



FOR DECISION

SECOND ITEM ON THE AGENDA

Agenda of the International Labour Conference

Proposals for the agenda of the 101st Session (2012) of the Conference

Introduction

1. This document contains proposals for items which could be placed on the agenda of the 101st Session (2012) of the International Labour Conference and beyond.
2. In accordance with its regular practice, the Governing Body holds in November each year a first discussion on items that are proposed for inclusion on the agenda of the Conference which takes place two-and-a-half years later. In conformity with article 5.1.1 of the Standing Orders of the Governing Body,¹ the purpose of this discussion is to select a shortlist of items for closer scrutiny at its following session.

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3. As a general rule, the Governing Body finalizes in March each year the agenda of the session of the Conference to be held two years later. It may also decide, as is the case this year, to postpone its decision to a session closer to the Conference. Indeed, at its March 2009 session, the Governing Body decided to postpone the selection of a third item for the 100th Session (2011) of the Conference until November 2009. At this session, the Governing Body is thus called upon both to complete the agenda of the 2011 Conference with one item,² and to examine and shortlist proposals for consideration for the 2012 Conference.
4. Items considered for, but not placed on the agenda of a specific year of the Conference, are normally resubmitted as a proposal for the agenda the following year, subject to any other

¹ See ILO: *Compendium of rules applicable to the Governing Body of the International Labour Office*, Geneva, 2006, pp. 21–22.

² See GB.306/2/1.

decision taken by the Governing Body. Consequently, items proposed for the agenda of the 101st Session comprise those items that will not be placed on the agenda of the 2011 Conference. These proposals are appended to the document on the agenda of the 100th Session (2011) of the Conference.³

Recurrent discussions under the follow-up to the Social Justice Declaration

5. Under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization (Social Justice Declaration), the Organization has introduced a scheme of recurrent discussions by the International Labour Conference.⁴ In March 2009, the Governing Body decided that the length of the cycle will be seven years. The first recurrent discussion will take place in 2010 on the strategic objective of employment and the second recurrent discussion in 2011 on the strategic objective of social protection (social security). These two strategic objectives as well as the strategic objective of fundamental principles and rights at work will be discussed twice in the cycle (for social protection, the second discussion will cover labour protection), and social dialogue will be discussed once. Each year's examination will consider the objective in light of the others and in the context of the cross-cutting issue of gender equality and non-discrimination. It is proposed that fundamental principles and rights at work be the third strategic objective to be addressed in a recurrent discussion (See Appendix I).

Proposals for the agenda of future sessions of the Conference

6. Since 1997, the Governing Body has extended the scope of its November session discussions to include an examination of items that could be considered for inclusion in the agenda of future sessions of the Conference. In November 2008, the Governing Body called for further research on two of the items proposed in this context:
 - (a) export processing zones: possibility of a general discussion;
 - (b) new trends in the prevention and resolution of industrial disputes: possibility of a general discussion (taking into consideration the conclusions of the Working Party on Policy regarding the Revision of Standards).
7. These proposals have been updated (see Appendix II). The Governing Body may wish to give the Office guidance in order to advance their level of preparation and to indicate other topics to be developed by the Office.
8. *In order to draw up the agenda of the 101st Session (2012) of the International Labour Conference, the Governing Body is invited to:*
 - (a) *examine the proposals for the agenda of the International Labour Conference contained in GB.306/2/1 which are not selected for the agenda of the 100th (2011) Session of the Conference, as well as the proposal on a recurrent discussion contained in Appendix I of this document;*

³ See GB.306/2/1, appendix.

⁴ Social Justice Declaration, annex, section II(B).

- (b) select the proposals to be examined in greater depth at its 307th Session (March 2010), in order to finalize the agenda of the 101st Session (2012) of the International Labour Conference; and*
- (c) indicate, for future Conferences, the items for which research work and consultation might be accelerated among the proposals contained in Appendix II, and any other item to be developed.*

Geneva, 19 October 2009.

Point for decision: Paragraph 8.

