

Committee on the Application of Standards

Date: 16 June 2021

▶ **Draft Outcome of the discussion by the Committee on the Application of Standards of the General Survey and its Addendum on promoting employment and decent work in a changing landscape**

Introduction

1. The Committee examined the General Survey and Addendum carried out by the Committee of Experts on Promoting Employment and Decent Work in a Changing Landscape, which covered selected employment instruments, notably the Employment Policy Convention, 1964 (No. 122); the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159); the Home Work Convention, 1996 (No. 177); the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169); the Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168); the Home Work Recommendation, 1996 (No. 184); the Employment Relationship Recommendation, 2006 (No. 198); and the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204). The Addendum, carried out by the Committee of Experts following the outbreak of COVID-19 in early 2020, examined the impact of the pandemic on the strategic objective of employment, particularly its impact on the application of the above-referenced instruments. The Committee welcomed the timely opportunity to discuss the application in law and practice of the eight ILO instruments in the area of productive employment and decent work, given the devastating effects that the COVID-19 pandemic is having on an ever changing world of work.
2. The Committee welcomed the General Survey and Addendum, noting that they provided a sound background for its discussions. It considered the central role of the Employment Policy Convention, 1964 (No. 122) as a governance Convention and noted that Convention No. 122 requires ratifying States to declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment. The national employment policy should be developed, implemented, monitored and reviewed in consultation with the social partners and persons affected by the measures to be adopted. Moreover, the Convention calls for employment policies to be coordinated with other social and economic policies, in particular policies on education, training and lifelong learning.

3. The Committee recalled that employment is one of the four strategic objectives of the Decent Work Agenda and has been a primary concern of the ILO since it was founded. It noted that employment is at the heart of the ILO's social justice mandate, expressed in the ILO Constitution and reaffirmed in the 1944 Declaration of Philadelphia, as well as in the 2019 Centenary Declaration, which calls on the tripartite constituents to develop "effective policies aimed at generating full, productive and freely chosen employment and decent work opportunities for all". Moreover, the Committee recalled that the 2030 Agenda for Sustainable Development integrates the principle of full, productive and freely chosen employment in Sustainable Development Goal 8, and that this key principle is inextricably linked to the other SDGs, particularly Goal 1 (ending poverty), Goal 4 (education), Goal 5 (gender equality) and Goal 10 (reducing inequalities).

The situation and needs of Member States

4. The Committee expressed concern at the severe impact of the COVID-19 pandemic on economies and societies around the world. It recognised that labour markets and institutions of work, including educational and vocational training institutions and systems were being subjected to severe shocks, despite concerted efforts by governments, employers' and workers' organizations to mitigate these impacts. To date, millions of workers had lost their jobs and livelihoods, with disadvantaged groups, such as young persons, women, workers in the informal economy, homeworkers and persons with disabilities being particularly hard hit. The Committee further noted that enterprises of all sizes had been forced to cease or reduce their operations due to containment measures, including quarantines and lockdowns.
5. The Committee's discussion highlighted the measures that governments, employers and workers had undertaken to mitigate the effects of the pandemic, particularly measures to protect jobs, preserve incomes and support enterprises to continue their activities to the extent possible. The Committee welcomed the commitment of the tripartite constituents to ensuring a fair and just as well as a sustainable and inclusive recovery from the crisis, noting that the pandemic had shown the importance of comprehensive employment policies that take into account changes in the world of work, including environmental and social changes and technological advancements, as well as the need to protect workers and their rights.
6. Stressing the importance of building back better with a human-centred approach to the future of work and ensuring a job-rich recovery, as well as to better prepare for future crises, the Committee recalled the ILO Centenary Declaration, which states that the ILO "must direct its efforts to supporting the role of the private sector as a principal source of economic growth and job creation by promoting an enabling environment for entrepreneurship and sustainable enterprises..." and reaffirms "the continued relevance of the employment relationship as a means of providing certainty and legal protection to workers".
7. The Committee noted that many countries had begun to transition from emergency measures to interim and longer-term recovery measures. Most had taken measures to counter the effects of the pandemic on the labour market, as well as to provide social protection, including income support for those in need of assistance, and financing of wage subsidies. Some had taken measures to extend and regulate the possibilities for telework and working from home, as these arrangements had become significantly more prevalent due to the pandemic and had proven key to protecting jobs during the crisis. A number of countries had also taken measures to provide needed childcare

services for emergency and frontline workers, which enabled both women and men to continue working.

8. The Committee emphasised the key role of social dialogue in coordinating national responses to the pandemic, noting that a number of countries had negotiated tripartite agreements aimed at protecting jobs, preserving incomes and supporting enterprises during the crisis.

