only submit 'respectful petitions'. The ILO, during the 2005 mission, hoped that the government would request TC to address this matter.

Even though the appointment of a Commission of Inquiry was considered several times, none was set up in the end due to political considerations. Instead, a Special TC Programme was launched, but no results of it have been reported at this point in time.



## 2) Nepal

### Country background and main issues

In May 2002 the King Gyanendra suspended the Parliament and began the process that undermined the key democratic institutions in the country. The insurgency contributed to the collapse of Nepal's democratic system of governance, with the Monarchy assuming increasingly centralised powers while the Maoists gained control over most of the country side. In October 2002 the King dismissed the Prime-Minister and declared the state of emergency. In February 2005, he dismissed the Cabinet of Council Ministers and assumed absolute power.

On November 21, 2006, the comprehensive Peace Agreement was signed between the Government of Nepal and Communist Party of Nepal (Maoist). With the formation of the interim Government in January 2007 an interim Constitution was promulgated, replacing the 1990 Constitution. Currently, the preparations for the elections scheduled for 20 June 2007 are underway.

The Peace Agreement explicitly refers to the ILO and the need for an improved industrial relations environment<sup>63</sup>. Both the Peace Agreement and interim Constitution of January 2007, commit the new Nepal to respect international labour standards concerning collective bargaining and worker rights.

As the Peace Agreement notes Nepal requires a more harmonious industrial relations environment. The key labour concerns are underemployment, poor quality jobs and the inadequate growth of wage employment in the formal non-agricultural sector. Low human capital developments, widespread discrimination in employment, child labour, and significant increases in income inequality in recent years compound the labour market problems. Nepal has ratified in total 9 conventions, 6<sup>64</sup> out of 8 fundamental conventions and 1<sup>65</sup> out of 4 priority conventions. In addition, C131 on Minimum Wage Fixing and C14 on Weekly Rest (Industry) were ratified.

The work of the ILO Kathmandu Office was praised with regard to promotion of ratification of other conventions, such as Conventions 87, 105, 102 and 122 through tripartite consultations, which included a high level meeting to share international experience on the ratification of C87. In August 2006, the members of Parliament passed a resolution directing the Government of Nepal to ratify the Indigenous and Tribal Peoples C169.

Since 2002 ILO supports the labour market reforms through developing an integrated package of reform measures in Nepal, which were proposed to be included in the Poverty Reduction Strategy Paper (PRSP) and Tenth Plan for Nepal. ILO facilitated a dialogue between employers' organisations and trade unions to negotiate a package of reforms and seek for a political support of such reforms between December 2002 and January 2005. As an outcome

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<sup>63</sup> Article 7.5.6 of the Peace Agreement stipulates "Both sides believe in the fact that the industrial climate in the country should not be disturbed and production should be given continuity and that the right of collective bargaining and social security should be respected. They also believe in the fact that if any problem arises between the business houses and labourers, they should be encouraged to resolve the problem in a peaceful manner. Both sides respect the right to work prescribed by the International Labour Organisation."

<sup>64</sup> C29 Forced Labour, C98 Right to Organise and Collective Bargaining, C100 Equal Remuneration, C111 Discrimination (Employment and Occupation), C138 Minimum Age, and C182 Worst Forms of Child Labour.

<sup>65</sup> C144 Tripartite Consultation (International Labour Standards)

some progress was achieved in the bi-partite negotiations leading to a number of general agreements between employers and trade unions.

Nepal has not ratified C87 on the Freedom of Association and Protection of the Right to Organise Convention. Since 2000, three complaints were submitted to the CFA. In 2002, a group of unions submitted a complaint to the CFA alleging violations of the right to strike in the hotel sector. The CFA recommended to the Government to take the necessary measures to repeal its notification in the Official Gazettes of March 15, 2001, which declared that hotel and tourist accommodation falling within the scope of essential services and thus prohibiting strikes in these services by virtue of the Essential Services Act of 1957.

In 2005, a group of unions brought forward allegations regarding violations of their trade union rights through the recent notification of a broad list of essential services and government interference in peaceful workers' demonstrations culminating in the arrest of a large number of trade union leaders and members. The CFA noted three issues involved in this complaint, being first, the notification of a wide range of services as essential services, second, the right of workers to stage peaceful demonstrations and to put up banners, and third the arrest and detention of trade unions.

In 2006, a third group of unions submitted a complaint to the CFA alleging that after a royal coup in Nepal in February 2005, several civil liberties and rights were suspended by the state of emergency. The CFA noted and concluded with regard to the situation of unions and the state of emergency.

### **Tripartite consultations**

Nepal ratified C144 in 1995. The Government set up an institutional mechanism for tripartite consultations such as the Central Labour Advisory Board, comprised of freely chosen representatives of employers' and workers' organizations, which makes recommendations to the Government on labour matters.

In 2004, the Conference Committee noted the exceptional circumstances of the country and called for social dialogue expressing the view that the implementation of the C144 would contribute to peace building and restoration of democracy. The Committee called the Government to use the TC of the Office to promote a constructive social dialogue amongst all parties concerned, as the consultations that took place in the Central Labour Advisory Board were insufficient<sup>66</sup>.

In 2006 and 2007, the CEACR in its observations reiterated its proposal that the ILO Office has the technical capacity to provide assistance in strengthening social dialogue and support activities which would lead to constructive tripartite consultations of parties concerned. In April 2007, the Office carried out a mission trip to Nepal to participate in a Tripartite National Workshop on ILS and Social Dialogue. As an outcome of this mission the need for a technical cooperation project in the field of social dialogue and industrial relations was evident<sup>67</sup>. SRO New Delhi has implemented a project aimed at promoting tripartism through Sound Industrial

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<sup>66</sup> See the Conference Committee observations' conclusions in 2004.

<sup>67</sup> For more details see the mission report prepared by Marleen Rueda, specialist on Social Dialogue and Labour Administration. From STANDARDS/NORMES Mr. Natan Elkin participated in this mission, providing presentation on the ILS.

Relations in Asia, implemented from 1997 to 2006<sup>68</sup>.

### **Technical Cooperation projects**

TC projects in Nepal mainly are undertaken by the ILO office in Kathmandu and/or Regional Office in Bangkok. From the total amount of 72 projects undertaken in Nepal, 49 were implemented by regional and sub-regional offices and 23 by the ILO Office in Geneva. Main areas of support included gender<sup>69</sup> and child labour issues, elimination of bonded labour, youth employment, training on ILS<sup>70</sup>, poverty reduction, promotion of indigenous and tribal peoples' rights and inter-regional Asian programmes on the governance of labour migration implemented in cooperation with the ECC.

The TC unit placed within NORMES department dealing with promotion of ILO policy on Indigenous and Tribal peoples could serve as an example of cooperation between the legal and TC fields. This unit implements several projects in Nepal in cooperation with other ILO departments. NORMES supports the project to promote ILO policy on indigenous and tribal peoples (PRO 169) and Cooperative branch is responsible for inter-regional programme to support self-reliance of indigenous and tribal communities through cooperatives and other self-help organizations (INDISCO). Both departments developed a joint operational framework for promoting the rights and reducing poverty of Indigenous and Tribal Peoples aiming to develop a body of good practices.

### **3) Qatar**

Qatar has ratified six ILS<sup>71</sup>, four of which are fundamental. One priority convention was ratified (C 81 on Labour Inspection) out of the four existing. The Government has duly responded to issues raised by the CEACR in its observations and direct requests. No complaints were submitted to the CFA.

### **Issues raised by the CEACR and government response**

**Forced Labour Convention, 1930 (No. 29), and Worst Forms of Child Labour Convention, 1999 (No. 182).** The main issues raised by the CEACR in Qatar concern the sale and trafficking of children under 18 years old into Qatar for work as camel jockeys, which is in breach with the fundamental conventions C182 (worst forms of child labour) and C29 (forced labour).

In June 2005, the CEACR noted that the government was prepared to avail itself of the ILO technical assistance and decided to send a technical advisory mission to evaluate the situation of compliance with the convention in law and practice.

This mission, in March 2006, observed a clear political will on the part of the Government to resolve the issue of trafficking of children for their use in camel racing. Qatar has taken

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<sup>68</sup> Unfortunately no information available in the ILO Office archives to provide more information on the outcomes of this project and activities carried out in Nepal.