Appendix I

Proposal for a recurrent discussion in 2012 on the strategic objective of fundamental principles and rights at work

1. Since 2000, an annual Global Report has been submitted to the International Labour Conference on one of the four categories of fundamental principles and rights at work (freedom of association and the right to collective bargaining, elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and elimination of discrimination in respect of employment and occupation).
2. The cycle started with a Global Report in 2000 on freedom of association and the effective recognition of the right to collective bargaining. The latest Global Report submitted to the Conference in 2009 was on forced labour. The next one will be on child labour. A Global Report on discrimination is scheduled for 2011. In this way, by 2012 each topic will have been discussed three times in a cycle of four years. The discussion of each Global Report, in line with the intention of the ILO Declaration on Fundamental Principles and Rights at Work (1998 Declaration), has resulted in plans of action adopted by the Governing Body at its November sessions. Thus, four plans already exist and have been regularly updated on each category of fundamental principles and rights at work. It is also to be noted that the programme and budget contains an outcome for each of the four categories, which takes into account these plans of action.
3. In 2010, the Conference will discuss an item to review the follow-up procedures to the 1998 Declaration. The review coincides with the introduction of the recurrent discussions at the Conference. It will also elaborate on the ways to review the different elements of the follow-up, including the Global Report procedures, with a view to synchronize them with the reports for recurrent discussions.
4. The scheme of recurrent discussions by the Conference was introduced under the follow-up to the Social Justice Declaration adopted in 2008.¹ The first recurrent discussion will be in 2010 on the strategic objective of employment. The second recurrent discussion will be in 2011 on the strategic objective of social protection (social security). It is proposed to have a recurrent discussion in 2012 on fundamental principles and rights at work.

Content and nature of the recurrent discussion report

5. In the informal consultations that took place on the follow-up of the Social Justice Declaration, including the cycle of recurrent discussions, three possibilities have been mentioned regarding the categories of principles and rights that should be covered in the recurrent discussions on fundamental principles and rights at work:
 - (a) to have all four categories of fundamental principles and rights covered in the recurrent discussion report;
 - (b) to have freedom of association and collective bargaining covered in the report to the 2012 Conference and then the three remaining categories, i.e. forced labour, child labour, and non-discrimination covered in the next report on fundamental principles and rights at work, which might be for the 2016 Conference; and
 - (c) to have the report in 2012 cover two of the categories (freedom of association and collective bargaining and non-discrimination) with the remaining two categories (child labour and forced labour) to be dealt with in 2016.

¹ Social Justice Declaration, annex, section II(B).

6. An argument in favour of the first option would be that it makes it possible to discuss all the four categories every four years. Under the other options each category of rights would be discussed every seven years. The interrelationship of the fundamental principles and rights at work and the need for a coherent plan to combine activities is another argument for the first option. However, it is clear that the other options could provide for a more in-depth and detailed discussion of the topics covered.
7. As regards the nature of the report, it is important to note that the purpose of the Global Reports included provision of a dynamic picture of the state of affairs as regards the promotion of the fundamental principles and rights at work; an assessment of the effectiveness of ILO action in this regard; and the elaboration of a plan of action for the future. Although the functioning of the follow-up to the 1998 Declaration will be reviewed by the Conference in June 2010, it is not probable that its basic purpose will be altered. The aims of the follow-up coincide with the purpose of the recurrent discussions, which is to serve the Organization so as to: (i) better understand the diverse realities and needs of its Members with respect to each of the strategic objectives, respond more effectively to them, using all the means of action at its disposal (including standards-related action, technical cooperation, and the technical and research capacity of the Office), and adjust its priorities and programmes of action accordingly; and (ii) assess the results of the ILO's activities with a view to informing programme, budget and other governance decisions.²
8. The recurrent report, like the Global Reports, will need to provide a dynamic and global picture of the developments and the situation across regions concerning the respect, realization and promotion of the rights and principles that are covered. It will need to present recent global trends in the application and promotion of those rights and principles. The recurrent item discussion will benefit from article 19 General Surveys as important sources of information.
9. The report should discuss ILO policy and activities in the preceding period and their achievements or failures as regards promoting the rights and principles concerned. This should give transparency to ILO activities and a possibility to the Conference to discuss means of improving the impact of ILO action.
10. The report should have a section to lay out the elements of an ILO plan of action to promote fundamental principles and rights at work through various means such as research, technical assistance and technical cooperation and partnership with other public and private actors. A practical outcome of the committee discussion in the Conference will be the adoption of an integrated plan of action for the ILO over the coming years.

