

Governing Body

344th Session, Geneva, March 2022

Institutional Section

INS

Date: 25 February 2022

Original: English

Third item on the agenda

Agenda of the International Labour Conference

Agenda of future sessions of the Conference

Purpose of the document

This document is intended to facilitate consideration by the Governing Body of proposals for the agenda of the International Labour Conference for 2023 and beyond, including the strategic approach to be followed (see the draft decision in paragraph 36).

Relevant strategic objective: All four strategic objectives.

Main relevant outcome: Enabling outcome B: Effective and efficient governance of the Organization.

Policy implications: Implications for the Conference agenda for 2023 and beyond.

Legal implications: Those arising from the application of the Standing Orders of the Conference and the Standing Orders of the Governing Body.

Financial implications: Those arising from the placing of items on the Conference agenda and from any preparatory meetings proposed that might be approved by the Governing Body.

Follow-up action required: Any implications relating to follow-up will be submitted to the Governing Body for consideration at its 346th Session (October–November 2022).

Author unit: Departments in the Policy Portfolio and in the Field Operations and Partnerships Portfolio.

Related documents: GB.334/INS/2/1; GB.334/PV; GB.335/INS/2/1; GB.335/PV; GB.337/INS/2; GB.337/INS/2(Add.1); GB.337/INS/3/2; GB.337/PV; GB.341/INS/3/1(Rev.2); GB.341/PV; GB.343/INS/2(Rev.1); GB.343/INS/PV.

► Contents

	Page
A. Overview of the Conference agenda-setting process	5
The strategic and coherent approach	6
B. Possible addition of an item on maritime matters to the agenda of the 110th Session (2022) of the Conference	8
C. Agenda of the Conference beyond 2022.....	9
Subjects under consideration for possible inclusion in the agenda of future sessions of the Conference	10
D. Follow-up to the recommendations of the SRM TWG	12
E. Procedural road map.....	14
Draft decision	15

Appendices

I Items for the agenda of future sessions of the Conference	17
1. Three possible items for the agenda of future sessions of the Conference	17
A. A just transition of the world of work towards environmentally sustainable economies and societies for all (standard-setting or general discussion).....	17
B. Harnessing the fullest potential of technology to achieve decent work and sustainable development (general discussion)	28
C. Decent work and the care economy (general discussion).....	31
2. Follow-up to the recommendations of the Standards Review Mechanism Tripartite Working Group	33
A. Standard-setting item on the consolidation of instruments concerning chemical hazards	34
B. Standard-setting item on ergonomics and manual handling	36
C. Standard-setting item on the revision of instruments concerning guarding of machinery	37
D. Updating of new instruments on occupational safety and health.....	37
3. Update as regards the follow-up envisaged in relation to subjects currently under preparation.....	37
A. Access to labour justice: prevention and resolution of labour disputes.....	37
B. Protection of whistle-blowers in the public service.....	39
C. Decent work in the platform economy	39
D. Protection of workers' personal data in the digital era	42

II	Information on elements for a possible preparatory technical conference on the consolidation of instruments on chemical hazards	44
III	Overview of the technical items selected for the Conference agenda (2010–30)	47
IV.	Agenda of the ILO – Timeline (2019–25)	51

► A. Overview of the Conference agenda-setting process

1. The applicable rules concerning the agenda of the International Labour Conference are set out in the Constitution of the International Labour Organisation, the Standing Orders of the International Labour Conference and the Standing Orders of the Governing Body.¹ The agenda of the Conference consists of standing and technical items.
2. The following standing items are required to be included by the Governing Body in the Conference agenda each year:
 - Reports of the Chairperson of the Governing Body and of the Director-General;
 - Financial and budgetary questions; and
 - Information and reports on the application of Conventions and Recommendations.
3. In accordance with established practice, the Conference agenda includes three technical items (each requiring a technical committee at the Conference), generally with a view to standard-setting or to holding a general discussion or a recurrent discussion. Other items that may be included by the Governing Body are items that can usually be dealt with in a plenary sitting, by the General Affairs Committee² or by other technical committees holding a limited number of sittings.³ For standard-setting items, a double discussion remains the norm, unless the Governing Body decides to hold a single discussion.⁴ The Governing Body may also decide that a standard-setting item is to be considered at a preparatory technical conference, which would potentially enable it to place this item on the agenda for a single discussion.⁵ Proposals to place an item on the Conference agenda must be considered at two successive sessions of the Governing Body, unless there is unanimous consent to place a proposed item on the agenda when discussed for the first time by the Governing Body.⁶
4. At its 328th Session (October–November 2016), the Governing Body adopted a five-year cycle of recurrent discussions of the four strategic objectives under the ILO Declaration on Social Justice for a Fair Globalization, 2008, (Social Justice Declaration) in the following sequence: social dialogue and tripartism in 2018; social protection (social security) in 2020; employment policy in 2021; social protection (labour protection) in 2022 and fundamental principles and rights at work in 2023. At its 341st Session (March 2021), the Governing Body decided to defer the recurrent discussions on employment, social protection (labour protection) and fundamental principles and rights at work, so that the current cycle of recurrent discussions will end in 2024.⁷

¹ See [ILO Constitution](#), articles 14(1) and 16(3); [Standing Orders of the International Labour Conference](#), articles 10–12, 23 and 44–52; [Standing Orders of the Governing Body](#), sections 5 and 6.2.

² With effect from December 2021, the Selection Committee has been renamed the General Affairs Committee in accordance with article 7 of the Standing Orders of the International Labour Conference, as amended at the 109th Session (2021) of the Conference.

³ See Appendix III for an overview of the selection of technical items for the Conference agenda (2010–30).

⁴ In recent times, the Conference adopted the Social Protection Floors Recommendation, 2012 (No. 202), and the Protocol of 2014 to the Forced Labour Convention, 1930, on the basis of a single discussion.

⁵ Standing Orders of the International Labour Conference, article 45(5).

⁶ See para. 5.1.1 of the Standing Orders of the Governing Body.

⁷ [GB.341/PV](#), para. 50.

The strategic and coherent approach

5. At its 322nd Session (October–November 2014), the Governing Body approved the concept of a strategic and coherent approach to the setting of the Conference agenda.⁸ The intention at the time was to respond to constituents' comments on the setting of the Conference agenda and the role of the Conference as the ILO supreme policy organ. The approach requires a strategic focus in the setting of the Conference agenda, which today means using the momentum created by the ILO Centenary Declaration for the Future of Work (Centenary Declaration) and the global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient (the global call to action) to place emphasis on institutional coherence and flexibility. It also requires full tripartite engagement in the agenda-setting process.
6. In accordance with the strategic approach, the Governing Body keeps under review the coordination between the outcomes of previous discussions at the Conference and the consideration of proposals for future sessions. It makes linkages between the setting of the Conference agenda and other institutional processes and strategic discussions, such as those concerning the ILO's Strategic Plan for 2022–25.⁹
7. Constituents have continued to express their support for the coherent and strategic approach to setting the agenda.¹⁰ The general elements of the strategic and coherent approach, such as the need to ensure institutional coherence, a balance between allowing adequate time for preparation and adequate flexibility, and full tripartite engagement through transparency and inclusiveness, therefore continue to remain valid.¹¹
8. The Centenary Declaration reaffirms that the setting of international labour standards, together with their promotion, ratification and application, is of fundamental importance to the Organization. It requires the Organization to have and promote a clear, robust, up-to-date body of international labour standards, which responds to the changing patterns of the world of work and protects workers, taking into account the needs of sustainable enterprises.¹² The global call to action encompasses efforts by Member States to reinforce "respect for international labour standards ... with particular attention to areas where serious gaps have been revealed by the crisis."¹³
9. The establishment of appropriate and effective linkages between recurrent discussions and the topics of the General Surveys prepared by the Committee of Experts on the Application of Conventions and Recommendations on the basis of reports requested under article 19 of the Constitution provides a further element of a strategic and coherent approach.¹⁴ The current practice is to select instruments related to a particular topic, in time for the ensuing General Survey to be discussed at the Conference session preceding the session at which the Conference holds the related recurrent discussion.

⁸ GB.322/PV, para. 17, and GB.322/INS/2, paras 11–19.

⁹ GB.340/PFA/1(Rev. 1).

¹⁰ GB.328/PV, GB.329/PV, GB.331/PV, GB.332/PV, GB.334/PV, GB.335/PV, GB.337/PV, GB.341/PV and GB.343/INS/PV.

¹¹ GB.328/INS/3, para. 38.

¹² ILO, *ILO Centenary Declaration for the Future of Work*, Part IV(A).

¹³ ILO, *Resolution concerning a global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient*, International Labour Conference, 109th Session, June 2021, para. 11(B)(a).

¹⁴ ILO, *Resolution on advancing social justice through decent work*, para. 15.1.

10. At its 343rd Session (November 2021), the Governing Body provided guidance on the initiation of a new cycle of recurrent discussions.¹⁵ The Workers' group supported the initiation of a new cycle of recurrent discussions as of 2025, as it saw no need for an evaluation prior to starting the new cycle. The Workers' group also recalled that recurrent discussions under the Social Justice Declaration and their links with General Surveys were also meant to be used as tools to identify regulatory gaps and areas for future standard-setting. The Employers' group expressed a keen interest in continuing recurrent discussions beyond 2025, but was in favour of placing an item on the agenda of the 113th Session (2025) of the Conference evaluating the impact of the Social Justice Declaration. In further determining their views on this question, members of the Governing Body may wish to consider the impact that recurrent discussions have on the availability of slots for general discussion or standard-setting items on the Conference agenda and of their strategic connection with the selection of instruments for future General Surveys.
11. Some members of the Governing Body have also noted the potential impact of following up on the standard-setting recommendations of the Standards Review Mechanism Tripartite Working Group (SRM TWG) on future sessions of the Conference, calling for flexibility and innovation in the strategic approach to Conference agenda-setting.¹⁶ At the 337th Session (October–November 2019), some Governing Body members expressed support for enhanced links between General Surveys, the Standards Review Mechanism and the recurrent discussions.¹⁷ In this regard, the Employers' group has expressed the view that the Governing Body enjoys autonomy in setting the agenda of the Conference and, in doing so, is free to consider recommendations of the SRM TWG, but also other areas of the ILO mandate. The Workers' group has expressed the view that following up on the recommendations of the SRM TWG in respect of standard-setting should be considered an institutional priority. The Governing Body may wish to provide further guidance on the possible impact of the SRM TWG's recommendations on the agenda of the Conference.
12. A procedural road map for the implementation of the strategic and coherent approach, regularly updated by the Office, has been provided to the Governing Body at each of its sessions to improve the transparency and inclusiveness of the process.¹⁸ The Centenary Declaration underlines the importance of such transparency.¹⁹

¹⁵ GB.343/INS/PV. Part III(c) of the Declaration and Part III of its Annex provide that the timing of such evaluation is to be decided by the Governing Body and the evaluation "may be repeated from time to time", without imposing specific intervals for it. Should the Governing Body decide to initiate a new cycle without prior evaluation and to maintain the sequence of strategic objectives adopted for the present cycle of recurrent discussions, an item for a recurrent discussion on social dialogue would be placed on the agenda of the 113th Session (2025) of the Conference.

¹⁶ GB.341/PV, paras 25, 36 and 39.

¹⁷ GB.337/PV, paras 757 and 760.