<sup>69</sup> GENDER department carried out several projects on gender mainstreaming, extending social protection through micro-health insurance schemes for women in the informal economy.

<sup>70</sup> RO-Bangkok implemented several projects in relation to the application of the ILO Declaration on Fundamental Principles and Rights at work.

<sup>71</sup> C29 Forced Labour Convention, C81 Labour Inspection Convention, C105 Abolition of Forced Labour Convention, C111 Discrimination (Employment and Occupation) Convention, C138 Minimum Age Convention, C182 Worst Forms of Child Labour Convention.

concrete measures regarding the sale and trafficking of children under 18 years old into Qatar for work as camel jockeys. The main activity was the introduction of robots to replace children as camel jockeys. This might be seen as a step in response to the ILO CEACR, but was accomplished without the ILO's cooperation.

The practical implementation of the section 193 of the Penal code for criminalisation of actions committed versus children and the denial of education and health care to camel jockeys were further points raised by the Committee, and were responded to through the replacement of the child camel jockeys. However, there is no response to the issue of regional cooperation on the child trafficking issues and ratification of C138 on minimum age, which is also a fundamental convention.

**C81 Labour inspection (priority).** The Government responded actively to the CEACR observation and direct requests with regard to safety and health at work. In particular, the measures undertaken by the Government in this field included increase in number of inspectors and their training on safety and health at work and the relevant conventions.

The ILO office was asked to provide technical assistance in delivering training to personnel of the inspection department in the field of protection of working conditions of migrant workers, Occupational Safety and Health, and wages. No comment is made in the documentation on the outcome of this request.

**C 111 Discrimination (fundamental).** The only ILO TC project in Qatar was the installation of a small enterprise support unit (SESU) at the social development centre in Qatar, however, the anti-discrimination aspect is minor in the project document. The ILO offered assistance to the government in relation to the elaboration of the national equity policy in 2006 and 2007, but the CEACR noted little progress.

## **Conclusions**

With regard to the connection between ILS and TC projects of the ILO in Qatar, the only TC project that was conducted does touch a general ILS issue – C 111 on discrimination – but none of the ones that were priority issues according to the CEACR. The priority issue, however, was responded to by the government independently.

Qatar serves as the good practice example with regard to adequate measures undertaken by the Government and its rapid responses addressing child labour problems identified by the ILO. Qatar has shown a clear political will to comply with most of the Conventions in a timely fashion. The government's cooperation with NORMES was very fruitful as was demonstrated by the conclusions of the technical advisory mission report. NORMES clearly cooperated with the TC units and sub-regional offices of the ILO.

## **4) Swaziland**

The Office has conducted 12 TC projects in Swaziland in total, with the main focus on capacity building of trade unions. This case study does not include all the conventions addressed by the supervisory system, but focuses on the two issues Freedom of Association and Protection of the Right to Organise, (C87) and the Right to Organise and Collective Bargaining Convention (C98), which are covered by two fundamental conventions and were addressed by the CEACR, CFA and the technical assistance missions and projects with priority.

## **Issues raised by the CEACR and government responses**

**C87 and C98 Application of standards on Freedom of Association and Protection and the right to organize.** In 2003, the regional TC project was initiated with the objective to introduce strategic planning towards sustainable capacity building strategies in the area of the ILO Declaration of principles and rights at work, conflict resolution, and democracy and peace and with tripartite national structures. The Swaziland Federation of Trade Unions' participants made a firm commitment during the project toward ensuring that the on-going democratization processes would involve the wide public of citizens.

**C 98 The right to organise and collective bargaining convention.** The ILO technical advisory mission in November 2000 assisted with amending the preliminary draft of section 52, which was to ensure that the establishment of a works council in an undertaking no longer depends on the will on an employer.

**A meaningful framework for social dialogue.** The High Level Mission proposed that a Special Consultative Tripartite Sub-Committee be set up, within the framework of the High Level Steering Committee on Social Dialogue, in order to review the impact of the Constitution on the rights embodied in C87 and to make recommendations to the competent authorities to eliminate discrepancies that exist between existing legislative provisions and C87 and C98. As an outcome, the tripartite partners signed an agreement on the application of ILO conventions on Freedom of Association by Swaziland.

**Follow up to the supervisory bodies comments.** Some improvements have been achieved in the industrial relations climate in the country since 1996; particularly, IRA amendment in 2005; and the smooth functioning of the dispute settlement mechanisms. However, a number of issues that had been raised by the supervisory bodies were still pending or needed clarifications. The role of judiciary raised some concerns during this mission, as the HLM was informed that judges are nominated directly or indirectly by the King which raises the issue of independence and impartiality of judiciary branch that is essential component of the effective functioning of the rule of law within the State.

## **Issues raised by the CEACR and technical cooperation**

In 2006, the ILO conducted the one-year project “strengthening the correlation between the capacities of national workers’ organisations on freedom of association and gender-sensitive employment policy with a particular emphasis on youth employment”. Because violations of basic trade union rights are systematic in Swaziland, ACTRAV, as part of the Sweden/ILO Partnership Programme, focuses on strengthening the correlation between the capacities of national workers’ organizations on freedom of association and gender sensitive employment policy with a particular emphasis on youth employment. Further ILO technical cooperation projects in this category are:

- Improving labour systems in Southern Africa (linked to RAF/01/M55/USA and INT/03/M19/USA)
- Strengthening the link between the capacities of national workers’ organisations on freedom of association and gender-sensitive employment policy with a particular emphasis on youth employment.
- Harnessing corporate social responsibility and social dialogue to realize Decent Work

## **Other relevant TC projects**

The TC project “Improving labour systems in Southern Africa” from May 2004 to April 2008 aims at strengthening the national labour law administration and compliance, with focus on laws related to core principles, and involving state officials and workers’ and employers’ organizations. The intended outcomes are amendments to the principle labour law, providing for a new conflict management system with the assistance of the ILO headquarters.

Further ILO technical cooperation projects in this category:

- Integrating Drug & Alcohol Abuse Prevention into occupational Health and Safety Programme
- Supporting the Time-Bound Programme to eliminate the worst forms of child labour in South Africa and Botswana, Lesotho, Namibia and Swaziland (Umbrella INT/03/P11/USA)

## **Conclusions**

The ILO’s TC projects in Swaziland contribute to the overall process of improving the systems of Freedom of Association and Protection of the Right to Organise and the Right to Organise and Collective Bargaining. Even though the correlation between the ILS and the TC might not be immediately apparent in project planning and monitoring, the issues raised during the CEACR meetings are reflected in the rationale of technical cooperation projects’ proposals. The ILO impact on the developments within the country with regard to the promotion of labour rights and enhancing capacities of workers’ and employers’ organisations to enforce these rights is clear.

## **5) Tanzania**

The Government of the United Republic of Tanzania and the tripartite partners are a generally positive case in terms of assessing the impact of ILS. First, Tanzania has a history of being especially sympathetic towards the notion of the dignity of human labour, having in the past tried to introduce forms of collective work through the ujamaa system under its founding President, Julius Nyerere. Also, the most recent President, H E Benjamin Mkapa, was a co-Chair of the Commission on Fair Globalisation. It has ratified 35 Conventions with 34 in force, including all of the fundamental conventions<sup>72</sup>.

Tanzania was one of the first programmes to institute the Time Bound Programme (TBP) for Elimination of Child Labour (in 2002), and unusually, there is mention of the need to eliminate child labour in the national development plan – the Poverty Reduction Strategy (PRS) for Tanzania. The PRS also covers discrimination, equal employment as well as elimination of child labour. At the time of writing there are rights issues in employment creation to be mainstreamed in the Government employment policy for 2007: the issue is how to develop policy at local levels for employment creation, and capacity enhancement.

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<sup>72</sup> C87 Freedom of Association on 18.04.2000; C105 Abolition of Forced Labour on 30.01.1962; C111 Discrimination (Employment and Occupation) on 26.02.2002, and C182: Worst Forms of Child labour on 12.09.2001.

## **Issues raised by the CEACR.**

The Government has responded to various issues raised by the CEACR in its observations and direct requests. The issues are broadly summarised here, from a selection of the communications.