² Social Justice Declaration, annex, section II(B)(i).

Appendix II

Proposals for the agenda of future sessions of the Conference

1. *Export processing zones (EPZs)*

1. Several countries around the world have established export processing zones (EPZs) in order to stimulate economic growth by attracting foreign direct investment (FDI). The ILO defines EPZs as “industrial zones with special incentives set up to attract foreign investors, in which imported materials undergo some degree of processing before being (re)exported”.¹ EPZs take a variety of names and forms in different countries (including free trade zones, special economic zones (SEZs), industrial development zones (IDZs), bonded warehouses, free ports and maquiladoras). The number of EPZs around the world continues to grow and some of them continue to raise questions and concerns in terms of respect for workers’ rights, application of labour law, employment creation, working conditions and in terms of how EPZs benefit the domestic economy and social upgrading of the countries concerned.
2. The ILO has been monitoring developments in EPZs for over 20 years. At several successive sessions, the ILO Governing Body instructed the Office to continue examining the question of EPZs. The Programme and Budget for 2006–07 created an InFocus Initiative (IFI) on EPZs. In this context, a number of activities were developed in 2007.² In March 2008, the Governing Body discussed a paper on latest trends and policy developments in EPZs³ and invited the Office to continue examining the issue and to provide further detailed information and statistical data. A progress report would be submitted to its November 2009 session.
3. Throughout 2008 and 2009, the Office developed a number of research activities. These activities aimed at gathering both quantitative and qualitative information about industrial relations practices in EPZs (especially in the areas of freedom of association and collective bargaining, labour inspection, and social dialogue), with particular reference to the conclusions of the 1998 Tripartite Meeting of Export Processing Zones-Operating Countries.⁴ Broadly, three types of research activities were developed:
 - (a) *Statistical data on EPZs*: The development of EPZs is a very dynamic process that takes place and shape in the context of economic globalization. The phasing out of the Multifibre Arrangement (MFA), trade liberalization under World Trade Organization (WTO) agreements and bilateral and multilateral trade and investment agreements, facilitated the expansion of EPZs in the last few years. However, the ongoing financial and economic crisis may have created important pressures on the operation of these zones, especially in major FDI-recipient countries such as China, or Mexico. These trends render the collection of accurate and up to date statistical data more challenging. In 2009, the Office initiated efforts with a view to launching a survey of a selected sample of member States with large concentrations of workers in EPZs (ten member States). The purpose of this research is to study the relationship between

¹ See www.ilo.org/public/english/dialogue/sector/themes/epz/epzs.htm.

² These were reported in GB.303/3/2 (Appendix II, para. 2).

³ See GB.301/ESP/5 and GB.301/13(Rev.).

⁴ ILO: *Note on the proceedings*, Tripartite Meeting of Export Processing Zones-Operating Countries (Geneva, 28 September–2 October 1998), TMEPZ/1998/5.

EPZs and national economies, and to collect data on, among others: employment trends and levels, with a special emphasis on women's work and by sector; and working conditions, including working time, occupational safety and health for both men and women, and migrant workers. This project encounters two additional challenges. First, from a statistical viewpoint there is no common definition of EPZs and therefore any endeavour aimed at developing sound, reliable and comparable data faces the risk of distortion. Second, national statistical offices and ministries of labour rarely collect information and data on EPZs. Such data are usually detained by the ministries of finance and/or economic development, which are not the traditional counterparts of the ILO.