¹⁸ GB.328/INS/3, paras 7–15, for more detailed elements on the implementation of the strategic and coherent approach. An updated road map, covering the period from now up to 2025, is presented in section E of this document and in Appendix IV.

¹⁹ ILO, ILO Centenary Declaration for the Future of Work, Part IV(A).

► B. Possible addition of an item on maritime matters to the agenda of the 110th Session (2022) of the Conference

13. At its 334th Session (October–November 2018), the Governing Body decided to convene the fourth meeting of the Special Tripartite Committee (STC) established under Article XIII of the Maritime Labour Convention, 2006, as amended (MLC, 2006).²⁰ At its 340th Session (October–November 2020), the Governing Body decided that the fourth meeting of the STC would be held in two parts.²¹ Part I was held in a virtual format from 19 to 23 April 2021, to consider resolutions on the application of the MLC, 2006, and the protection of seafarers. Part II will be held from 9 to 13 May 2022 (if face-to-face) or 4–13 May 2022 (if virtual), to consider 12 proposals for amendments to the Code of the MLC, 2006, concerning a number of provisions of the Convention. Five of these proposals were submitted jointly by the group of Seafarer representatives and the group of Shipowner representatives appointed to the STC, five were submitted by the Seafarers' group, and two were submitted by a number of governments.
14. The STC fulfils a central role under Article XV of the MLC, 2006, in the simplified process for the amendment of the Code of the MLC, 2006. Article XV provides that proposed amendments, together with a summary of any related observations or suggestions presented by any Member of the Organization, shall be transmitted to the STC for consideration. If adopted by the STC, the amendments must be submitted "to the next session of the Conference for approval".
15. Pursuant to Article XV, paragraph 5, of the MLC, 2006, and article 17 of the Standing Orders of the STC, amendments to the Code together with a commentary on the amendments are to be communicated by the Chairperson of the STC to the Governing Body for transmittal to the Conference. As the fourth meeting of the STC will take place after the 344th Session (March 2022) of the Governing Body, the amendments will have to be brought to the attention of the Officers of the Governing Body for transmission to the Conference at its 110th Session (2022).
16. As with the first, second and third sets of proposed amendments to the Code, submitted to the STC in April 2014, February 2016 and April 2018 and approved by the Conference at its 103rd Session (June 2014), 105th Session (June 2016) and 107th Session (June 2018) respectively, only a short sitting would be necessary, as the Conference can decide only whether to approve the amendments, or to refer them back to the STC for reconsideration.
17. In the light of the above, it is proposed that the Governing Body provisionally place an item on the approval of amendments to the Code of the MLC, 2006, on the agenda of the 110th Session (2022) of the Conference, subject to the adoption of any amendments by the STC in May 2022.

²⁰ GB.334/PV, para. 741.

²¹ GB.340/INS/21.

► C. Agenda of the Conference beyond 2022

Session	Agenda item number			
	IV	V	VI	VII
110th (2022)	Apprenticeships – standard-setting (first discussion).	Recurrent discussion on the strategic objective of employment.	Social and solidarity economy – general discussion .	Inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work through an amendment to paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work, 1998.
111th (2023)	Apprenticeships – standard-setting (second discussion).	Recurrent discussion on the strategic objective of social protection (labour protection).	To be decided at the 344th Session of the Governing Body.	Abrogation of Convention No. 163. Withdrawal of Conventions Nos 70, 75, 165, 178 and of the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976, as well as of Recommendations Nos 9, 10, 20, 28, 48, 75, 76, 78, 105, 106, 108, 138, 140, 141, 142, 155, 173 and 185.
112th (2024)	Occupational safety and health protection against biological hazards – standard-setting (first discussion).	Recurrent discussion on the strategic objective of fundamental principles and rights at work.	To be decided at the: <ul style="list-style-type: none"> • 344th Session of the Governing Body if standard-setting (first discussion); or • 346th Session of the Governing Body if general discussion. 	Abrogation of Conventions Nos 45, 62, 63 and 85.
113th (2025)	Occupational safety and health protection against biological hazards – standard-setting (second discussion).	Recurrent discussion on the strategic objective of social dialogue and tripartism (to be confirmed); or Evaluation of the impact of the Social Justice Declaration (to be confirmed).	To be decided at the: <ul style="list-style-type: none"> • 344th Session of the Governing Body if standard-setting (second discussion); or • 347th Session of the Governing Body if standard-setting (first discussion); or • 346th or 347th Sessions of the Governing Body if general discussion. 	

Subjects under consideration for possible inclusion in the agenda of future sessions of the Conference

18. Should the Governing Body decide on a standard-setting item to be placed on the agenda of the Conference, the earliest available session to do so in the light of the preparatory timelines prescribed by the Standing Orders of the Conference would be the 112th Session (2024). Such decision should be taken no later than at the present session of the Governing Body.²²
19. The Governing Body has been considering the inclusion in the agenda of the Conference of an item on “A just transition of the world of work towards environmentally sustainable economies and societies for all” (“a just transition”)²³ since its 326th Session (March 2016), when it took note of the *Guidelines for a just transition towards environmentally sustainable economies and societies for all*.²⁴ Over time, the proposal has elicited a wide diversity of views, with some members supporting a standard-setting discussion and others more inclined towards a general discussion.²⁵ The urgency of action to address climate change has been echoed in ILO declarations and statements adopted at the highest level. The Centenary Declaration calls on the ILO to “direct its efforts to: (i) ensuring a just transition to a future of work that contributes to sustainable development in its economic, social and environmental dimensions”.²⁶ In the global call to action, ILO constituents made a commitment to “expedite progress” towards the achievement of the Paris Agreement of the United Nations Framework Convention on Climate Change.²⁷ Furthermore, a number of ILO Member States have, in recent years, considered the development of national plans and strategies for a just transition.²⁸
20. With the increased policy engagement on a just transition, the United Nations (UN) Secretary-General has called on UN Members “to embrace the ILO *Guidelines for a just transition towards environmentally sustainable economies and societies for all* and adopt them as the minimum standard to ensure progress on decent work for all.”²⁹ In September 2021, during the seventy-sixth session of the UN General Assembly, the UN Secretary-General launched, jointly with the

²² The overview of the technical items selected for the Conference agenda (2010–30) contained in Appendix III may be of assistance when determining the possible timing for the selection of the proposed items currently before the Governing Body. The decision to include a standard-setting item should be taken by the Governing Body at its session in March 2022 (for the 2024 session of the Conference) or in March 2023 (for the 2025 session). The decision to include items with a view to a general discussion should be taken at the latest in March 2022 (for the 2023 session) or March 2023 (for the 2024 session). These deadlines are due to the fact that, under the Standing Orders of the Conference, for standard-setting items, the Office needs to send, not less than 18 months before the opening of the session of the Conference at which the question is to be discussed, a report on law and practice and a questionnaire to Member States. Thus, in principle, for the June 2024 session of the Conference, a report would need to be sent no later than the end of November 2022 (18 months before). A decision by the Governing Body in November 2022 would not allow the Office time to prepare these documents. General discussions are not subject to the same requirements: the Standing Orders of the Conference provide that, when a question has been placed on the agenda for general discussion, the Office shall communicate a report on the question to the governments, so as to reach them not less than two months before the opening of the session of the Conference at which the item is to be discussed. As time is needed to prepare the report in such cases, it is highly advisable for the Governing Body to have taken a decision by March of the preceding year at the latest.

²³ Appendix I(1)(A), paras 5 and 6, for a summary of the views expressed at the 343rd Session (November 2021) of the Governing Body.

²⁴ GB.326/INS/2, para. 9.

²⁵ GB.334/PV, GB.335/PV and GB.337/PV.

²⁶ ILO, Centenary Declaration, Part II(A).

²⁷ ILO, Resolution concerning a global call to action, para. 10.

²⁸ Appendix I(1), Box 2.

²⁹ The UN Secretary-General issued this call during his video message to the Powering Past Coal Alliance Summit on 2 March 2021, and in his report to the UN General Assembly, *Our Common Agenda* (2021), para. 80.

ILO, a Global Accelerator for Jobs and Social Protection with the aim of creating at least 400 million jobs by 2030, primarily in the green and care economies, and extending social protection floors to over 4 billion people currently not covered.³⁰

21. At its 343rd Session (November 2021), the Governing Body, in its discussions, characterized a just transition as an important, urgent, pertinent and timely matter and requested the Office to take into account its resolve to urgently address the item on a just transition.³¹ Responding to the request of some members of the Governing Body to provide examples of national law and practice that could provide the building blocks of potential international labour standards on a just transition, the Office has updated its brief, as set out in Appendix I.
22. In the light of the urgency and the diversity of views expressed with regard to the nature of an item on a just transition on the agenda of a future session of the Conference, the Governing Body may consider the following options:
 - (a) decide at its present session to place on the agenda of the 112th Session (2024) of the Conference an item for standard-setting on the basis of a double discussion, which could result in the adoption of a Convention and/or a Recommendation or a Protocol to the Employment Policy Convention, 1964 (No. 122);
 - (b) decide at its present session to place on the agenda of the 111th Session (2023) of the Conference an item for general discussion;
 - (c) decide at its present session or at its 346th Session (October–November 2022) to place on the agenda of the 112th Session (2024) of the Conference an item for general discussion.
23. At its 343rd Session (November 2021), Governing Body members generally supported the inclusion of an item on “Decent work and the care economy” in the agenda of the 111th Session (2023) or 112th Session (2024) of the Conference. A proposal to this effect has thus been maintained, taking into account the guidance provided by the Governing Body at that session.³²
24. The Governing Body may also wish to consider further an item on “Harnessing the fullest potential of technology” with a view to a general discussion at a future session of the Conference.³³ At its 343rd Session (November 2021), some members of the Governing Body expressed the view that there was merit in considering the implications of environmental and digital transition together. Other members indicated that it would be prudent to await the outcome of the meeting of experts on decent work in the platform economy before considering the subject as a potential agenda item.³⁴
25. Four other items require further work or discussion in other tripartite forums before they can be considered to give rise to full proposals for inclusion on the agenda of the Conference. An

³⁰ UN, *Secretary-General's Policy Brief: Investing in Jobs and Social Protection for Poverty Eradication and a Sustainable Recovery*, September 2021.

³¹ GB.343/INS/PV, para. 59.

³² Appendix I, section 1(C).

³³ Appendix I, section 1(B).

³⁴ The Employers' group has reiterated its proposals that possible subjects for future sessions should include: ensuring that education and training systems are responsive to the labour market needs of today and tomorrow, with an emphasis on employability; and supporting the role of the public sector as a significant employer and provider of quality public services. GB.337/PV, para. 25 and GB.343/INS/PV, para. 30.

update of the follow-up undertaken in relation to these subjects is provided in Appendix I, section 3. The four items are:

- Access to labour justice: prevention and resolution of individual labour disputes;
- Protection of whistle-blowers in the public service;
- Decent work in the platform economy; and
- Protection of workers' personal data in the digital era.