**C12: Workman's Compensation: (Agriculture) and C17: Workmen's Compensation (Accidents):** There are requests made concerning the form of payments and, how the legislation is being handled in practice, numbers covered, amount paid out, and the extent to which domestic legislation needs to be revised. Following the labour law reform process, provisions of the Act are not in conformity with the Convention and the Committee needs information inter alia on the various exemptions of different classes of workers and which classes of employers upon which the obligation of insurance has been imposed.

**C98 Right to Organise and Collective Bargaining: Direct Request of 2006: Comments on draft Public Service (Negotiating Machinery) Bill:** The Committee requested clarification on the scope of the public sector collective bargaining, administrative approval of, and duration of collective agreements. Sections of the draft Public Service Bill comprise a system of compulsory arbitration which should be amended.

**C87: Freedom of Association and Protection of the Right to Organise:** A direct request from the 2006 77<sup>th</sup> Session in response to government reporting and the comments submitted by the ICFTU. The request was made to amend inter alia to allow different groups the right to organise, definition of strike action, minimum membership requirements, right to join more than one trade union and various conditions with respect to constraints on trade unions.

**C111: Discrimination (Employment and Occupation) Convention:** There was a Direct Request for information on the application of provisions concerning non discrimination and equal opportunities in the new Employment and labour Relations Act, requesting detailed information on the measures taken to ensure equality of treatment. The Committee reminded the Government about previous requests and asked for information previously requested.

**C138: Minimum Age Convention and C182: Worst Forms of Child Labour.** The Committee made a direct request on C138 after the 2006 77<sup>th</sup> Session. A Child Labour Policy had been approved by the Labour Advisory Board in February 2000, and this raised some questions, first of all a Committee request to see the new policy. The Committee also raised questions on the manner of protection, determination of types of hazardous work and categories of employment, and the problems in practical implementation of the Convention. At the time of these enquiries, the Government was implementing IPEC's TBP, and the Committee requested information as to how the Convention was applied, 'including extracts of the reports of inspection services and information on the number and nature of the violations reported'. How does C138 line up with C182 on hazardous work? The Committee had also reviewed the Government's report to the Committee on the Rights of the Child (CRC) and raised issues concerning the implementation of child survival policy in Zanzibar. The Committee made a direct request on C182 after its 2005 75<sup>th</sup> Session. The Committee raised a number of issues as to how well the Penal Code lines up with C182, definitions of hazardous work and some of the differences that exist between Zanzibar and mainland legal codes. Finally, related to this is a direct request made in 2000 on

**C59: Minimum Age (Industry):** that the age should be amended from 14 to 15; information needed on application of convention in practice.

**C95: Protection of wages:** Direct Request in 2004 after the 75<sup>th</sup> Session of the Committee: Following adoption of the new Employment and Labour Relations Act of 2004: notes that new legislation is in substantial conformity with the provisions of the Convention. But two aspects of the convention more adequately reflected in the new legislation: attachment and assignment of wages and the preferential treatment of wage claims in the event of an employers' bankruptcy.

**C100 Equal Remuneration Convention:** Direct Request from 2006: Noting from the Employment and Equal Relations Act 2004, requests to provide information on the practical application of the act, practical measures to address wage discrimination. How respect for the principle of equal remuneration for men and women of equal value is provided for in equality plans; how the Wage Board works, and how collective agreements apply.

**C131: Minimum wage Fixing Convention:** The Committee made a request from the 2003 74<sup>th</sup> Session to supply more information on the minimum wage fixing machinery. Since ratification of C131, the government has not communicated any information on its practical application, so what is requested is information on numbers of workers covered by minimum wages legislation, extracts from inspection reports to show number of infringements and sanctions imposed and other particulars both from Mainland and Zanzibar.

**C170: Chemical Convention:** A direct request from the Committee from its 2006 77<sup>th</sup> Session followed the adoption in 2003 of the Occupational Safety and Health Act and the Industrial and Consumer Chemicals (Management and Control) Act, which provide a legislative basis for a large part of the provisions of the Convention. The Committee raised a large number of questions on this legislation in terms of how effect has been given to various provisions of the Convention.

## **NORMES Mission Reports**

Most of NORMES activity in Tanzania centres around supporting tripartite dialogue and training, particularly in the context of the ILO/SLAREA project on Strengthening Labour Relations in South East Africa which covered Kenya and Uganda as well as Tanzania. In June 2003 there was Tripartite Training of Trainers Workshop on strengthening Labour Relations (in context of SLAREA) attended by a member of NORMES. Among other activities, LIBSYND drafted a simplified training manual for C87 and C98. Several Missions involved activities related to the ratification of C87 in these three countries.

The sub regional specialist visited Tanzania in April 2006 to follow up on reporting obligations and provide support, to investigate the context for training activities for the Judiciary on ILS, and to seek contacts for a mapping study on the situation of pastoralists and hunter gatherers.



## **Related Technical Cooperation in Tanzania**

### **Labour Relations**

The SUNNEP project (Support for National Employment Policy and Programmes) is linked to a previous project: SLAREA: Strengthening Labour Relations in East Africa. The objectives of SLAREA, of which many good things were reported, were:

- To bring labour laws into conformity with the principles of freedom of association and collective bargaining, C87 and C98
- Support East African Governments perform more effectively in their functions of prevention and settlement of labour disputes
- To strengthen workers organisations in their mandates to organise and bargain collectively, and
- Support employers organisations perform more effectively their function of human resources management, conflict resolution and collective bargaining.

This project covered training, seminars, workshops, encouragement of ratification of C87 by Kenya and Uganda, compiling and disseminating reports on case labour law, conducting studies on labour dispute machinery and curriculum revisions. C87 was ratified in Uganda and in Kenya its principles have been incorporated into reformed labour laws. The specialists who monitor the network of standards on the ground are not well resourced despite strong efforts from the SRO specialist to strengthen the capacity of ministries for reporting, and some training for labour court judges.

### **Child Labour**

There are three child labour projects: the 2<sup>nd</sup> phase of the Time Bound programme (TBP), a project on tobacco plantations funded by ECLT (a foundation set up by the tobacco industry) and third, a skills and education project, which supports children placed in schools.

However, despite the second phase of the TBP and the centrality of standards, C182 and the associated lobbying, the actual implementation of the convention requires a lot more work. There is a trade off between working downstream (the implementation of withdrawing children) and the upstream work of policy setting and advocacy.

There is a Child Labour Unit in the Ministry of Labour, Employment and Youth Development, which encourages the integration of the legislation into District plans. Advocacy literature (in Kiswahili) has been well received, as well as the reference in the Poverty Reduction Strategy of April 2006 (known by its Kiswahili acronym MKUKUTA) to child labour.

### **Gender**

The Irish-funded Women's Entrepreneurship Development and Gender Equality (WEDGE) project has three aspects:

- Promoting women's entrepreneurs and gender equality
- Entrepreneurship among women with disabilities
- Promoting employability and employment with disabilities

The project has worked on the revision of employment legislation, for people with disabilities. WEDGE project provided financial and technical support for the legal processes, and training on legal matters. The ILS relating to disabilities (C111, Discrimination in Employment and Occupation) was passed in January 2007, and WEDGE has also produced guidelines on disability. Disability aspects of employment law are now being reviewed in Tanzania and the employment laws are being reviewed with respect to gender, maternity protection, and ILS are a point of reference.

WEDGE finds that sympathetic organisations are providing support like wheelchairs (Catholic Church), although most are not employers as such. Some have made buildings more accessible, although public transport is a problem. A TV company has employed a disabled woman and this has been some high level advocacy. A training workshop is proposed for ILO staff. The programme is also working on disabilities through HIV/AIDs.

Other gender projects in ILO in Tanzania, including women's credit act as ways of empowering, giving voice, so fighting discrimination, showing how ILS can be used to bolster projects as an added advocacy device. Gender work vis-à-vis ILS can be viewed as upstream and downstream, with upstream work being gender mainstreaming and capacity building tools and tripartite structures

- C100: Equal Remuneration Convention
- C111: Discrimination (Employment and Occupation) Convention
- C156: Workers with family Responsibilities, and

and downstream by implementing gender interventions, establishing savings and credit cooperative societies which give voice and representation.