Common commitments

9. The Committee welcomed the shared commitment of the tripartite constituents to build back better with a human-centred approach to the future of work by developing, implementing, monitoring and reviewing strong, proactive employment policies underpinned by constructive social dialogue and respect for fundamental rights at work.
10. To ensure a human-centred, sustainable and job-rich recovery from the COVID-19 pandemic and protect decent jobs and livelihoods, the Committee recognised the need to develop and implement, in consultation with employers' and workers' organizations, comprehensive, inclusive and productive employment policies and programmes aligned with Convention No. 122 that are gender-responsive and evidence-based. Moreover, such policies should take into account the situation of disadvantaged groups who face difficulties in accessing the labour market, protect workers and promote an enabling environment for entrepreneurship and sustainable enterprises, in particular micro, small and medium sized enterprises, as well as cooperatives and the social and solidarity economy.
11. The Committee recalled that, as the Committee of Experts noted in its Addendum, national economies and societies will require a mix of short, intermediate and long-term employment policy measures to enable them to build stronger and more resilient labour markets and institutions of work that ensure full, productive and freely chosen employment and decent work, so as to improve the living standards of workers and their families. It further recalled the need to develop a human-centred approach to the future of work as expressed in the Centenary Declaration, which puts workers' rights and the needs, aspirations and rights of all people at the heart of social and economic policies. Consequently, employment policies should, as a major goal, foster the creation and preservation of decent, stable and lasting employment, safeguard workers' rights and livelihoods, address unemployment and underemployment and reduce poverty; while promoting sustainable enterprises as generators of employment and promoters of innovation and decent work. Such policies should also facilitate just economic, social and environmental transitions that can assist countries to prepare for a brighter future of work for all.
12. The Committee welcomed the shared commitment among the tripartite constituents to developing national employment policies and programmes that put international labour standards at the heart of the global and national responses to the pandemic, taking into account the needs of sustainable enterprises. The Committee noted that the strategic objective of employment is intrinsically linked to the other three strategic objectives pursued by ILO's work, namely fundamental principles and rights at work, social protection and social dialogue. Elements, such as gender equality, an enabling environment for sustainable enterprises, including for micro, small and medium size enterprises, improved labour market information systems, transition from informality, adequate protection for workers, vocational education and training and lifelong learning, and supporting inclusive social dialogue for developing and implementing

sustainable solutions should form part of comprehensive employment policies and programmes.

13. Noting that women around the world still face obstacles to accessing employment, particularly in decision-making positions, persistent gender wage gaps and a disproportionate burden of unpaid work, the Committee expressed a shared commitment to promoting gender equality and addressing the decent work deficits that women still face in national policies to achieve full productive and freely chosen employment.
14. The Committee recognised the role of the private sector as a principal source of economic growth and job creation, and supported the role of the public sector as a significant employer and provider of quality public services. In order to support a job-rich recovery, the Committee stressed the need for the public authorities to invest in strengthening labour market and educational institutions, improving access to relevant quality education, training and lifelong learning opportunities, as well as to improve labour market information systems to anticipate labour market needs.
15. The Committee noted that governments and social partners have a joint responsibility to address existing and anticipated skill gaps and to pay particular attention to ensuring that education and training systems are responsive to labour market needs in order to help enhance workers' capacity to make use of the opportunities available for decent work.
16. The Committee noted the common commitment among the tripartite constituents to give particular attention to facilitating the transition to the formal economy. The Committee stressed the need to assess efforts made to implement Recommendation No. 204 as well as to examine the structural causes of informality.
17. The Committee noted the growing use of home work, in particular during the COVID-19 pandemic. While noting that home work has moved beyond traditional crafts and production activities, and that teleworking and other new business models have emerged due to improved information technology, the Committee stressed the need to promote as far as possible, equal treatment between homeworkers and other wage earners, taking into account the special characteristics of home work and, where appropriate, conditions applicable to the same or a similar type of work carried out in an enterprise noting the opportunities that homework can provide for workers with family responsibilities, workers in rural or distant areas or workers with disabilities.
18. The Committee welcomed the strong commitment among the tripartite constituents to ensuring equal treatment and effective implementation of productive employment and inclusive social policies. The Committee welcomed the use of technology to enable persons with disabilities to access and participate in rehabilitation, training and employment. As noted in the General Survey, in addition to quotas, many countries have also put in place financial incentives and assistance, including in relation to provision of reasonable accommodation, for enterprises recruiting persons with disabilities, to promote employment and decent work for persons with disabilities on the open labour market and foster recognition of their abilities and contribution to their economies and the larger society.

ILO means of action

19. Stressing the importance of building a human-centred and job-rich recovery, as well as the need to shape a sustainable, resilient, secure and inclusive future of work, the Committee recalled the ILO Centenary Declaration, which states that the ILO "must direct

its efforts to supporting the roles of the private sector as a principal source of economic growth and job creation by promoting an enabling environment for entrepreneurship and sustainable enterprises...” and support governments in “strengthening the institutions of work to ensure the protection of all workers and reaffirming the continued relevance of the employment relationship as a means of providing certainty and legal protection to workers.

20. The Committee noted that effective, evidence-based employment policies should be firmly based on reliable and gender disaggregated data and use relevant international labour standards as guideposts for designing balanced policies that help achieve the objective of full, productive and freely chosen employment.
21. The Committee underlined the high value of ILO technical assistance to Member States in strengthening data collection and processing capacities and promoting the benefits of and rationale for compiling improved gender-disaggregated data.
22. It also called upon the ILO to support the elaboration and implementation of well-targeted national comprehensive employment policies, based on tripartite consultation, and to closely monitor developments in this area, including through employment and decent work impact assessments and the implementation of recovery measures.
23. The Committee stressed the importance of supporting national social dialogue processes and providing capacity for social partners in this regard.

24. The Committee requested the Office to take into account the General Survey and its Addendum on promoting employment and decent work in a changing landscape, the discussion that followed and the outcome of its discussion, in relevant ILO work.