26. It should be recalled that, at its 343rd Session (November 2021), the Governing Body decided to place on the agenda of the 110th Session (2022) of the Conference an item regarding the inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work.³⁵ At its present session, the Governing Body will consider a draft resolution on the item.³⁶

► D. Follow-up to the recommendations of the SRM TWG

27. At its fifth meeting, in September 2019, the SRM TWG discussed the follow-up to be given to its earlier recommendations, as approved by the Governing Body in 2017 and 2018, calling for standard-setting on the topics of biological hazards, ergonomics and manual handling, chemical hazards and guarding of machinery.³⁷
28. At its 337th Session (October–November 2019), the Governing Body approved the recommendations of the SRM TWG, requesting the Office to:
- (i) initiate the preparation of proposals for possible standard-setting items on the topics of biological hazards, ergonomics and manual handling, chemical hazards and guarding of machinery, for consideration at its 338th Session (March 2020) for inclusion in future agendas of the International Labour Conference;
 - (ii) be guided by the recommendations of the SRM TWG regarding the thematic integration approach and the process of standard-setting in preparing those standard-setting proposals for inclusion in the agenda of the Conference at the earliest dates possible and as a matter of institutional priority.³⁸
29. At its 341st Session (March 2021), the Governing Body decided to place on the agenda of the 112th Session (2024) and 113th Session (2025) of the Conference an item related to occupational safety and health (OSH) protection against biological hazards (standard-setting – double discussion).
30. Accordingly, the Office proposals for standard-setting items on the topics of chemical hazards; ergonomics and manual handling; and guarding of machinery remain to be included on the agenda of future sessions of the Conference. The updated proposals are set out in Appendix I,

³⁵ GB.343/INS/PV, para. 217, and [GB.343/INS/6](#).

³⁶ [GB.344/INS/6](#).

³⁷ [GB.337/LILS/1](#), Appendix, Annex I, para. 9.

³⁸ [GB.337/LILS/1](#), para. 5(a).

section 2. As requested by the Governing Body, the Office's proposals have been guided by the SRM TWG's recommendations regarding the thematic integration approach.³⁹

31. The Governing Body may wish to further consider the modalities of the standard-setting discussions implementing the SRM TWG's recommendations, taking into account the SRM TWG's consensus that the process of standard-setting should be flexible, address the four specific topics, and ensure optimum time efficiency, cost-effectiveness and inclusivity. In considering the desirability of a standard-setting item on the Conference agenda dedicated to the SRM TWG follow-up, the Governing Body will recall that, most recently, the established practice has been that the three technical items on the agenda of the Conference include a standard-setting discussion, a general discussion and the recurrent discussion.⁴⁰
32. At its 341st Session (March 2021), the Governing Body considered proposals from the Office to have the four OSH items included for double-discussion standard-setting on the agenda of consecutive sessions of the Conference from 2023 to 2030. Some members of the Governing Body were of the view that these proposals were acceptable, but they stressed the need to accommodate any possible outcomes of other relevant discussions, including on OSH. Some members, while considering that the standard-setting proposals were even more pertinent in the context of the pandemic, welcomed proposals from the Office as to how to proceed with the OSH standard-setting items in an innovative and efficient way in order to ensure the best of standard-setting results while maintaining the procedural road map.⁴¹ Some members expressed their preference for a consolidation and rationalization of instruments concerning OSH protection, and the provision of detailed guidance in this regard in non-normative instruments. Finally, some other members were of the view that each OSH hazard required a customized regulatory approach so that a single integrated instrument on OSH hazards would not be suitable.⁴²
33. At its 343rd Session (November 2021), the Governing Body considered Office proposals outlining three options:⁴³
 - Maintain the double-discussion procedure for each of the three remaining OSH items and schedule their inclusion on the Conference agenda consecutively so that no more than one technical OSH committee is convened in any single year.⁴⁴ The Employers' group expressed a preference for this option.⁴⁵
 - Convene three separate preparatory technical conferences, possibly in 2023, 2024 and 2025, followed by a single discussion at the Conference, possibly in 2026, 2027 and 2028.⁴⁶

³⁹ ILO, [Working paper 1: Ensuring coherence and consistency in the standard-setting follow-up to SRM TWG recommendations on OSH](#), fifth meeting of the SRM TWG, 23–27 September 2019, para. 14.

⁴⁰ GB.337/INS/2, para. 3.

⁴¹ GB.341/PV, paras 33 and 36.

⁴² GB.341/PV, paras 13, 21 and 22.

⁴³ GB.343/INS/2(Rev.1).

⁴⁴ Specifically, this option entailed: (1) standard-setting discussions on the consolidation of instruments concerning chemical hazards at the 114th Session (2026) and 115th Session (2027) of the Conference; (2) standard-setting discussions on ergonomics and manual handling at the 116th Session (2028) and 117th Session (2029) of the Conference; and (3) standard-setting discussions on machine safety at the 118th Session (2030) and 119th Session (2031) of the Conference.

⁴⁵ GB.343/INS/PV, para. 31.

⁴⁶ Articles 5.1.3, 5.1.6 and 5.1.9 of the Standing Orders of the Governing Body; see also article 45(5) of the Standing Orders of the International Labour Conference). Technical conferences have been convened in the past to prepare instruments on employment policy and on consolidating the existing body of maritime instruments. Preparatory technical conferences offer flexibility in terms of time, duration and composition of the participating delegations while maintaining the full participation

Depending on the Governing Body's decision in relation to other technical items currently being considered for inclusion in the Conference agenda of 2023 and 2024 (notably a just transition and decent work and the care economy), the sequence of three single discussions could start at the 113th Session (2025) of the Conference. The Workers' group exceptionally supported the proposal to convene three preparatory technical conferences, as did several regional government groups, subject to receiving further details on the modalities and cost implications of convening preparatory technical conferences.⁴⁷

- Convene a preparatory technical conference in 2023 or 2024 on the three OSH items followed by a single standard-setting discussion of draft instruments, possibly in 2026. No support was expressed for this proposal in the light of the excessive demands this option would place on the human and financial resources required from constituents and the Office to simultaneously service three technically complex discussions.

34. To respond to the request of certain members of the Governing Body, Appendix II presents elements on the modalities of a possible preparatory technical conference on the consolidation of instruments on chemical hazards. Should the Governing Body decide to convene such a conference, the Office can present more detailed arrangements, including standing orders and a budgeted proposal, taking into account the Governing Body's guidance on the details of the modalities for consideration by the Governing Body at its 346th Session (October–November 2022). The Office can prepare similar proposals for preparatory technical conferences on instruments governing ergonomics and manual handling and guarding of machinery.

► E. Procedural road map

35. The updated proposal for the procedural road map is as follows:

At its 344th Session (March 2022), the Governing Body will:

- consider the placement of an item on a just transition for standard-setting or for general discussion at future sessions of the Conference, taking into account the urgency of the issue. Should the Governing Body decide to include this item in the agenda of the 112th Session (2024) for standard-setting, it would need to take this decision at its 344th Session;
- complete the agenda of the 111th Session (2023) of the Conference, selecting an item for general discussion;

of ILO membership at the stage of the subsequent single discussion at the Conference. Technical conferences need to be budgeted separately depending on the modalities determined by the Governing Body but any additional cost is at least partially recuperated by the reduction in the number of technical committees otherwise required for double-discussion procedures. See, for further analysis, [Working paper 2: Addressing the impact of SRM TWG recommendations on the Conference agenda and the Office](#), fifth meeting of the SRM TWG (23–27 September 2019), paras 31–46.

⁴⁷ GB.343/INS/PV. The Asia and Pacific group, the group of industrialized market economy countries and the European Union and its Member States supported the proposal. The European Union and its Member States were of the view that the preparatory conferences could be designed in a manner similar to tripartite technical meetings, where the Office bears the participation costs of the social partners and interested governments can attend at their own expense.

- provide guidance in respect of the following matters:
 - a standard-setting or general discussion item to complete the agenda of the 113th Session (2025);
 - the modalities by which three standard-setting proposals on OSH based on the SRM TWG's recommendations are placed on the agenda of the Conference, including the consideration of a possible preparatory technical conference on the consolidation of instruments on chemical hazards (see Appendix II), for a single or double-discussion procedure; and
 - applying the strategic approach with respect to the agenda of future sessions of the Conference.

At its 346th Session (October–November 2022), the Governing Body would:

- complete the agenda of the 112th Session (2024) with a technical item for a general discussion, if the agenda has not been completed at its 344th Session;
- decide whether to include an item on the evaluation of the impact of the Social Justice Declaration on the agenda of the 113th Session (2025) or to initiate a new cycle of recurrent discussions at the same session, possibly starting with the strategic objective of social dialogue and tripartism;
- consider any item in the light of the decisions taken by the Conference at its 110th Session (2022), including the consideration of amendments to relevant international labour instruments consequential to the adoption of an amendment to the ILO Declaration on Fundamental Principles and Rights at Work, 1998;⁴⁸ and
- continue to provide guidance on the agenda of the Conference in line with the strategic approach.

At its 347th Session (March 2023), the Governing Body would:

- consider placing a technical item on the agenda of the 113th Session (2025) if it chooses a standard-setting item and if it has not completed the agenda of that session of the Conference at its 346th Session; and
- continue to provide guidance on the agenda of the Conference in line with the strategic approach.

► Draft decision

36. The Governing Body decided:

- (a) with respect to the agenda of the 111th (2023) and 112th (2024) Sessions of the International Labour Conference:**

[Option 1]

- (i) to place on the agenda of the 111th Session (2023) of the Conference an item on decent work and the care economy for a general discussion; and**

⁴⁸ GB.344/INS/6.

- (ii) to place on the agenda of the 112th Session (2024) of the Conference an item on a just transition for standard-setting on the basis of a double discussion;

[Option 2]

- (i) to place on the agenda of the 111th Session (2023) of the Conference an item on a just transition for a general discussion; and
- (ii) to place on the agenda of the 112th Session (2024) of the Conference an item on decent work and the care economy for a general discussion;

[Option 3]

- (i) to place on the agenda of the 111th Session (2023) of the Conference an item on decent work and the care economy for a general discussion; and
- (ii) to place on the agenda of the 112th Session (2024) of the Conference an item on a just transition for a general discussion;

[Option 1]

- (b) with respect to standard-setting on occupational safety and health, to convene a preparatory technical Conference on the consolidation of instruments on chemical hazards in 2023 with a view to proposing a consolidated instrument to the Conference at its 114th Session (2026) for a single discussion, requesting the Office to take into account its guidance in preparing detailed arrangements, including standing orders and a budgeted proposal, for consideration at its 346th Session (October–November 2022);

[Option 2]

- (b) with respect to standard-setting on occupational safety and health, to place on the agenda of the 114th Session (2026) of the Conference an item on the consolidation of instruments on chemical hazards for standard-setting on the basis of a double discussion; and
- (c) with respect to the agenda of future sessions of the Conference:
 - (i) to place on the agenda of the 110th Session (2022) of the Conference the approval of amendments to the Code of the Maritime Labour Convention, 2006, subject to the adoption of any amendments by the Special Tripartite Committee of the Maritime Labour Convention, 2006, at the second part of its meeting to be convened in May 2022; and
 - (ii) to request the Office to take into account the guidance provided in preparing the document concerning the agenda of future sessions of the Conference for the 346th Session (October–November 2022) of the Governing Body.