Work by tripartite partners:

The Ministry of Labour cited the chief problems on the reporting system as being the workload, and when having to approach other ministries to respond to comments and enquiries. The Employer and Labour Relations Act was a big breakthrough, managing to turn six laws into one. The Ministry would like to see some conventions merged and obsolete conventions eliminated. Decent work needs to be better promoted.

The problems with implementation were central: labour inspectors have no transport, no computers to contain data, and need training to create awareness. The Ministry of Agriculture noted that the majority of the population are in the informal economy in agriculture, with more than 90% are self employed. Enforcement of standards is tried through technical advisory services, but the ILS are always more directly applied to formal employment. There is a growing activity in the plantation sector which leads to requirements to monitor ILS in various sectors.

As noted earlier the labour laws have been redrafted in Tanzania to put into practice the observations from the ILS. This has established negotiation committees involving employers and employees to sort out disputes and appropriate remuneration for each sector. The laws have helped awareness and employment of the workers. The Occupational Safety and Health Organisation is making strong lobbying efforts for the adoption of the OSH Conventions.

The employers also noted in implementing ILS, that labour inspectors are under-resourced. The trade union representative also mentioned the negotiating machinery set up under the new laws. There are some problems in implementation. There are tripartite meetings four times a year. All partners confirmed that the SLEREA programme had been very effective, especially for the unions' participation in labour law reform.

UN partners, multilaterals and bilaterals

ILO's work was highly appreciated by its international partners, especially in the area of child labour. In the area of decent work there is need to sensitise all parties and ILO projects on social dialogue had achieved this. There is an interesting issue on mainstreaming human rights into the UN's work and the UN Development Assistance Framework (UNDAF). ILS remain apart from the various human rights conventions and the effort of the UN to mainstream human rights. On this, employment issues are cross cutting, like gender, and as poverty reduction is so important, employment cannot be avoided. ILO is leading collaborating on one of six programmes – on youth employment – in the One UN Pilot.

## **6) Thailand**

The Government of Thailand has ratified 14 conventions with 13 in force. Of the fundamental conventions it has ratified C29, Forced labour, C105, Abolition of Forced labour, C138 Minimum Age, and C182, Worst Forms of Child Labour<sup>73</sup>.

The tripartite system is rather fragmented with employers and workers represented by several organisations. A new draft constitution has been published in April 2007, which inter alia gives the right to freedom of association.

The Ministry of Labour has established the Thai Labour Standard: Thai Corporate Social Responsibility (TLS 8001-2003). The objectives of the TLS are to be: i) implemented by establishment voluntarily, by applying the requirements of this standard to its policy and implemented accordingly, and ii) used as the criteria of certification of establishment applying the requirements of this standard. The requirements of the standards specify labour management and practices of establishments on the basis of labour laws. The content is in two parts: i) labour rights and protection concerning the requirements with reference to the Conventions of the ILO and based on the existing labour laws as well as other trading requirements, and ii) labour management system concerning the quality management system to ensure that labour practices will comply with the requirements in qualification, sustainability and with continual improvement. It is a certification device and companies have to pay to get a certificate, showing that the factories have fairly complied with Thai labour law. However, implementation is variable, and workers rights could be more strongly featured.

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<sup>73</sup> The other conventions it has ratified are: C14: Weekly Rest (industry); C19 Equality of Treatment (accident Compensation); C80 Final Articles Revision; C 88 Employment Service; C100 Equal Remuneration; C104 Abolition of Penal Sanctions (Indigenous Workers); C116, Final Articles Revision, C122 Employment Policy; and C127 Maximum Weight Convention. In addition C159 Vocational Rehabilitation (Disabled Persons) has been unofficially confirmed for ratification.

## **Issues raised by the CEACR.**

**C88: Employment Service Convention.** There was a long running request concerning measures to facilitate the movement of migrant workers and cooperation with private employment agencies, and the Committee requests the Government to strengthen its private employment agencies.

**C100: Equal Remuneration Convention:** A request was made as to how the principle of application of equal remuneration is applied in respect of various benefits, between men and women doing equal work and in relation to the TLS initiative, measures taken to cooperate with employers' and workers' organisations, and various up-to-date statistical information on the position of men and women in the labour market.

**C122: Employment Policy Convention:** a request concerning extending adequate social protection to the population and coordinating employment policy with the unemployment benefit system, and wishing to learn more about how economic growth is leading to an improved labour market and a reduction in poverty levels. Requests were also made about the prevention of discrimination for women, those with disabilities and workers in the rural and informal economy.

**C182: Worst Forms of Child Labour:** The Committee requested information so that the issues of trafficking of children, forced labour and prostitution of children can be examined more specifically under this Convention. These points included *inter alia*, monitoring mechanisms, programmes of action to eliminate WFCL, penalties, initiatives taken by employers, national legislation non child victims of trafficking, international cooperation and assistance, and bilateral agreements.

## **Related Technical Cooperation in Thailand**

The Office provides support for the ratification and application of the remaining fundamental conventions, (C87, C98, C111, and ILS on occupational safety and health – C187 and C155, the maritime Labour Convention and impending standards on decent work for fishers). Assistance continues to be provided on the implementation of the 2005 Code of Practice for HIV/AIDS in the workplace. Although not a convention or recommendation, this is also used to as a template for appropriate national texts and agreements. The Office also provides support for the regular reporting process. Ratifying and reporting on conventions take a great deal of time and resources, but often the use of conventions can be significant even if they have not been ratified. In Thailand this was demonstrated for social protection, skills, HIV/AIDS, indigenous peoples and OSH.

Child labour and trafficking projects also give support to C182 and C105, and there is an active programme for promoting C187 on Occupation Safety and Health

Migration is a significant matter of concern for the tripartite partners: Thailand hosts between 1-2 million regular and irregular migrant workers, with 80 percent originating from Myanmar, and expected to be much increased with recent events in that country. At the sub regional level, ILO provides significant support in relation to trafficking and the promotion of safe migration. The Office has supported the trade unions (which are banned) from Myanmar with training and documentation.

The Regional Skills and Employability programme uses the contents of Recommendation 195 (Human Resources Development) as a basis for encouraging national policy. This proves a good entry point for the ILS. Similarly Thailand's employment policy review drew heavily on the relevant conventions.

## **7) Ukraine**

Ukraine has undergone significant political and economic reforms over the last fifteen years; in 2005 there was the beginning of a transformation and development of a socially oriented market economy.<sup>74</sup> Ukraine has ratified all of the eight fundamental conventions and all of the four of priority conventions.

The priorities identified by Ukraine related to the ILS include setting up infrastructural reforms and launching of consultative process and social dialogue with the objective of poverty reduction, generating employment, creating decent work conditions and ensuring decent wages. Promoting equal opportunities for men and women in the labour market was also highlighted<sup>75</sup>.

Among the problems that the Government is trying to solve together with trade unions and employers' organisations are those of minimum wage increase, payment of wage arrears, increases in social standards and improvement of labour market regulations and others.<sup>76</sup>

### **CFA issues**

In 2005 a case was submitted by the Confederation of Free Trade Unions of Ukraine (CFTUU), concerning legislative issues of registration of trade unions and in particular, the contradiction between the Law on Trade Unions, Law of Ukraine on the State Registration of Legal Persons and Physical Persons/Entrepreneurs and the Civil Code. A further case was submitted by two main federations, the CFTUU and the Federation of Trade Unions of Ukraine (FPU), concerning alleged acts of interference in trade union internal affairs and anti-union discrimination on the part of the Ukrainian authorities and employers. The CFA reached an interim conclusion in 2005. In relation to the latter, the CFA concluded that as the Government did not contradict the complainant's statement it has an obligation to compensate the material losses suffered. The CFA came to the conclusion that the Government shall conduct an independent inquiry into the allegation of interference. The CFA requested the Government to institute an independent judiciary inquiry into the allegations of dismissals and assaults of trade union members. Regarding trade union registration the CFA requested the Government to ensure that the trade unions can be registered without any obstacles in accordance with the law. As to collective bargaining allegations the CFA urged the Government to take measures to investigate allegations and to ensure that any effects of anti-union discrimination and interference are properly remedied.

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<sup>74</sup> See for more details Decent Work Country Programme Ukraine 2006-1007. p.1

<sup>75</sup> Ibid, p. 2

<sup>76</sup> Ibid.