- (b) *EPZ country studies*: In order to build a stronger knowledge base on EPZs, research papers have been commissioned to experts who have been asked to study: (i) the legal, institutional and economic context within which EPZ models operate in the selected countries; (ii) the relations between EPZs and the broader economy as well as their contribution to economic and social development goals; (iii) social protection for workers in EPZs as compared to the rest of the economy; (iv) the situation of social dialogue; (v) labour regulation; and (vi) a comparative assessment of the performance of comparable enterprises within and outside EPZs in terms of costs/benefits and the respective impact of EPZs on national economies. So far, three countries have been involved in these studies namely Honduras, Nicaragua and South Africa. A study on China is still under consideration, while a proposed study on Mexico is awaiting approval from the national constituents.
 - (c) *Good practices in the area of labour inspection in EPZs*: Studies have been commissioned in order to provide an overview of good labour inspection practices in EPZs in selected countries namely Bangladesh, Costa Rica, Honduras, Indonesia, Kenya, Madagascar, Mauritius and Sri Lanka. The focus of these studies is on any activities that: (i) create the appropriate conditions which could promote the effective enforcement of regulations regarding conditions of work and the protection of workers in EPZs; (ii) provide technical information and advice to employers and workers concerning the most effective means of complying with such regulations; and (iii) inform relevant authorities about problems of implementation of regulation, and report on practices which may not be specifically covered by the existing regulation. Based on these studies, a volume on guidelines on good labour practices in EPZs is being produced, and a number of working papers will be published in the first half of 2010.
 - (d) *Voluntary corporate initiatives in EPZs*: A research project examining the actual or potential contribution of private corporate social responsibility (CSR) initiatives in promoting workers' socio-economic rights in IDZs in South Africa and EPZs in Indonesia, is currently under way. Based on the outcomes of field research in the two countries, these studies will examine whether the practices developed by enterprises, multinational enterprises and their suppliers, fill in possible regulatory gaps left by public regulation. This research will be completed in 2010.
4. Finally, in addition to the abovementioned research projects, the Office developed in 2008 the following technical cooperation activities: a project on strengthening productivity in EPZs through decent work in Madagascar and training sessions for labour officials, labour inspectors and EPZ authority officials in Sri Lanka.

2. New trends in the prevention and resolution of industrial disputes

- 5. In 1992, the Governing Body considered a proposal for a potential International Labour Conference agenda item regarding dispute settlement. This was subsequently the subject of deliberations during a number of Governing Body sessions, including a detailed report at

the 261st Session, and most recently in March 1999. At this time, the topic was proposed for a general discussion, but this proposal was not taken up.

6. The social and economic developments that have resulted from globalization have been widely documented. While these phenomena have given rise to economic growth in a number of countries, the unequal distribution of its benefits and the rapidity with which changes have taken and are taking place have led to increased social tensions. The current economic downturn has exacerbated these tensions. The international organization of production has also manifested itself in labour disputes that involve a number of actors across different national jurisdictions.
7. Labour disputes are recognized as a natural occurrence in the labour and employment relationship. The prevention wherever possible, and the efficient and effective settlement of labour disputes, are key features of sound labour relations. As such, a stocktaking and discussion of new developments in relation to dispute prevention and resolution systems would be beneficial.
8. As an agenda item for the International Labour Conference, a general discussion should examine the numerous existing ILO Conventions and Recommendations⁵ as well as national legislation and practice. This discussion would provide the Office as well as the constituents with recommendations for follow-up actions, and could also represent an opportunity for the constituents to discuss the possibility of updating and consolidating several related ILO Recommendations, as outlined in the conclusions of the Working Party on Policy regarding the Revision of Standards.
9. The subjects that could be considered during a general discussion include, inter alia:
 - the overall trends and developments in dispute prevention and resolution;
 - different approaches to individual and collective disputes, and to rights and interest-based disputes;
 - the roles of conciliation, arbitration and mediation services, as well as industrial labour tribunals and courts;
 - means of strengthening traditional methods of dispute settlement and integrating new approaches, tools and techniques, referring to key features (i.e. the legal framework, institutions, mechanisms and procedures) of successful systems;
 - innovative mechanisms for the prevention and resolution of disputes involving a number of actors from different countries;
 - the role(s) of the social partners; and
 - prospects for further research, advisory services and technical cooperation.
10. Should the Governing Body decide to undertake a general discussion in a future session of the International Labour Conference, it may wish to request the Office to launch a research programme aimed at identifying the current situation with respect to legislation, institutions and practice on the subject.

⁵ The Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), the Examination of Grievances Recommendation, 1967 (No. 130), the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94), the Communications within the Undertaking Recommendation, 1967 (No. 129), the Collective Bargaining Convention, 1981 (No. 154), the Collective Bargaining Recommendation, 1981 (No. 163), the Labour Relations (Public Service) Convention, 1978 (No. 151), and the Labour Relations (Public Service) Recommendation, 1978 (No. 159).