► Appendix I

Items for the agenda of future sessions of the Conference

1. Three possible items for the agenda of future sessions of the Conference

A. A just transition of the world of work towards environmentally sustainable economies and societies for all (standard-setting or general discussion)

Source, nature and context of the possible item

1. In 2013, the 102nd Session of the Conference adopted conclusions concerning achieving decent work, green jobs and sustainable development, including a proposal to convene a meeting of experts to provide further normative guidance on issues related to the greening of economies, social justice, green jobs and a just transition for all.¹ At its March and June 2014 sessions, the Governing Body mandated a meeting of experts to adopt in particular draft guidelines. In October 2015, the Meeting of Experts unanimously adopted the *Guidelines for a just transition towards environmentally sustainable economies and societies for all* (the “Just Transition Guidelines”). At its 325th Session (October–November 2015), the Governing Body requested the Director-General to use the *Guidelines* as a basis for activities and outreach and further include the recommended follow-up action in the implementation of the programme and budget.²
2. At its 343rd Session (November 2021), the Governing Body in its discussions characterized just transition as an important, urgent, pertinent and timely matter and requested the Office to take into account its resolve to urgently address the item on just transition when preparing further proposals. Just transition is taking centre stage in the global effort to move towards climate-resilient economies. In the lead up to the recent UN climate change conference, hosted by the United Kingdom in Glasgow in October–November 2021 (COP26), over 150 countries submitted or updated their nationally determined contribution (NDC) to reduce carbon emissions and adapt to climate change in the next 5 to 10 years. More than 130 countries have set or are considering a target to net zero by mid-century.³ At COP26, the United Kingdom presidency launched a Just Transition Declaration endorsed by several countries and members of the European Union, drawing largely on the Just Transition Guidelines.⁴ The COP26 outcome document (the “Glasgow Climate Pact”)⁵ adopted by consensus by 200 countries, sets forth a path to accelerate efforts towards the phasing down of unabated coal power and phasing out of inefficient fossil fuel subsidies. The Glasgow Climate Pact refers to just transition on three occasions, in the context of the coal power phase-out; ensuring

¹ ILO, [Conclusions Concerning Achieving Decent Work, Green Jobs and Sustainable Development](#), paras 19(d) and 24.

² [GB.325/PV](#), para. 494(b) and [GB.335/INS/PV](#), para. 21.

³ United Nations, [“For a Liveable Climate: Net-zero Commitments Must be Backed by Credible Action”](#).

⁴ UN Climate Change Conference UK 2021, [Supporting the Conditions for a Just Transition Internationally – Green growth, decent work, and economic prosperity in the transition to net zero](#), 4 November 2021. It may be recalled also that Poland’s COP Presidency presented and adopted a [“Solidarity and Just Transition Silesia Declaration”](#) at COP24.

⁵ [Glasgow Climate Pact](#).

poverty eradication; and sustainable development through climate-resilient development.⁶

3. UN Member States are more acutely realizing the challenges that a green transition can pose for decent work and social stability and are turning to the ILO for guidance on making it “just”, that is move forward with positive outcomes on decent work and social justice, and without major disruption of labour markets, social cohesion and economic growth. The Just Transition Guidelines remain technically valid and solid. However, they do not provide the broader political leadership and endorsement needed at this point in time, nor do they provide a normative understanding of the actions that countries need to undertake together (rather than individually) and that therefore should be an essential component of their NDCs.
4. It is becoming increasingly important to define clearly the political and policy meaning of a just transition in the context of the responses to climate and environmental change; the substantive policy measures that countries could pursue to achieve a just transition; and the institutional mechanisms and arrangements, including the critical role of tripartite social dialogue, which should guide just transition initiatives at the national and international levels. Although the international agreements under the UN Framework Agreement on Climate Change relate to just transition, they do not provide substantive, normative and process-related guidance that is universally endorsed. As a result, UN Member States are increasingly turning to the ILO for policy and normative guidance. A recent trend towards increased human rights litigation over environmental issues suggests not only mounting societal awareness but also regulatory uncertainty and rising litigation costs for business.⁷
5. At its 343rd Session (November 2021), the Governing Body considered proposals for standard-setting on just transition, eliciting a variety of views. The Workers’ group reiterated its support for a standard-setting process, recalling it had supported the development of an instrument on a just transition with a view to sustainable development as far back as 2015, and viewing the Guidelines as a first step towards such a standard. A new ILO instrument would encourage ILO constituents to engage through social dialogue in the design and implementation of sustainable development policies towards a low carbon economy and with decent jobs for all. The Workers’ group opposed a general discussion, which it did not see as adding value to the Guidelines. The Employers’ group were in favour of a general discussion, which would help constituents to identify best practices in promoting just transition, especially in critical activities and sectors, and would guide the Organization’s work in facing the industrial and economic transformations resulting from climate change. The Employers’ group was of the view that a standard-setting discussion would not be appropriate considering there were no expectations in the ILO nor the UN to develop such a standard; climate change and just transition were rapidly evolving topics rendering any international labour standards in

⁶ International Organisation of Employers, [Guidance Paper on employment, just transition and climate governance](#), February 2022, 7.

⁷ Joana Setzer and Catherine Hingham, [Global Trends in Climate Change Litigation: 2021 Snapshot](#), Policy Report (July 2021). On Friday the 8th of October 2021, the UN **Human Rights Council adopted** resolution (A/HRC/48/L.23/Rev.1) on the **Human right to a safe, clean, healthy and sustainable environment**, adopted by a vote of 43 in favour, none against and 4 abstentions (as orally revised), the Council recognizes the right to a safe, clean, healthy and sustainable environment and encourages States to adopt policies for the enjoyment of the right to a safe, clean, healthy and sustainable environment as appropriate, including with respect to biodiversity and ecosystems, and invited the General Assembly to consider the matter.

this area obsolete before long; and it would be impracticable to manage two standard-setting discussions in parallel.

6. So far no consensus has emerged among Government members in the Governing Body on the appropriate nature of a “just transition” discussion item on the agenda of a future Conference. At the 343rd Session of the Governing Body (November 2021), the group of industrialized market economy countries (IMEC) and the EU expressed support for standard-setting starting in 2024, on the basis of a single or double discussion, possibly leading to the adoption of a Recommendation. IMEC suggested that the Office prepare a background note on all the options particularly with respect to the form of an instrument. The Africa group while noting the matter as important and urgent, did not express a preference for a general or standard-setting discussion, and suggested addressing environmental and digital “just transition” together. The group of Latin American and Caribbean countries considered the issue urgent but expressed support for a general discussion in 2024, should “decent work and the care economy” be selected for a general discussion in 2023. The Asia and Pacific group supported a general discussion on just transition in 2023, while remaining open to standard-setting on the basis of a double discussion at the 112th (2024) or future sessions of the Conference provided more detail on such standard-setting proposal were available. The Government members of the United Kingdom, Barbados, Canada and Israel strongly supported the development of a standard and preferred a double discussion as early as in 2023–24.
7. The present proposal is made for a standard-setting or a general discussion on a just transition to a future of work that contributes to sustainable development. It seeks to generate new guidance for the ILO following the adoption of the ILO Centenary Declaration for the Future of Work, 2019. The Centenary Declaration provides that the ILO enter into its second centenary at a time of transformative change in the world of work marked among others, by environmental and climate change, which have profound impacts on the nature and future of work. The resolution concerning a global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient (C2A COVID-19), adopted at the 109th Session of the International Labour Conference in June 2021, recalls that the ILO Centenary Declaration for the Future of Work, 2019, provides the foundation for a recovery from the crisis that is fully inclusive, sustainable and resilient and supports a just transition.⁸

Constituents’ needs and realities in light of the ILO strategic objectives

8. Recent research by the ILO highlighted that over 1 billion jobs depend on a sustainable environment and healthy ecosystems, making environmental degradation a serious risk for decent work. Communities and groups including indigenous and tribal peoples, which are already vulnerable to discrimination and exclusion, and sectors such as agriculture, forestry and fisheries, which employ well over 1 billion people, are the most threatened by climate change. Developing countries are hit the hardest in sectors essential for economic growth and employment.⁹ In the absence of adequate guidance to address the implications of climate change on enterprises, workers and communities and respond to the needs of the world of work, social justice could be compromised with serious risks of widening inequalities and increasing poverty. On the other hand, a well-

⁸ ILO, *Global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient*, 2021, International Labour Conference, 109th Session, June 2021.

⁹ See the statement made by the Government representative from Bangladesh at the 326th Session (March 2016) of the Governing Body: “... climate change hindered labour mobility and access to employment, and such challenges required specific interventions” (GB.326/PV, para. 318).

managed transition guided by appropriate labour standards and regulations, institutional frameworks, coherent economic, social and environmental policies and practices, including social dialogue, fully taking into consideration the imperative of decent work, could create many new decent jobs, protect workers, open up new opportunities for green business growth for sustainable enterprises while providing remedies for those negatively affected by changes.

9. An increasing number of ILO Member States are integrating climate and environmental considerations in labour policies and inversely, reflecting decent work and just transition objectives in their climate policy responses. A number of ILO Member States have adopted or are formulating legislation on just transition, and in some cases, have consulted the ILO for comments and advice. Emerging national legislation could provide useful building blocks for international labour standards or Conference conclusions on just transition (see box 1). Several other countries have adopted policies or established mechanisms to manage their green transitions, including Germany's Commission on Growth, Structural Change and Employment, known as the "Coal Commission"; South Africa's Presidential Climate Commission; the European Union's Just Transition Mechanism. At the UN Climate Change Conference in Glasgow (COP26) in October–November 2021, parliamentarians of Latin America and the Caribbean decided to establish a Parliamentary Observatory on Climate Change and Just Transition (OPCC).¹⁰

► **Box 1: Examples of legislative initiatives framing just transition**

Canada

Canada has committed to achieving net-zero greenhouse gas emissions by 2050. "Decarbonizing" the Canadian economy will require the winding down of coal, oil and natural gas projects across the country with potentially harmful effects for the hundreds of thousands of workers and dozens of regional economies currently dependent on fossil fuel production. In recognition and anticipation of the socio-economic impacts of its climate policies, Canada's federal government committed in 2019 to introducing a Just Transition Act to "support the future and livelihood of workers and their communities in the transition to a low-carbon global economy."¹

Ireland

Ireland's draft *Just Transition (Worker and Community Environmental Rights) Bill 2021* is meant to amend the *Climate Action and Low Carbon Development Act 2015* with a view to better aligning environmental and labour market policies by: defining climate justice and just transition; establishing the principle of just transition in law; consulting with the National Just Transition Commission in the making of carbon budgets, mitigation, national and local climate action plans, transition plans and the adaptation framework; and including delivery on just transition among the general functions of the Advisory Council on Climate Change.

In the draft Act 2021, "just transition" means a transition that ensures the economic, environmental and social consequences of the ecological transformation of economies and societies are managed in ways that maximize opportunities of decent work for all, reduce inequalities, promote social justice, and support industries, workers and communities negatively affected, in accordance with nationally defined priorities, and based on effective social dialogue; "just transition principles" are the importance of taking action to reduce net Irish emissions of greenhouse gases in a way which:

- (a) supports environmentally and socially sustainable jobs;

¹⁰ Catherine Saget, Adrien Vogt-Schilb and Trang Luu, *Jobs in a Net-Zero Emissions Future in Latin America and the Caribbean* (Inter-American Development Bank and International Labour Organization, Washington DC and Geneva, 2020).