## **ILO responses/actions - Technical missions**

The ILO technical mission took place in September 2005 as a follow up to the CFA complaints regarding the practical application of labour standards stipulated in domestic legislation, the absence of efficient dispute resolution mechanism between parties and lack of sufficient sanctions for violation of trade union rights. To summarise the outcomes of this trip, the following issues of progress, concerns and training needs were identified:

The Government lacks knowledge about social partnerships, especially at the lower (enterprise) level and more training is required; progress is required on the amendments to the labour legislation, drafting Law on Collective Agreements and bringing the Law on the State Registrations in conformity with the Law on Trade Unions, as requested by the CFA and the Committee of Experts;

Trade unions drew attention to long and costly registration procedures<sup>77</sup>, undeveloped level of social partnership and not independent judiciary; the training of judges and prosecutors provided by the ILO on the subject of Freedom of Association was a necessary step in strengthening the judiciary to resolve disputes on the national level related to labour rights; the violations of trade union rights, were related mainly to trade unions at the enterprise level and concerned non transfer of trade union fees, non respect of collective agreements and registration.

Employers highlighted that conflicts between trade unions and particularly employers could have been resolved at the local level. Lack of knowledge of ILS at the local level contributes to this and there is for more training and awareness-raising in the field of international and domestic labour standards; training on freedom of association and collective bargaining was considered to be of a great relevance.

With regard to the dispute settlement on the local level, the Mission suggested that the National Mediation and Conciliation Service (NMCS) could be bolstered in law to cover freedom of association issues.

It was imperative that the Government discusses with trade unions' and employers' organisations which issues were resolved and which needed to be addressed. Training on freedom of association and collective bargaining was identified as a priority.

Most of the TC projects in Ukraine related to ILS, including mainly delivering training and workshops, and to strengthening local institutions to address dispute settlement and labour inspectors work as identified by local stakeholders.

### **Technical assistance**

There are about twenty technical assistance projects which cover subjects addressing the important priorities of the Government and social partners. These include: promotion of fundamental principles and rights at work, labour law reform, freedom of association and capacity building for the trade unions and employers' organizations, elimination of the worst forms of child labour, prevention of human trafficking, HIV/AIDS at work, socio-economic

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<sup>77</sup> See for more details the Mission report, it was noted that for primary trade union organizations it was necessary to be registered in nine different agencies.

security of workers, vocational training of the non-employed and vocational rehabilitation of persons with disabilities. The most relevant projects addressing ILS are:

*Ukraine: promoting fundamental principles and rights at work (UKR/01/51M/USA) (2001-2005)* aimed to provide assistance in reform of labour legislation and contribute to tripartite dialogue, freedom of association and collective and bargaining for both labour and employer organizations. Objectives were:

- a) In the framework of the *labour law reform* the assistance was provided to a tripartite group to draft a new labour code and industrial relations laws, including seminars, provision of international advisory services and study tours. Establishment of a Legal Information Centre within the Ministry of Labour and Social Policy, which would collect all the national and international legal documents related to labour laws and labour relations was projected;
- b) Strengthening of labour inspection system through launching of a new labour inspection system as part of the Ministry of Labour and Social Policy, to enhance the skills of labour inspectors to apply newly drafted labour laws, and to be achieved through training and assessment of gaps between the legislation and inspection materials;
- c) Promotion and development of principles of freedom of association, collective bargaining and dispute settlement through seminars, training and studies to determine effectiveness of existing mechanisms.

In 2005 the evaluation of the project concluded that most of the key objectives were delivered. The labour inspectorate benefited from the training, materials and consultations and establishment of a new computerized system.

*“Consolidating the Legal and Institutional Foundation of Social Dialogue in Ukraine”* (UKR/05/02/FRC) started in 2006 and ending in 2008. It is a continuation of the project above with similar objectives to address issues of drafting of labour code, strengthening labour inspection system and improving freedom of association and collective bargaining. So far, what has been achieved are harmonization of the domestic labour legislations with international and EC standards, technical consultations on the Draft Law of Ukraine; improving enforcement of the labour law; and training was delivered and seminars organised to address the issue of creation of effective institutional structure of social dialogue.

*“Social Dialogue in the Civil Service”* (RB01.4493) (2006-07). This project addressed social dialogue mechanisms and capacity building, and quality public sector and public service reform.

*“Strengthening Social Dialogue in Ukraine”* (UKR/05/50FLA) (2006-07) aims to strengthen social dialogue in employment policy, with focus on promotion of a balance between flexibility and security within Decent Work, and to enhance the capacity of the National Council of Social Partnership in formulating a policy with focus on ‘flexicurity’ and strengthen capacity social partners to dispute settlement and negotiations, using training and consultancy services by the ITC.

*“The Domestic Application of International Labour Law with Specific Focus on Freedom of Association and the Protection of Salaries”* covered ILS in the form of a round table for judges and legal professionals, and implemented in collaboration with the ILO National

Correspondent with the financial assistance of Italian and Ireland donors. The seminar took place in October 2006 and was highly evaluated by the participants.

*“ILO Supervisory procedures of international labour standards and their impact for employers, with special focus on freedom of association”* organised two days training in September 2006, in Kyiv, Ukraine, with financial assistance from the Belgian and Italian governments. The participants were from national Employers organizations and the workshop was organised by ACT/EMP and the ACT/EMP Turin in collaboration with the FOA/ILS Turin and also including the participation of the IOE. The recent practical case on the national conflict between trade unions and employers that has been considered by the CFA was reviewed and discussed. The workshop aimed to examine the usefulness for employers’ organizations of the ILO supervisory mechanisms with special reference to the work of the CFA. The intention was to enhance the knowledge of participants of the role played by employers’ organisations in the ILO standard-setting activities; discuss the rights and principles related to freedom of association, tripartism and social dialogue with particular reference to Conventions 87 and 98.

## **Conclusion**

The work relating to ILS in Ukraine was coherent and responsive to the needs identified through the CFA complaints. These concerns were comprehensively addressed with complementary projects of technical assistance. The ILO Mission in October 2005 identified clear needs for training in the field of freedom of association and collective bargaining which were taken into account by the Declaration project. As a follow up the technical assistance projects addressed the main issues of concern related to freedom of association, tripartite consultations, collective and bargaining rights and dispute settlement.

One of the main achievements of the ILO intervention in Ukraine in the field of social dialogue was the establishment of a relatively satisfactory tripartite structure: know-how about what to do and how to do it as well as knowledge about latest labour laws in the field of social partnership and dialogue.<sup>78</sup>

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<sup>78</sup> As referred to in ‘Independent Evaluation of the ILO’s Country Programme to Ukraine: 2000-2006’ p.28



## **Annex: TOR for national case studies**

Country case studies will provide material to validate or refute the importance and usefulness of ILO standards technical assistance work within member States in implementation of core and priority international labour standards (ILS). This will be achieved through a desk review of documentation from ILO reports as well as country-level project and activity documentation, to develop a rounded perspective on how ILO standards-focused action is taking shape and having effect at country level. As appropriate, the desk reviews will be complemented with individual interviews or questionnaires with national level and sub-regional stakeholders. Findings from case study examples will inform global level issues on strategic approaches for the overall strategy, including its management and governance.

The aim of the case study is to:

- i) assess the effectiveness, efficiency, relevance and sustainability of ILO's technical assistance in the country with regard to implementation of ILO core and priority standards;
- ii) review models/tools for interventions to identify criteria for success, lessons learned and their wider applicability in the country and beyond;
- iii) assess the effectiveness of tripartite collaboration for good practices and lessons learned.
- iv) review the extent to which standards has been mainstreamed, including through collaboration within the ILO field structures and programmes, and with strategic external partnerships, including in the UN system, international financial institutions, and other interested parties, in order to identify issues to consider for extending such partnerships;
- v) assess field level governance and management instruments and processes in relation to their efficiency and effectiveness in supporting supervisory processes and follow up in the form of targeted responses of support.

## **Methodology**

An initial round of interviews with management and focal points within headquarters, governments and social partner representatives, as well as a document review took place prior to finalizing case study methodology. The case studies assessed implementation around the core components of global labour standards strategies but adjusting this to the specific projects and activities programmed at national levels. Core strategies to be reviewed are: i) implementing ILS through technical cooperation and DWCPs; and ii) communicating ILS and enhancing access to information

Guideline questions for sub-regional and country-level analysis:

### **1. Approach and strategies for implementation.**

- What are the basic principles/priorities behind the country-level activities or programme on ILS? Are they consistent and reinforcing global objectives?
- Do actions align with aims of programme or activities?

### **2. Level and form of effectiveness.**

- What is evidence of important outcomes and progress? What are lessons learned?

- How does the body of work on ILS link to other national frameworks and initiatives?
- What is evidence of improvements in national capacities, changed policies, enhanced programming, and increased resourcing related to ILS application?
- Which evidence of results is there for ILO's activities to support the application/implementation of ratified core and priority standards?

### 3. Institutional arrangements.

- What are links to other ILO country-level and sub-regional initiatives? How coherent and complementary or integrated are these?

### 4. National ownership.

- What is level of political commitment of tripartite partners and others to ILO's standards implementation-related work? Is there sustained involvement of high-level government officials?
- Do national partners share objectives, contribute resources, and show evidence of a commitment to sustaining outcomes of joint work?
- How do stakeholder groups participate?

### 5. Impact and sustainability.

- How is impact envisioned, and progress monitored? What are national roles, responsibility in this process?
- What are major risks to sustaining achievements and how are these being managed?
- How are technical cooperation, technical missions and advice informed by the recommendations of the supervisory mechanisms of the ILO?

### From a DWCP perspective:

- How have core and priority standards been integrated in design, focus and strategies of ILO supported Country Programmes?
- How has a standards focus influenced processes and expected results in Country Programmes?
- Which were the challenges and what lessons could be learned from experiences?

### Annex 3. Operational objectives, indicators, targets and outcomes relating to normative action 2002-08

<b>Strategic objective 1:</b> Promote and realise standards and fundamental principles and rights at work		
<b>2002-2003 Programme and Budget &amp; Implementation Reports</b>		
<b>Operational objective:</b> Normative action Services are provided to the supervisory bodies, constituents and the Governing Body and the International Labour Conference, enabling existing standards to be supervised and new standards to be set.		
<b>Indicator</b>	<b>Target</b>	<b>Outcome</b>
1c.1. Improvements in ILO standards-related activities	(i) Adoption of a programme on occupational safety and health standards	Programme of Action adopted at ILC 2003; item on ILC agenda in 2005. With ILO advice and technical support OSH policies, laws or curricula have been drafted in seven countries.
	(ii) Consideration by the Governing Body of similar discussions in two additional areas for 2004-05	Migrant workers on ILC agenda in 2004. Promoting youth employment on ILC agenda in 2005. (The comparable indicator for 2000-01 was also achieved).
1c.2. Reports processed for the Committee of Experts	90% of reports received.	64.5% (average) in 2002-2003. (The 2000-01 target was 90%, the result, an average of 69%)
1c.3. Complaints examined by the Committee on Freedom of Association	First examination by the CFA within 12 months of receipt of complaint	11 months (average) in 2002-2003.
1c.4. Rate of response from governments for each supervisory body session	70% for each session of the Committee of Experts	64%
1c.5. Improvements in the application of the fundamental conventions noted in the biennium by the Committee of Experts	(i) 20 cases of satisfaction	24 cases
	(ii) 90 cases of interest	196 cases

1c.6. Cases of progress in the implementation of Conventions other than the fundamental ones noted in the biennium by the Committee of Experts	(i) 40 cases of satisfaction	40 cases
	(ii) 200 cases of interest	160 cases
1c.7: Cases of progress noted in the biennium by the Committee on Freedom of Association	50 cases	65 cases
<b>2004-2005 Programme and Budget &amp; Implementation Reports</b>		
<b>Operational objective 1c:</b> Normative action International labour Standards and the standards supervisory process influence legislation and policies of member States for achieving decent work and international development goals <sup>79</sup>		
<b>Indicator</b>	<b>Target</b>	<b>Outcome</b>
1c.1. Cases in which member States improve the application of standards <sup>80</sup>	(i) 350 cases of improvement noted by the Committee of Experts	108 cases of satisfaction and 556 cases of interest 108 cases of satisfaction (2004 and 2005)
	(ii) 50 cases of improvement noted by the Committee on Freedom of Association	59 cases of improvement noted in 30 member States
1c.2. Increased account taken of international labour standards in international development assistance <sup>81</sup>	All PRSPs to which ILO contributes refer to the international labour standards.	Out of 15 PRSPs, the PRSPs of seven member States referred to international labour standards

<sup>79</sup> The text was revised from the 2002-03 operational objective to highlight both the services that enable the ILO to act on its standards-related responsibilities as well as the value of enhancing its influence as the primary source of comprehensive knowledge on labour standards and related issues.

<sup>80</sup> This indicator has a more outward-looking formulation compared to the previous biennium, to show the importance given to focussing on changes taking place in member States. Includes previous 'process related' indicators and targets.

<sup>81</sup> At the time, a new indicator designed to gauge the influence of the ILO's normative work in development initiatives

1c.3. Improved effectiveness of service to ILO policy-making bodies in relation to standards policy.	(i) the supervisory bodies complete reviews of their work methods	The Committee of Experts on the Application of Conventions and Recommendations and the ILC Committee on the Application of Standards have made some progress in their review. Results include: 1. adjustments have been made to Conference Committee procedures that allow member States additional time to prepare for discussion and give the Chairperson more time to consult other Officers of the Committee before conclusions are submitted for adoption; 2. the Conference Committee had decided to give greater emphasis to cases of serious failure to fulfil reporting and other standards-related activities.
	(ii) the progress made in the review of the standards-related activities is in line with the time frame devised by the Governing Body	The review has progressed on schedule. Nearly all aspects of the standards-related activities have been reviewed and discussed. A progress report was submitted to the Governing Body (March 2005) and a paper outlining future strategic orientations for standards was prepared for the 294th Session of the Governing Body (November 2005).
	(iii) the results of the review are given increased effect by all parts of the ILO.	As a result of the review, the Office's promotion of standards has been more focused on up-to-date Conventions and Recommendations. Three technical departments have implemented the integrated approach approved by the Governing Body in November 2000. This has led to three general discussions concerning occupational safety and health (OSH), migrant workers and the promotion of youth employment. All three discussions have resulted in comprehensive plans of action. The manual for drafting ILO instruments was presented to the Governing Body at its 282nd Session (March 2005) and is expected to be used throughout the Office. The grouping of standards by subject matter for the purposes of article 22 reports has increased the extent to which comments of the Committee of Experts are taken into account by other departments.

1c.4. Increased use of international labour standards information resources by constituents and the public and in training on human rights and other rights at work <sup>82</sup>	(i) 100,000 average visits per month to ILS databases	758,000 average visits per month
	(ii) 30 documented cases of integration of ILS information resources in training programmes, seminars, websites and publications.	11 member States ILOLEX and NATLEX are cross-listed over 10,000 university, NGO, government and research sites. Over 29,000 CD-ROMS and documents on international labour standards were distributed for use in ILO seminars in Africa, the Americas and Asia.

2006-2007 Programme and Budget & Implementation Reports		
<b>Operational objective 1b:</b> Normative Action International labour Standards and the standards supervisory process influence legislation and the policies of member States for achieving decent work and international development goals.		
<b>Outcome 1b.1:</b> Constituents in member States have better knowledge of ILO standards and have improved capacities to support implementation of standards in accordance with national priorities, benefiting from the ILO supervisory mechanism and assistance provided by the Office.		
Indicators 1b.1	Target	Outcome
(i) Member States improve the application of standards as noted by the Committee of Experts.	(i) 400 instances where improvement is noted	775 instances: 136 instances with satisfaction (in 78 countries) and 639 instances with interest (in 143 countries).
(ii) Member States improve the application of standards as noted by the Committee of Freedom of Association	(ii) 50 instances where improvement is noted	60 instances (in 37 countries).
(iii) Member states ratify or make progress in implementation of key provisions of the main gender equality Conventions	(iii) 15 additional ratifications of Conventions No. 100, 111, 156 and 183 during the biennium, seven countries to have ratified all four, and constituents in 15 member States introduce positive changes to policies, legislation, programmes and institutions aimed at improving gender equality.	Nine ratifications; a total of five countries ratified all four Conventions (includes three countries from previous biennia); nine member States introduced positive changes aimed at improving gender equality.