- (b) supports low-carbon investment and infrastructure;
- (c) develops and maintains social consensus through engagement with workers, trade unions, communities, non-governmental organisations, representatives of the interests of business and industry and such other persons as Ministers consider appropriate;
- (d) creates decent, fair and high-value work in a way which does not negatively affect the current workforce and overall economy; and
- (e) contributes to resource efficient and sustainable economic approaches which help to address inequality and poverty.²

Spain

In 2019, Spain adopted a Just Transition Strategy within the Strategic Energy and Climate Framework. The Strategic Energy and Climate Framework seeks to facilitate the modernization of the Spanish economy and move towards a sustainable and competitive model which helps slow down climate change. This Strategic Framework is shaped by: a National Integrated Energy and Climate Plan (NECP); a Bill on Climate Change, and a Just Transition Strategy. These three elements are designed to give Spain a sound and stable strategic framework for the decarbonization of its economy. The Just Transition Strategy aims at supporting a just transition to ensure that people and regions make the most of the opportunities offered by this transition, so that nobody is left behind. It sets the context of a just transition in Spain; provides measures to make better use of opportunities arising from the ecological transition to generate activity and employment; mandates a just transition strategy every five years. It contains provisions for active green employment and social protection policies; green vocational training policies; just transition agreements; the establishment of a just transition institute; participatory governance; and defines an Urgent Action Plan for Coal-mining Regions and Power Plant Closures.³

United Kingdom (Scotland)

In 2019, the Scottish Parliament amended the Climate Change (Scotland) Act 2009 to make provision setting targets for the reduction of greenhouse gases emissions and to make provision about advice, plans and reports in relation to those targets. In that context, it enacted a set of “just transition principles”, defined as “the importance of taking action to reduce net Scottish emissions of greenhouse gases in a way which:

- (a) supports environmentally and socially sustainable jobs;
- (b) supports low-carbon investment and infrastructure;
- (c) develops and maintains social consensus through engagement with workers, trade unions, communities, non-governmental organisations, representatives of the interests of business and industry and such other persons as the Scottish Ministers consider appropriate;
- (d) creates decent, fair and high-value work in a way which does not negatively affect the current workforce and overall economy; and
- (e) contributes to resource efficient and sustainable economic approaches which help to address inequality and poverty.”⁴

¹ Canada Launches Just Transition Engagement – Canada.ca.

² <https://www.oireachtas.ie/en/bills/bill/2021/110/>.

³ Ministerio para la Transición Ecológica y el Reto Demográfico (Ministry of Ecological Transition and the Demographic Challenge), *Estrategia de Transición Justa dentro del Marco Estratégico de Energía y Clima*.

⁴ *Climate Change (Emissions Reduction Targets) (Scotland) Act 2019*, inserting section 35C into the 2009 Act.

10. At its 340th Session (October–November 2020), the Governing Body adopted a decision on “the role of the ILO in addressing climate change and a just transition for all”. The Governing Body requested the Office to advance the application of the Just Transition Guidelines “with a focus on assisting governments, workers’ organizations and employers’ organizations in the development of policies through social dialogue to

implement their climate change commitments, including through the Climate Action for Jobs Initiative.”¹¹

11. The Office has provided support through policy advice and technical cooperation in line with the goals of the ILO programme and budget to enable an increased capacity of Member States to formulate and implement policies for a just transition towards environmentally sustainable economies and societies. In this regard, in 2021, in line with obligations contained in the 2015 Paris Agreement on Climate Change, signatory countries updated their NDC on climate change (NDC) — the short-to-medium term plans to implement the Agreement, with the objective to increase their ambition on climate change. The ILO proactively engaged with several countries to provide them with support to reflect decent work and just transition goals in their new NDC. As a result, several countries (including Argentina, Colombia, Costa Rica, Côte d'Ivoire, Dominican Republic, Nigeria and Trinidad and Tobago), designed a new NDC integrating decent work and just transition goals, grounded in social dialogue and thereby enhancing policy coherence in the implementation of the Paris Agreement. So far, 48 countries are engaged through the ILO-led Climate Action for Jobs initiative (CA4JI), committed to support and advance a just transition.¹²

► **Box 2: Extracts on the integration of decent work and just transition from select NDCs**

Argentina: Update of the net emissions goal to 2030 of the Argentina's Second NDC, 2021¹

“This commitment contemplates the eradication of poverty by the promotion of a just transition, addressing the needs of the entire population and guaranteeing integrated and sustainable development, without affecting future generations. ... In all response measures proposed for the implementation of this Second NDC, the Republic of Argentina will consider the economic and social consequences of such measures, so as to ensure a just transition. It is important to address the specific needs and concerns of developing countries arising from the economic and social impact of the implementation of response measures, in line with Article 4.8 of the UNFCCC and Article 4.15 of the Agreement on Climate Change. The consequences of climate change have and will have various impacts on the different aspects of labor and employment. Worker health will be one of the most affected aspects, especially in outdoor occupations. The emergence of new occupational diseases, in addition to the existing ones, will constitute a challenge for occupational health and safety.”

Indonesia: Updated nationally determined contribution republic of Indonesia, 2021²

“Indonesia considers the importance of just transition of the workforce and the creation of decent work and quality jobs for an effective and inclusive transition to low greenhouse gas emission and climate resilient development. Creation of employment opportunities for this transition will be carried out in synergy with ongoing transition towards prosperous Indonesia. The following efforts will be the critical parts of the transition: a) addressing challenges faced by sectors, cities and regions in transitioning to low carbon development and in ensuring a decent future for workers affected by the transition. b) promoting low greenhouse gas emission and sustainable economic activities that will create quality jobs in cities and regions. c) enhancing capacity of workforces to facilitate access to decent work and quality jobs, taking into account gender and inter-generational equalities, as well as the needs of vulnerable groups. d) enhancing participatory public dialogue to foster high employment rates, adequate social protection, labour standards and wellbeing of workers and their communities.”

¹¹ GB.340/POL/PV, para. 41(b).

¹² ILO, *The Climate Action for Jobs Initiative*.

South Africa first nationally determined contribution under the Paris Agreement updated September 2021 ³

"In South Africa, a just transition is core to shifting our development pathway to increased sustainability, fostering climate resilient and low greenhouse gas emissions development, while providing a better life for all. ... A well-resourced just transition strategy will be needed to shift to low-carbon technologies, to maximize benefits and minimize adverse impacts on communities, workers and the economy. ... A just transition means leaving no-one behind. It requires procedural equity to lead to equitable outcomes. A just transition is at the core of implementing climate action in South Africa, as detailed in both the mitigation and adaptation goals presented below. As South Africa indicated at the UN Secretary General's Climate Action Summit in 2019, as part of ensuring a just transition we will need to put measures in place that plan for workforce reskilling and job absorption, social protection and livelihood creation, incentivising new green sectors of our economy, diversifying coal dependent regional economies, and developing labour and social plans as and when ageing coal-fired power plants and associated coal production infrastructure are decommissioned. Similar measures will be necessary to adapt to the impacts of climate change. ... The just transition will also need international cooperation, and requires solidary and concrete support".

The United States of America Nationally Determined Contribution Reducing Greenhouse Gases in the United States: A 2030 Emissions Target ⁴

"The United States is committed to standing with the workers and communities too often left behind – people and places that have suffered as a result of economic and energy shifts – and creating well-paid employment in the low carbon economy. The United States reaffirms its commitment to the creation of decent work and quality jobs as an integral part of its efforts to combat climate change. The United States will work to ensure that our firms and workers are not put at an unfair competitive disadvantage and cooperate with allies and partners that are committed to fighting climate change".

Zimbabwe Revised Nationally Determined Contribution, 2021 ⁵

"Zimbabwe is determined to ensure a just transition to a climate resilient, low carbon economy. This means ensuring that the benefits of delivering such an economy are widely shared, and that support is provided to those that may be at risk from the move to a green economy, for example those that currently work in polluting industries. The just transition concept links to 14 of the 17 Sustainable Development Goals, explicitly drawing together SDGs 13 – climate action, 10 – reduced inequalities, 8 – decent work and economic growth, and 7 – affordable and clean energy".

¹ Argentina, "[Actualización de la meta de emisiones netas de Argentina al 2030](#)", 2021.

² Indonesia, "[Updated Nationally Determined Contribution](#)", 2021.

³ South Africa, "[First Nationally Determined Contribution under the Paris Agreement Updated September 2021](#)", September 2021.

⁴ United States, "[Nationally Determined Contribution – Reducing Greenhouse Gases in the United States: A 2030 Emissions Target](#)", April 2021.

⁵ Zimbabwe, "[Revised Nationally Determined Contribution 2021](#)", 2021.

Implementation of the strategic and coherent approach and added value of a standard-setting discussion by the International Labour Conference

12. The ILO Centenary Declaration notes that the setting of international labour standards is of fundamental importance to the ILO and that standards need to respond to the changing patterns of the world of work, protect workers and take into account the needs of sustainable enterprises. It also notes that in discharging its constitutional mandate, the ILO must direct its efforts to ensuring a just transition to a future of work that contributes to sustainable development in its economic, social and environmental

dimensions. ILO standards on just transition would encourage the development of national and international law in this area; ensure that nationally determined contributions to the global response to climate change take into account the “imperative” of decent work creation,¹³ and thus put the ILO at the forefront of action-oriented debate around climate change. Importantly, ILO normative guidance would provide a shared and international understanding of just transition, which would ensure the inclusion of decent work as the ILO’s tripartite constituents have defined it.

13. The Paris Agreement recognizes just transition and employment as essential parameters of the global response to climate change. However, a policy and guiding framework responding effectively, coherently and comprehensively to the needs and realities of the world of work is not likely to emanate from the current climate change governance structures. It must originate from the ILO as the only tripartite UN agency mandated to provide appropriate guidance to promote sustainable development, social justice, productive employment and decent work for all women and men.
14. It would be for the Governing Body to decide if the objective of strengthening a framework for just transition is pursued best by a general discussion, possibly followed by standard-setting at a later stage or by standard-setting directly. Conference conclusions would add value to the existing expert Guidelines by providing universal political endorsement of a common definition of just transition and fully legitimizing ILO leadership on the key features of just transition. International labour standards would bring into play the added value of regular supervision within the parameters of the ILO Constitution and, should the Conference decide to adopt a Convention or a Protocol, the binding nature of agreements reached in this respect. International organizations have pointed to the growing need for regulatory intervention in order to arbitrate potentially competing claims of social and environmental justice; align private incentives with public policy objectives; and guarantee the buy-in of all affected stakeholders in deep structural shifts for workers, businesses and dependent communities alike.
15. A genuine global regulatory framework in the form of international labour standards on just transition, accompanied by a global economic strategy to enable enterprises implement resource-efficient production processes would create a level playing field in active labour market transition governance. The tripartite social dialogue, on which the development of such standards rests, would increase the commitment and responsibilities of all constituents to accelerate action in this field.

Expected outcome

16. The expected outcome from a possible general discussion would be conclusions and a resolution to provide further guidance for the ILO, its Member States and constituents. The outcome would seek to advance the integration of decent work dimensions in the pursuit of environmental sustainability and could design a global economic strategy enabling constituents to implement a just transition course, including in the context of UN reform and country support. This could enable Member States to pursue an inclusive approach to the governance of sustainable development, placing labour, social and economic issues at its core, in line with the 2030 Agenda for Sustainable Development.
17. A general discussion would represent another step forward following the Centenary Declaration and the C2A COVID-19, within a global context of urgency to tackle

¹³ The [Paris Agreement](#) aims to strengthen the global response to the threat of climate change “taking into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities” (preamble).

environmental and climate change and prevent irreparable damage to humankind, economies and societies. It would mark a response from the Organization in the context of the economic recovery from the COVID-19 pandemic, with solutions adapted to the evolving global socio-economic context, taking into account the imperative of integrating considerations arising from climate change into the advancement of social justice. A general discussion would offer flexibility to ILO constituents in addressing environmental change considering their specific national circumstances, and in applying policy instruments and incentives that are indispensable for solutions-focused and country-tailored responses.