<sup>82</sup> At the time, a new indicator, intended to measure the increased visibility of international labour standards.

(iv) Employers' and workers' organisations make observations on the application of standards	(iv) 330 observations received this measures tripartite participation in the implementation of ratified Conventions.	1,038 observations received
(v) The Office processes supervisory reports which are received on time	(v) 90 per cent of on-time reports are processed for the relevant Committee.	2006: 72.7% (plus 86% of deferred files) 2007: 76.7% (plus 90% of deferred files) Average: 74.8%

### 2008-2009 Programme and Budget

#### Intermediate Outcome 1c

International labour Standards are broadly ratified and significant progress is made in the I application

#### Immediate Outcome 1c.1: Increase member State capacity to ratify and apply international labour standards

Indicators 1c1	Target	Outcome
(i) Number of cases in which member States apply ILO targeted technical assistance to ratify international labour conventions	(i) 50 cases	
(ii) Number of cases in which member States apply ILO targeted technical assistance to develop, or modify, national legislation or practice in line with international labour standards	(ii) 100 cases	
(iii) Number of cases in which other organisations and bodies refer to, or make use of, international labour standards and ILO supervisory bodies' comments in their own policies.	(iii) 5 cases	

### 2002-2005 Strategic Policy Framework

#### Operational objective 2c: Employment creation

ILO member States and constituents are better equipped to design and implement employment promotion programmes in the areas of enterprise development and employment-intensive investment, including in post-crisis situations, paying particular attention to the situation of women.

**Indicator 2c.2:** ILO member States that apply the ILO approach to employment-intensive investment, particularly in post-crisis situations.

Source: ILO Programme and Budget documents, Implementation Reports and Strategic Policy Framework of the various biennia.

## Annex 4. Sections of P&Bs and Implementation Reports, outside of Normative Action, including some reference to ILS: 2002-08<sup>83</sup>

Programme & Budget and Implementation Reports 2002-2003		
Strategic objective 1: Standards and fundamental principles and rights at work		
<b>Operational Objective 1a:</b> ILO member states give effect to the principles and rights concerning freedom of association and collective bargaining and the elimination of forced labour, child labour and discrimination in employment and occupation.		
Indicator	Target	Outcome
1a.1. Member States that have ratified: (i) all eight fundamental conventions (ii) at least one Convention in each of the four categories of fundamental principles and rights	(i) 50% of member states (87) (ii) 135 member States	55.9% (99 member States) 142 member States ( all 99 member States under (i) above, plus another 43)
1a.2. Member States in which there are positive changes, as noted in the ILO Declaration Expert-Advisers' introduction to the compilations of annual reports on the Declaration	20 member States	14 member States
<b>Operational Objective 1b:</b> Child labour is progressively eliminated, priority given to the urgent elimination of its worst forms and to the provision of alternatives for children and families.		
Indicator	Target	Outcome
1b.1. Member states that ratify: (i) the Minimum age Convention 1973 (No 138)	(i) 30 additional member states	15 additional member States (total 131)

<sup>83</sup> Only those objectives and indicators that make specific reference to ILS.



(ii) the Worst Forms of Child Labour Convention, 1999 (No 182).	(ii) 65 additional member States	34 additional member States (total 147)
<b>Strategic Objective 2: Employment</b> Create greater opportunities for women and men to secure decent employment and income:		
Strategy text makes reference to various conventions		
<b>Strategic Objective 3: Social Protection</b> Enhance the coverage and effectiveness of social protection for all:		
<b>Operational Objective 3b: Working Conditions (Safework)</b> ILO constituents target and take effective action to improve safety and health and conditions of work, with special attention to the most hazardous condition at the workplace		
Indicator	Target	Outcome
3b.1. Member States in which constituents strengthen their occupational safety and health capacity through ratification and application of ILO standards, and the implementation of codes and guides, as well as information and statistical tools and methods on safety and health	40 member States	44 member States
3b.4: Member States that ratify and apply ILO standards on work and family, maternity protection, and working time, and in which relevant data on these issues are generated and used in policy formulation	15 member States	23 member States
<b>Strategic Objective 4: Social Dialogue</b> Strengthen Tripartism and social dialogue		
<b>Operational Objective 4b: Governments and the institutions of social dialogue</b> The legal frameworks, institutions, machinery and processes for social dialogue are strengthened		

Indicator	Target	Outcome
4b.1. Member States that ratify ILO conventions addressing the institutions or practice of social dialogue	10 ratifications of Convention No 144 15 ratifications of Conventions covering specific sectors	7 ratifications of Convention No. 144 42 ratifications
4b.2. Member States that adopt legislation based on ILO standards and advice, with the involvement of the social partners	10 additional member States	17 member States or other entities have adopted new labour legislation, and in another 4, legislative proposals have been tabled
4b.5: Member states that ratify or take practical steps to apply the Labour Administration Convention 1978 (C150)	10 additional member states	6 ratifications and 10 countries undertaking practical steps to apply the Convention (following labour administration assessment)
<b>Programme &amp; Budget and Implementation Reports 2004-2005</b>		
<b>Strategic Objective 1: Standards and fundamental principles and rights at work</b>		
<b>Operational Objective 1a:</b> ILO member states give effect to the principles and rights concerning freedom of association and collective bargaining and the elimination of forced labour, child labour and discrimination in employment and occupation		
Indicator	Target	Outcome
1a.1. Member States that have ratified: (i) all eight fundamental conventions	(i) two thirds of member states (87)	Two-thirds of member States (117 member States out of 178, or 65%) Additional 18 member States that ratified during the biennium.
(ii) at least one Convention in each of the four categories of fundamental principles and rights	(ii) 155 member States	147 member States (all 117 member States falling under (i) above, plus another 30) Five member States ratified a Convention in an additional category during the biennium.

1a.2. Member States introduce significant changes in their policies, legislation or institutions in order to realise fundamental principles and rights at work, as indicated in annual reports or Global Reports under the follow-up to the Declaration	10 member States	33 member States
<b>Operational Objective 1b:</b> Child labour is progressively eliminated, through capacity building and strengthening of the worldwide movement against child labour, with priority given to the urgent elimination of its worst forms and to the provision of alternatives for children and families <sup>84</sup>		
<b>Indicator</b>	<b>Target</b>	<b>Outcome</b>
1b.1. Member States that ratify the Minimum age Convention 1973 (No 138)	20 additional member states	10 additional member States
<b>Strategic Objective 2: Employment</b> Create greater opportunities for women and men to secure decent employment and income		
Strategy text makes reference to various conventions		
<b>Strategic Objective 3: Social Protection</b> Enhance the coverage and effectiveness of social protection for all		
<b>Operational Objective 3b: Working Conditions (Safe work)</b> ILO constituents target and take effective action to improve safety and health and conditions of work, with special attention to the most hazardous condition at the workplace		
<b>Indicator</b>	<b>Target</b>	<b>Outcome</b>
3b.1. Improved national programming and reporting on occupational safety and health. Member states that make major progress in their occupational safety and health (OSH) policies or capacities through ratification or application of ILO standards, implementation of codes and guides, or launching of national programmes of action	32 member states	17 member States ratified Conventions related to occupational safety and health; 13 adopted a new OSH Act or revised legislation; 8 banned the use of asbestos; 9 established or reorganized OSH government institutions; 3 adopted an action programme for the classification and labelling of chemicals;

<sup>84</sup> Rewording over 2002-03 reflects ILO's intention to achieve both the upstream strengthening of policies and institutions as well as downstream, service-oriented activities.