18. The substantive part of Conference conclusions from a general discussion could highlight the need to combine context-specific action with common principles and guidance, including:
 - definition of a “just transition” towards environmentally sustainable economies and societies for all;
 - context-specific action considering the locally embedded nature of the labour force and the disproportionate impact on their communities of climate and environmental change;
 - common principles and general policy measures;
 - inclusion of “just transition for all and the creation of decent work” in climate and environmental policies, including the Nationally Determined Contributions (NDCs) and the long-term goals for Net Zero emissions;
 - social dialogue at all levels, involving social partners but also representatives of communities affected by the transition;¹⁴
 - the need to consider both short- and long-term measures;
 - the need to consider economy- and society-wide measures;
 - coordination between macroeconomic, industrial and social protection policies;¹⁵
 - international cooperation and solidarity (considering distributional inequity of the transition measures);
 - an observatory for information-sharing on measures from other countries.
19. The substantive part could also stress policy priorities underpinning long-term economic security balancing:
 - active labour market policies (in particular skills development with a focus on re-skilling and up-skilling) and an enabling environment for sustainable enterprises);
 - passive labour market policies (targeted pension and job guarantees, cash transfers, income support, retraining and education, relocation packages – but also reviewing appropriateness of labour protection measures, for example, recognition of occupational hazards prevalent in emerging low-carbon and carbon-neutral industries and services);
 - data collection guidelines (along the standards set in the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), in this case referencing the

¹⁴ In line with the standard set in Article 3 of the [Employment Policy Convention, 1964 \(No. 122\)](#).

¹⁵ In line with the standard set in the annex to the [Employment Policy Recommendation, 1964 \(No. 122\)](#), para. 2.

19th International Conference of Labour Statisticians (ICLS) Guidelines concerning a statistical definition of employment in the environmental sector and other relevant ICLS standards).¹⁶

20. A general discussion would not give rise to any obligations under international law and monitoring of its conclusions would remain within the discretion of the Governing Body and the Conference. A general discussion could conclude that a set of normative commitments warranting regular follow-up or supervision are appropriate to back up political momentum and stimulate international cooperation, in which case it would invite the Governing Body to give consideration to placing a standard-setting item on the agenda of a future session of the Conference.
21. Possible standard-setting would build on the policy and regulatory components set out in the Just Transition Guidelines as a basis to create a coherent legal and policy framework for a just transition. It would also build on existing normative instruments, including those in the annex of the Just Transition Guidelines, as well as legislation and practice developed in a number of countries. The new standard could call on Member States to adopt, implement and periodically review a national policy on just transition aimed at improving the linkages between economic, social and environmental opportunities and challenges. It could encourage consultations with representative organizations of employers and workers in implementing the NDCs and address issues related to decent work.
22. The adoption of an international labour standard would be an authoritative statement from the highest and globally representative organ of the ILO that ensuring transition is just for all is no longer optional. This would add an important political dimension to the Guidelines, which resulted from a tripartite meeting of experts. This shift in political prioritization could be captured in the Preamble. The Preamble could refer to the Guidelines, recognizing that just transition for all and the creation of decent work are essential to ensure social justice; the promotion of decent work in the environmental transition; and a fair burden-sharing of the transitional or transformative measures that will be required ("inclusive transition").
23. The substantive building blocks of an international labour standard would likely be similar to those outlined above in respect of the possible conclusions of a general discussion.
24. Depending on whether the Conference would opt for a legally binding instrument or not, it could decide to annex the Just Transition Guidelines itself to the outcome of a Conference discussion and possibly make it subject to a simplified revision/amendment procedure, in the case of an instrument. To ensure the content of the guidelines remain up-to-date, simplified revision mechanisms used in the the Maritime Labour Convention, 2006, as amended (MLC, 2006), or the List of Occupational Diseases Recommendation, 2002 (No. 194), could serve as examples. In the case of a standard-setting, the Conference could consider emulating the example set by the MLC, 2006, and incorporate the contents of the Guidelines into the text of the instruments through a combination of mandatory standards and non-mandatory guidelines. A third option would be for the Conference to adopt a promotional framework instrument that takes a systems approach to just transition following the model of the Promotional Framework on

¹⁶ International Conference of Labour Statisticians (19th Session), [Guidelines Concerning a Statistical Definition of Employment in the Environmental Sector](#).

Occupational Safety and Health Convention (No. 187) and Recommendation (No. 197), 2006.

25. Should the Governing Body decide to place a standard-setting item on just transition on the agenda of the Conference, it would remain for the Conference to determine the appropriate type of instrument: a Convention; a Recommendation; a Protocol to an existing Convention; a Convention supplemented by a Recommendation; or a Protocol supplemented by a Recommendation. Recommendations are not subject to ratification by Member States and as such do not give rise to binding obligations under international law. Pursuant to article 19 of the ILO Constitution, Recommendations are to be submitted to the national authorities within whose competence the matter lies for the enactment of legislation or other action and are subject to reporting obligations to the ILO at appropriate intervals as requested by the Governing Body. Protocols must also be submitted to the competent authorities and, in accordance with article 22 of the ILO Constitution, their application is subject to regular supervision by the ILO supervisory bodies. Protocols are formal instruments partially revising existing Conventions and allowing adaptation of specific provisions or parts of existing standards to evolving conditions and practices, thus helping maintain a body of Conventions that is relevant and up to date. A Protocol on just transition to the Employment Policy Convention, 1964 (No. 122), for example, would enable the promotion of full, productive and freely chosen employment to be situated in the context of the just transition measures needed to accompany a human-centred economic transformation necessitated by climate change. The adoption of a Protocol would involve consideration of the Convention to which it should be attached. A Protocol to Convention No. 122 would offer the advantage of greater thematic integration with existing up-to-date governance standards, notably those guiding the promotion of full, productive and freely chosen employment. On the other hand, a Protocol would only be open for ratification by those Member States that have ratified or ratify the Convention to which it is attached.¹⁷

Preparation of the Conference discussion

26. The Conference discussion would benefit from the results of the 2013 Conference general discussion on Sustainable Development, Decent Work and Green Jobs and the work of the tripartite Meeting of Experts held in October 2015. The Conference would draw on the ILO Centenary Declaration 2019 and the C2A COVID-19, both of which illustrate an enhanced understanding of decent work and climate change issues by ILO constituents and readiness to provide informed policy guidance in this area. As such, a Conference discussion would align the Organization with the Common Agenda proposed by the UN Secretary-General to the General Assembly. “Leave no one behind” (including promotion of decent work) and “Protect our Planet” are the two top priorities for action proposed by the United Nations for the next 25 years.¹⁸
27. Considering the current momentum in favour of urgent action on climate change, the Governing Body could decide to expedite the preparation of a Conference discussion should it consider that a single standard-setting discussion is appropriate. In such a case, the Governing Body could consider the convening of a preparatory technical conference and define the appropriate modalities for it. The preparatory technical conference would serve as a basis to lay the foundation for the Conference discussion in the following year.

¹⁷ For example, on 1 January 2022, Convention No. 122, was ratified by 115 Member States or less than two thirds of the ILO membership. Convention No. 122 is designated as a governance Convention.

¹⁸ UN, *Our Common Agenda*, United Nations Secretary-General's Report, September 2021.

B. Harnessing the fullest potential of technology to achieve decent work and sustainable development (general discussion)

Source, nature and context of the possible item outcome

28. The Employer members of the Governing Body have proposed an item on “harnessing the fullest potential of technological progress” for inclusion on the agenda of future sessions of the Conference.¹⁹
29. The Centenary Declaration directs the Office to harness “the fullest potential of technological progress and productivity growth, including through social dialogue, to achieve decent work and sustainable development, which ensure dignity, self-fulfilment and a just sharing of the benefits for all”.²⁰ The 2021 Global call to action further reinforces the need to harness “technological progress and digitalization, including platform work, to create decent jobs and sustainable enterprises, enable broad social participation in its benefits and address its risks and challenges, including by reducing the digital divide between people and countries”.²¹
30. The impact of technology on the promotion of full, productive and freely chosen employment has been the subject of Conference discussions and statements on a regular basis in the past. Already at its 57th Session (1972), the Conference adopted a resolution on Labour and Social Implications of Automation and Other Technological Developments.²² The Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), devotes a section to “Technology Policies”. Recommendation No. 169 identifies “the development of technology as a means of increasing productive potential and achieving the major development objectives of creation of employment opportunities and the satisfaction of basic needs” and frames its facilitation as “one of the major elements of national development policy”.
31. At its 328th Session (March 2016), the Governing Body considered a possible item on the role of technology and other structural drivers in changing the nature of unemployment and underemployment. The aim of the item, which was not retained at the time, was to develop policy responses to questions such as whether there are sufficient quality job opportunities available for all women and men jobseekers in different contexts, at different age groups and skills levels; how technological changes and other factors affect the structural features including the level, nature and quality of job opportunities and skills demands; and if indeed these trends and patterns gradually develop into structural and permanent features in the labour markets.²³

Relevance in light of the ILO strategic objectives

32. Recommendation No. 169 highlights the vast potential of technology for decent work including higher productivity, expansion of the volume and structure of employment, improvement of working conditions, reduction of working time, opportunities to use existing and future skills and improved linkages between large-scale and small-scale undertakings. A Conference discussion could take stock of the extent to which existing

¹⁹ GB.337/PV, para. 25, GB.341/PV, para. 31. See also Jae-Hee Chang, Gary Rynhart and Phu Huynh, *ASEAN in Transformation: How Technology is Changing Jobs and Enterprises*, Bureau for Employers' Activities (ACT/EMP), Working Paper No. 10 (ILO, 2016).

²⁰ ILO Centenary Declaration for the Future of Work (2019), 3.

²¹ ILO, *Global call to action*, 10.

²² ILO, *Resolutions Adopted by the International Labour Conference at Its 57th Session* (Geneva, 1972), 10.

²³ GB.328/INS/3, para. 10.

and new technologies (for example, robotics, digital, nano or biotechnology) have realized that potential and whether policies have succeeded in eliminating negative effects, for example on occupational safety and health (OSH).

33. New technologies such as artificial intelligence (AI), machine learning and robotics can provide opportunities and help developing and emerging economies to leapfrog, but they also create new challenges. Over the past decade, concerns have been raised about new technologies replacing human labour on a large scale,²⁴ though there is no consensus in the literature about the potential impacts on jobs and the estimates vary substantially depending upon the country.²⁵ Existing research has also raised questions around whether an entire occupation is prone to automation or rather a specific task within an occupation. These studies further reveal that the job effects are quite uneven, as the risk of automation is greater for low-skilled compared to high-skilled jobs, dependent on the sector, firm size and country.²⁶ In particular for developing countries, the risk of job loss from automation is significant in this regard and might outstrip possible job gains in emerging sectors.²⁷
34. The new technologies can bring about significant productivity gains, new market opportunities and new jobs. However, evidence to date shows a slowdown in productivity in advanced as well as emerging and developing economies over the past decade and a half, which could be due to time lags in diffusion or lack of organizational capabilities and/or workforce skills to exploit them, or concentration of AI and data among a small fraction of large firms.²⁸ These findings have given rise to the so-called “productivity-paradox”, wherein there is no noticeable increase in productivity despite increased spending in information and communication technology assets and services.²⁹ The existing evidence points towards a need for conducting more systematic research to have a realistic understanding of the factors that shape the adoption and diffusion of technologies and its impact on productivity in different types of firms, industries, sectors and country or region.
35. In the transformation process towards a more widespread use of new technologies the key is to identify the right skills and to prepare the workforce for new task profiles. There is no systematic evidence with regard to the type of skills and competences needed as the transformation process is highly country-specific. Skills anticipation and career guidance systems, which make use of Big Data and AI are well placed to tackle the

²⁴ Carl Benedikt Frey and Michael A. Osborne, “[The Future of Employment: How Susceptible are Jobs to Computerization?](#)”, *Technological Forecasting and Social Change*, 114 (2017), 254–280.

²⁵ Damian Grimshaw and Uma Rani, “The Future of work: Facing the challenges of new technologies, climate change and ageing”, *Contemporary Human Resource Management*, eds. Adrian Wilkinson, Tony Dundon and Tom Redman (London: Sage Publications, 2021).

²⁶ Melanie Arntz, Terry Gregory and Ulrich Zierahn, *Digitalization and the Future of Work: Macroeconomic Consequences*, IZA Institute of Labour Economics Discussion Paper Series, No. 12428, 2019.

²⁷ Francesco Carbonero, Ekkehard Ernst and Enzo Weber, “[Robots Worldwide: The Impact of Automation on Employment and Trade](#)”, Institute for Employment Research IAB Discussion Paper, No. 07/2020, 2020.

²⁸ Peter Bauer et al., “Productivity in Europe: Trends and drivers in a service-based economy” (JRC Technical Report, 2020); Alistair Dieppe, ed., “Global Productivity: Trends, Drivers, and Policies” (World Bank, 2020); Prasanna Tambe et al., “[Digital Capital and Superstar Firms](#)”, NBER Working Paper Series, Working Paper No. 28285, 2020.

²⁹ Erik Brynjolfsson, Daniel Rock and Chad Syverson, “[Artificial Intelligence and the Modern Productivity Paradox: A Clash of Expectations and Statistics](#)”, in Ajay Agrawal, Joshua Gans and Avi Goldfarb, eds: “The economics of artificial intelligence: An agenda” (Chicago: The University of Chicago Press, 2019), 23–60; Bart van Ark, Klaas de Vries, and Abdul Erumban, “[How to Not Miss a Productivity Revival Once Again?](#)”, NIESR Discussion Paper No. 518, 2020.

complexity of the adjustment process and to smoothen the transition path for individual workers.³⁰

36. New technologies also create new challenges which are associated with income and job security, work intensification and certain discriminatory practices. As highlighted below, digital labour platforms provide new sources of income and work opportunities, but they also raise serious challenges with regard to working conditions, workers' rights and protection, and can also pose risks for workers' privacy as large amounts of data are collected.³¹ The use of AI and "algorithmic management" practices for managing work processes and worker performance on digital labour platforms, which are based on vast amounts of data, can result in discriminatory practices that target particular groups of workers. These practices are also increasingly used in traditional workplaces where AI, wearable devices and tools, among others, monitor work performance.³² The data collected through AI and other devices can help in decision-making at the firm level such as downsizing, productivity or designing tasks or jobs, and can adversely affect the workers if not well-regulated.
37. Technologies can be effectively harnessed to provide decent work to all workers. For instance, governments in a number of countries have started to utilize digital technologies to promote formalization through the registration of both economic units and of employment, digital payments or electronic payroll, the provision of social protection and other benefits, filing and payment of taxes, among others.³³ This strategy could be replicated and scaled up in a variety of different contexts, including platform work so as to ensure decent work to all workers. Technologies can also help in increasing compliance through maintenance of digital records, which are transparent and using targeted inspection and enforcement. Similarly, with increasing work intensification, working time can be digitally maintained to ensure protection of wages for hours worked, as well as to ensure compliance with working-time regulations.
38. The Centenary Declaration specifically calls for "policies and measures that ensure appropriate privacy and personal data protection, and respond to challenges and opportunities in the world of work relating to the digital transformation of work, including platform work". The role of such policies are even more important in the context of the COVID-19 pandemic with remote working, which can have serious economic and social consequences if effective policies and regulations are not put in place to protect the workers and ensure that digital access is available to all.
39. To harness technology so that the benefits can be shared equally by firms and workers, both men and women, in different parts of the world would require addressing the digital divide besides a well-informed approach to data regulation. This will allow many developing countries to transition towards formality, provide improved access to markets and facilitate access to public services, which can lead to productivity gains. This will require more investments and finance for developing or upgrading the digital

³⁰ Karlis Kandars et al., *Mapping Career Causeways: Supporting Workers at Risk* (Nesta, 2020).

³¹ ILO, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work*, 2021.

³² Valerio De Stefano, *"Negotiating the Algorithm": Automation, Artificial Intelligence and Labour Protection* ILO Employment Policy Department Working Paper, No. 246 (ILO, 2018); Pheobe Moore, Martin Upchurch, and Xanthe Whittaker, eds, *Humans and Machines at Work: Monitoring, Surveillance and Automation in Contemporary Capitalism*, Palgrave Macmillan, 2018.

³³ Juan Chacaltana, Vicky Leung and Miso Lee, *"New Technologies and the Transition to Formality: The Trend Towards E-Formality"*, ILO Employment Working Paper No. 247, 2018.

infrastructure to reduce the widening gaps, so that existing inequalities are not exacerbated and to ensure there is universal access to all.

Expected outcome

40. An expected outcome of a general discussion would be conclusions and a resolution providing a consensus view on the contribution of technology to and its impact on the promotion of full, productive and freely chosen employment; guidance on action to be taken by Member States to enhance the protection of workers in light of new technologies; and proposals for normative and non-normative initiatives to be supported in future programming by the ILO. It would build on the outcome of the meeting of experts on decent work in the platform economy scheduled for 2022. A general discussion would provide an opportunity for the ILO to present a tripartite view on the UN Secretary-General's Roadmap for Digital Cooperation³⁴ and Call to Action on Human Rights³⁵ and contribute to the achievement of SDGs 8 and 9.³⁶

C. Decent work and the care economy (general discussion)

Source of the proposal

41. At the 337th Session (October–November 2019) of the Governing Body, one of the constituent groups requested the Office to prepare a proposal for the possible inclusion of the care economy as the subject of a general discussion at a future session of the Conference.³⁷ Further guidance regarding such a proposal provided at the 341st Session (March 2021) stressed the particular relevance of a discussion on the care economy in the context of COVID-19 which has exacerbated existing gender inequalities in the labour market.³⁸

Nature and context of the possible item

42. Since the adoption of the 2011 instruments on decent work for domestic workers the ILO has progressively stepped up its efforts to highlight the opportunities and challenges of care work. A global survey into attitudes and perceptions of women and men regarding women and work confirmed that work–life balance remains the main challenge for women to enter, remain and advance in the labour market.³⁹ A 2018 landmark report on care work and care jobs unpacked the global dimension of unpaid and paid care work and its relationship with the changing world of work.⁴⁰ It highlighted persistent gender inequalities in households and in the labour market, and their inextricable links with care work. It also stressed the care economy as an engine of job creation and the need to tackle decent work deficits in the relevant sectors. The Centenary Declaration prominently recognized the relevance of the care economy for a transformative agenda for gender equality. A specific focus on supporting investments

³⁴ Report of the Secretary-General, *Roadmap for Digital Cooperation*, June, 2020.

³⁵ *The Highest Aspiration – A Call to Action for Human Rights*, 2020, notably the workstream on new frontiers of human rights.

³⁶ Particularly SDG 9.c, which aims to “significantly increase access to information and communications technology and strive to provide universal and affordable access to the internet in least developed countries by 2020”.

³⁷ GB.337/PV, para. 19.

³⁸ GB.341/PV, para. 22.

³⁹ ILO and Gallup, *Towards a Better Future for Women and Work: Voices of Women and Men*, 2016.

⁴⁰ ILO, *Care Work and Care Jobs for the Future of Decent Work*, 2018.

in the care economy and work–family balance was included in outcome 6 of the Programme and Budget for 2020–21.

43. The global COVID-19 pandemic brought the human, social and economic dimensions of care work and their direct implications for the interrelated goals of well-being, gender equality, social cohesion and sustainable development into an even stronger spotlight. Building on the Centenary Declaration and stressing social dialogue as an essential tool, the 2021 Global call to action places investment in the care economy in the context of a job-rich recovery with decent work and inclusive economic growth. It calls for tackling discrimination based on all grounds and taking into account the situation of specific groups such as migrants, persons with disabilities or ethnic minorities; inclusion of care credits into social insurance, income security during care leaves and affordable and quality child and long-term care services as integral parts of social protection systems that promote gender equality.
44. Similarly, at its 109th Session, the Conference called on Member States to “invest in the care economy to facilitate access to affordable and quality childcare and long-term care services as an integral part of social protection systems, in a manner that is supportive of the workforce participation of workers with care-giving responsibilities and an equal sharing of care work between women and men”. It also pledged support to Member States “in ensuring decent work for workers in the care economy, with a view to improving the attractiveness of these sectors and strengthening the quality of health and care services”.⁴¹
45. The Office is currently preparing a major report identifying gaps in coverage of care policies, such as absence of care leave for fathers or inadequate childcare and long-term care services and presenting costs and benefits of achieving universal and adequate coverage of care leave policies, childcare and long-term care services. This workstream will also include support to Member States to make cost simulations for alternative care policy options based on potential sources of fiscal space.
46. Certain aspects of care work have been addressed in the context of the general discussion on inequality during the 109th Session of the Conference. A General Survey with focus on nursing personnel and domestic workers will be discussed at the 110th Session of the Conference in 2022, while a General Survey on the instruments concerning equality of opportunity and treatment⁴² are scheduled for discussion by the Conference in 2023.
47. Care work is moving centre stage in global debates and initiatives. For example, the 2020 G20 Leaders’ Declaration includes a commitment to address the unequal distribution of unpaid care work and care responsibilities between men and women as a means for advancing gender equality and women’s economic empowerment.⁴³ A Global Alliance for Care has been launched in 2021 by the Government of Mexico and UN Women to address the burden of care that hinders economic opportunities for women. As one of the 52 Alliance members, the ILO contributes by expanding global data and knowledge on paid and unpaid care work and care leave policies, promoting universal care policies and job creation in the care economy with attention to improving working conditions,

⁴¹ ILO, [Resolution concerning the second recurrent discussion on the strategic objective of social protection \(social security\)](#), ILC.109/Resolution III, paras 13(g) and 17(f).

⁴² [GB.338/LILS/2](#).

⁴³ [Leaders’ Declaration, G20 Riyadh Summit](#), 21–22 November 2020. See also the [G20 Rome Leaders’ Declaration](#), para. 8.

and promoting relevant international labour standards, including on inequality and non-discrimination.