		5 launched national programmes of action; 21 developed national OSH profiles, labour inspection audits or evaluation systems; 6 adopted national programmes of action with particular focus on labour inspection; 7 used OSH management system guidelines as a basis for setting national standards in OSH management, 20 adopted action programmes on psycho-social issues; 3 countries adopted action plans for the classification of chemicals and 111 countries reported action programmes related to the World Day for Safety and Health at Work on 28 April 2004 and 115 countries on 28 April 2005.
3b.2. Improved terms and conditions of employment. Member states in which ILO tools, research, methodologies and legal instruments are used to improve terms and conditions of employment, protect maternity and reconcile work and family, including small scale industries and the informal economy	20 member states	28 member States used ILO Conventions
3b.3. Protection of the rights and equal treatment of migrants. Member states that establish policies and programmes for the protection of the rights and equal treatment of women and men migrants, and against their trafficking	10 member states	19 member States established policies or programmes.
3b.4. Member states have incorporated a world of work component for both the formal and informal economy, and workplace initiatives involving ILO tripartite constituents, into their national action plans to combat HIV/AIDS.	20 member States	38 member States have incorporated a work component into national action plans to combat HIV/AIDS

<b>Strategic Objective 4: Social Dialogue</b> Strengthen tripartism and social dialogue		
<b>Operational Objective 4b:</b> Governments and the institutions of social dialogue The legal frameworks, institutions, machinery and processes for social dialogue are strengthened and used		
<b>Indicator</b>	<b>Target</b>	<b>Outcome</b>
4b.1. Member States that ratify ILO conventions addressing the institutions or practice of social dialogue	(i) 3 ratifications of Convention No 144 (ii) 5 ratifications of Convention No 154 (iii) 5 member states implement convention No 144 more effectively (iv) 15 ratifications of Conventions covering specific sectors.	(i) 7 member States (ii) 2 member States (iii) 13 member States improved their implementation of Convention No. 144. (iv) This target overlaps with the target for indicator 4b.7: 74 ratifications of sectoral Conventions by 31 member States
4b.2. Member states that adopt legislation based on ILO standards and advice, with the involvement of the social partners	10 additional member states that adopt labour laws or other employment-related legislation based on ILO advice and involving a tripartite consultative process	13 member States adopted new labour legislations, and four member States have prepared legislation
4b.5. Stronger labour administration. Member states that strengthen labour administrations in their policy-making capacity, their responsibility for the implementation of decent work policies and their enforcement of labour law	(iii) Member states that ratify or take practical steps to apply the labour Administration Convention 1978 (C150) 5 member states	6 member States

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The Declaration Follow up and IPEC were closely related, and so the two management structures were combined, focussing resources on a fundamental principles and rights at work package (Para 179 spf p.41). Continues (para180), 'The shift in emphasis towards the developmental role of international labour standards underscores that Conventions and Recommendations are also tools for the promotion, attainment and monitoring of economic and social progress, in terms both of labour legislation and of measurable improvements in working conditions and living standards.

### Strategic Objective 1: Fundamental principles and rights at work

#### Operational Objective 1a:

ILO member states give effect to the principles and rights concerning freedom of association and collective bargaining and the elimination of forced labour, child labour and discrimination in employment and occupation. (Two operational objectives have been combined).

Outcome 1a.1. Improved implementation of fundamental principles and rights at work.

Member states are increasingly aware of the content of fundamental principles and rights at work (freedom of association/collective bargaining, freedom from forced labour, child labour and discrimination) and undertake progressive steps to respect, promote and realise them, including in their national development and poverty reduction frameworks, national law and practice, and in the policies and practices of employers' and workers' organisations and their members<sup>85</sup>.

Indicator 1a.1	Target	Outcome
(ii) Member States take action for improved respect for freedom of association and effective recognition of the right for collective bargaining	7 new countries in which progress is made following ILO intervention	7 countries
(iii) Tripartite constituents are more capable of promoting freedom of association and collective bargaining; social partners have greater capacity to organise the unorganised	7 new initiatives in which the tripartite constituents take action based on ILO assistance, including in the informal economy	10 initiatives

<sup>85</sup> All of the indicators for this outcome build on more general indicators used in 2004-05. The previous ones focussed on ratification, these focus on implementation, with more specific indicators of progress.

(iv) Member States establish or improve national policies and programmes to address gender and racial and ethnic discrimination	8 countries	3 countries
(v) Workers' organisations adopt plans to promote gender equality (especially pay), advance racial/ethnic equality; employers and their organisations display awareness and act on non-discrimination and equal opportunity	8 organisations. Impact in terms of publications, training organised by employers and workers and in collective agreements will be tracked and reported	Organizations in 2 countries.
(vi) National authorities adopt and implement national plans to combat forced labour or trafficking	8 plans	8 plans
Outcome 1a.2. targeted action against child labour		
Member States undertake targeted action against child labour in line with fundamental ILO conventions on child labour giving priority to the urgent elimination of the worst forms of child labour and the provision of alternatives to boys and girls as well as their families		
<b>Indicator 1a.2</b>	<b>Target</b>	<b>Outcome</b>
(i) Members States make progress in applying Conventions No. 138 and 182 through at least two interventions associated with the time bound programme approach, including legal change, data collection, time-bound targets, child labour monitoring systems and mainstreaming of child labour in relevant development policies	10 member States	10 member States
<b>Strategic Objective 2: Employment</b>		
Create greater opportunities for women and men to secure decent employment and income:		
<b>Operational Objective 2a:</b> Employment, labour market, skills and employability ILO constituents adopt and implement employment, labour market and skills policies and programmes that promote decent employment for women and men		
Outcome 2a.2. Skills and employability policies and programmes for decent work		

ILO constituents have strengthened capacity to develop and implement effective skills and employability policies and programmes for productivity, social inclusion and decent work		
Indicator 2a.2	Target	Outcome
(i) ILO constituents use ILS, especially Recommendation 195 (human resource development) and Convention No 142 (human resource development), as a guide for the development of human resources development policies and programmes	15 instances, including ratifications of Conventions No. 88 (employment services), 142 and 159 (vocational rehabilitation)	13 instances
Outcome 2a. 3: Youth Employment ILO constituents have improved data, methodologies, best practice examples and technical support to develop and implement integrated, effective and inclusive policies and programmes to promote opportunities for young women and men to obtain decent and productive work		
Indicator	Target	Outcome
2a.3. Member states develop national action plans and implement operational programmes promoting youth employment that reflect core elements of the Global Employment agenda and the Employment Policy Convention (No 122)	15 countries	21 countries and one territory
<b>Strategic Objective 3: Social Protection</b> Enhance the coverage and effectiveness of social protection for all		
<b>Operational Objective 3b: Effective labour Protection</b> ILO constituents develop and implement labour protection policies and programmes at the national and enterprise levels in both the formal and informal economy		
Outcome 3b.1. Improved labour protection within the formal and informal economy Constituents strengthen their policies and enhance their capacity to implement principles and rights embodied in international labour standards to promote better conditions of work and employment and safety and health		



Indicator 3b.1	Target	Outcome
(i) Member states increase their knowledge base of key principles and rule embodied in specific Conventions and Recommendation on conditions of work and employment and improve national safety and health systems	32 member states	42 countries, one territory and two regions (some are listed under more than one category)
(ii) Member states use ILO tools to improve working conditions and the quality of working life, particularly in the informal economy and rural areas	8 countries	12 countries
(iii) Member States ratify and apply ILO standards on safety and health, labour inspection and conditions of work and employment, including wages, working time and reconciling work and family	25 countries	41 countries (some are listed under more than one category)
<b>Strategic Objective 4: Social Dialogue</b> Strengthen Tripartism and social dialogue		
<b>Operational Objective 4b:</b> Governments and the institutions of social dialogue The legal frameworks, institutions, machinery and processes for social dialogue are strengthened and used		
Indicator 4b.2: Improving Governance Workplace, labour market and national economic and social governance through social dialogue, labour law and more effective labour administrations Various indicators that include adopting legislation based on ILO standards, extending coverage of labour law to the informal economy and ratifying or taking practical steps to apply Conventions on social dialogue or labour administration (focus on Conventions No. 144, 150 and 154). All with targets for numbers of countries		
<b>Operational Objective 4c:</b> The development of social dialogue at sectoral level The ILO's role as a venue for social dialogue at an international level on the specific issues affecting different sectors is developed to take account of the labour and social dimensions of increasing global economic integration		
Outcome 4c.1: Improved labour and social outcomes in specific sectors Constituents use social dialogue to improve labour and social outcomes in specific economic sectors and thereby enhance performance		

<b>Indicator 4c.1</b>	<b>Target</b>	<b>Outcome</b>
(ii) Member states ratify the consolidated convention on maritime labour standards if adopted	5 countries	2 countries
(iii) Member states ratify the convention on fishing if adopted	8 countries	Not applicable
(iv) Member states ratify the 'Seafarers' Identity Documents Convention (revised) 2003 (No. 185)	10 countries	8 countries