Expected outcome

48. A general discussion on the need for inclusive and sustainable care systems would provide an opportunity for a timely and integrated review of developments concerning care work, across the ILO's strategic objectives, as a critical area for advancing the transformative agenda for gender equality; for equality, diversity and inclusion, and for promoting an ecosystem of care for all. The discussion could build on the above-mentioned Conference discussions and be informed by recent ILO research and technical assistance. The general discussion could lead to conclusions and a resolution providing an ILO perspective, policy directions and suggested actions concerning the strengthening of investments in the care sector as a source for a job-rich recovery; improving working conditions for care workers; promoting equity, equality and non-discrimination, recognition, reduction and redistribution of unpaid care work; work-life balance policies, including care leave and access to quality care services and long-term care as well as the role of the social and solidarity economy in the context of care and the link between care work and just transitions. The outcome could also stress the need for policy coherence, gender-responsiveness of interventions across strategic objectives, promoting social dialogue and partnerships as well as leveraging the ILO's expertise and capacity for making progress towards SDGs 5, 8 and 10.

2. Follow-up to the recommendations of the Standards Review Mechanism Tripartite Working Group

49. Upon the recommendations of the Standards Review Mechanism Tripartite Working Group (SRM TWG) the Governing Body at its 331st Session (October–November 2017) requested the Office to prepare, for consideration for inclusion at the earliest dates possible in the agenda of future sessions of the Conference, proposals for possible standard-setting items on biological hazards, ergonomics and manual handling, recognizing regulatory gaps, on the consolidation of the instruments concerning chemical hazards, and on the revision of the instruments concerning guarding of machinery.⁴⁴
50. Proposals to consider standard-setting items to the Conference should be guided by the concept of a strategic and coherent approach to the setting of Conference agendas as decided by the Governing Body at its 332nd Session based on the need to ensure institutional coherence, as well as the need to ensure a balance between the adequate time for preparation and adequate flexibility.
51. The agenda for the Conference in 2023 and beyond regarding standard-setting items on OSH as identified above should be guided by the need to ensure a clear, robust and up-to-date body of international labour standards with respect to certain occupational hazards.
52. At its 337th Session (October–November 2019), the Governing Body requested the Office to be guided by the recommendations of the SRM TWG regarding the “thematic integration approach”. As was discussed by the SRM TWG, regulation through thematic integration would, *prima facie*, involve customized standard-setting processes for the four thematic subtopics as decided by the Governing Body. Variations could be on the

⁴⁴ GB.331/LILS/2, annex, paras 17(i), 19(ii), 27 and 31.

basis of decisions, whether the standard-setting action should result in a Protocol, a Convention or a Recommendation, or a Convention and a Recommendation. Alternatively, new instruments to complement the existing up-to-date instruments could combine binding and non-binding provisions into a single instrument. A further alternative could be to complement the existing up-to-date instruments through the adoption of a new integrated instrument on OSH risks in general; this could integrate all instruments concerning specific risks – other than those that are already up to date – to provide an umbrella framework that is applicable to all risks.⁴⁵ It may be noted that, while the possibility of regulating biological and chemical hazardous substances together has been proposed, a meeting of experts in 2007 considered that biological substances should be considered separately from other hazardous substances.⁴⁶

53. The earliest opportunity to include a standard-setting item on OSH hazards on the agenda of the Conference would be at the 112th Session (2024). Should the Governing Body wish to follow a practice of a single standard-setting item per Conference session, the earliest opportunity would be the 114th Session (2026), considering an item on biological hazards has already been included on the agenda of the Conference in 2024 and 2025. The complexity of the topics to be addressed would favour at least two discussions, which can take the form of either a regular double-discussion procedure or a preparatory technical conference followed by a single discussion.⁴⁷

A. Standard-setting item on the consolidation of instruments concerning chemical hazards

54. Every year more than 1 billion workers are exposed to hazardous substances, including pollutants, dusts, vapours and fumes in their working environments.⁴⁸ According to the latest available estimates (2021), 82 per cent of global work-related mortality is caused by non-communicable diseases,⁴⁹ many of these as a result of exposure to hazardous chemicals such as asbestos (209,481 deaths annually and 3.97 million loss healthy life years). Because of significant knowledge gaps in respect of the occupational health effects of exposure to the steady proliferation of chemical compounds as well as the latency between exposure and at least some known diseases, health effects including fatalities could well be vastly underestimated.
55. The urgency to revise the ILO's normative framework on sound management of chemicals at work does not stem from a regulatory gap but from a need to pursue consolidation, coherence and regular updating of relevant standards. Protection against chemical hazards is currently covered by an instrument that focuses on key principles, the Chemicals Convention, 1990 (No. 170), and is classified as up to date. Convention No. 170 governs the sound management of all risks relating to the use of chemicals at work. It requires a comprehensive national framework for the safe use of chemicals at work, including the formulation, implementation and periodic review of a coherent national policy, as well as defining responsibilities of employers and rights and duties of workers at the level of the undertaking. Convention No. 170 and Recommendation No. 177 are supplemented by an ILO code of practice on safety in the use of chemicals

⁴⁵ ILO, *Working paper 1: Ensuring coherence and consistency in the standard-setting follow-up to SRM TWG recommendations on OSH*, fifth meeting of the SRM TWG, 23–27 September 2019, para. 14.

⁴⁶ ILO, *Background Information for Developing an ILO Policy Framework for Hazardous Substances*, MEPFHS/2007, 2007, para. 7; ILO, Working paper 1, paras 14 and 16.

⁴⁷ ILO, *Background Information for Developing an ILO Policy Framework for Hazardous Substances*, para. 37.

⁴⁸ ILO, *Exposure to Hazardous Chemicals at Work and Resulting Health Impacts: A Global Review*: A global review, 2021

⁴⁹ WHO and ILO, *WHO/ILO Joint Estimates of the Work-related Burden of Disease and Injury, 2000–2016*, 2021.

at work (1993). Five instruments that precede Convention No. 170 address specific chemical hazards such as white lead, benzene, lead poisoning, and white phosphorus.⁵⁰ The coexistence of these older instruments on specific chemicals and later principles-based Convention No. 170 affects the coherence of the ILO's normative framework on chemicals and as recommended by the SRM TWG is in need of revision.

56. In order to ensure continued and future relevance of the ILO normative framework on chemical hazards, the third SRM TWG meeting recommended "follow-up involving standard-setting action" as a measure of "practical and time-bound follow-up action"⁵¹ for the five instruments. The SRM TWG further recommended that these be revised in a consolidated manner, which could conceivably be realized through a Protocol to Convention No. 170.
57. The concerns raised as a reason for revising these instruments recognized that the practice of regulating, in detail, an individual hazardous substance in a single instrument is considered outdated; that there are concerns relating to the five instruments that are gender-related and the inappropriateness to include specific limits for exposure in standards (as is done in the Benzene Convention, 1971 (No. 136), for example); that provisions should be drafted in a manner that will ensure that ILO instruments are kept up to date with scientific and technological progress; and that to the extent that fixed limits should also be regulated, a system for easy updating of such limits should be provided for.
58. A new instrument complementing Convention No. 170 and revising the five older instruments could ensure valuable prohibitions are maintained while facilitating the introduction of new prohibitions or exposure standards that are easily updated in line with scientific and technological development.⁵² It could ensure the ILO makes a strategic, tripartite contribution to policy coherence with a number of international treaties and initiatives that have gathered momentum since the adoption of Convention No. 170, such as the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention for Prior-Informed Consent, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Minamata Convention on Mercury, the Strategic Approach to International Chemicals Management, and the Globally Harmonized System of Classification and Labelling of Chemicals. Such policy coherence could in turn promote the ratification and application of Convention No. 170.⁵³
59. The COVID-19 pandemic has fuelled an increase in chemical exposures due to more frequent and widespread use of disinfectants, hand sanitizers, and cleaning products and personal protective equipment. Unsafe use of these products can lead to toxic effects in people, with healthcare workers and young persons in cleaning and health services most at risk.

⁵⁰ White Lead (Painting) Convention, 1921 (No. 13); Benzene Convention (No. 136) and Recommendation (No. 144), 1971; Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4); and White Phosphorus Recommendation, 1919 (No. 6).

⁵¹ GB.331/LILS/2, para. 3.

⁵² Updating of exposure limits or "threshold limit values" (TLVs) could follow a procedure similar to the one set out in the List of Occupational Diseases Recommendation, 2002 (No. 194).

⁵³ Convention No. 170 is currently ratified by 22 Member States, of which three have ratified in the past four years.

B. Standard-setting item on ergonomics and manual handling

60. Human factors or ergonomics applies theory, principles, and data from many relevant disciplines to the design of products and work processes and systems, taking into account the complex interactions between the human and other humans, the environment, tools and equipment, and technology to enhance human performance and well-being in the world of work.⁵⁴ Ergonomic hazards include manual materials handling causing overexertion; inappropriate lighting or selection and use of tools; continuous standing or sitting while working; slips, trips or falls; thermal discomfort, and office postures causing musculoskeletal disorders (MSDs). The wide variety of MSDs renders an accurate estimate of direct and indirect costs particularly difficult but available evidence suggests that MSDs account for around a third of all injuries and illnesses, a higher than average absenteeism and significant healthcare costs, informal care costs and production losses.⁵⁵ Attention to prevention of ergonomic risks and efforts to improve comfort and well-being at work also becomes more urgent as workforces age and workers are expected to work longer.
61. New standards could, based on the questionnaire sent to Member States in the course of the standard-setting process, clarify the defining role of human factors and ergonomics in the development of work processes and systems and help determine internationally recognized forms, challenges and opportunities with respect to human factors and ergonomics at the workplace. It could set out broad principles for addressing such challenges and for promoting health and safety through the management of high-quality human factors and ergonomics. The instrument could specify national policies and regulations on human factors and ergonomics at work, establish a defined system of rights, responsibilities and duties of governments, employers, workers and their organizations, and promote a holistic approach to the design, management and operation of work.
62. In accordance with the recommendations of the SRM TWG, the new standards would revise the Maximum Weight Convention (No. 127) and Recommendation (No. 128), 1967, and update the regulatory approach to manual handling.
63. The preparatory work would be informed by a detailed law and practice report, studies of good practices and data collection, as well as broad consultations with constituents, partners across the UN system and with professional bodies and other stakeholders. It is proposed that a tripartite meeting of experts be held as early as 2024 to advise the Office on the scope of the issues by standard-setting. Preparatory work could also be informed by technical guidelines published by the Office in 2021.⁵⁶

⁵⁴ ILO, [“The Essential Contribution of Human Factors/Ergonomics to the Future of Work We Want”](#), 2019.

⁵⁵ See, for example, figures from the US Center for Disease Control and Prevention or the European Agency for Safety and Health at Work. According to the US Bureau of Labor Statistics (BLS) in 2013, MSD cases accounted for 33 per cent of all worker injury and illness cases.

⁵⁶ ILO, [Principles and Guidelines for Human Factors/Ergonomics \(HFE\) Design and Management of Work Systems](#), 2021. The guidelines were prepared by team of expert writers, reviewers, and representatives from the International Ergonomics Association, the International Labour Organization (ILO), and other institutions and organizations that recognize the critical need for human factors/ergonomics principles and guidelines in the design and management of work systems.

C. Standard-setting item on the revision of instruments concerning guarding of machinery

64. New standards would revise the Guarding of Machinery Convention (No. 119) and Recommendation (No. 118), 1963. It could set out broad principles for addressing safety and health issues in the use of machinery.
65. New standards in the form of a Convention could outline in definitional form the nature of safety and health in the use of machinery and define safety and health requirements and precautions applicable to governments, workers and employers, and also to designers, manufacturers and suppliers of machinery.
66. New standards in the form of a Recommendation (or non-binding provisions in a binding instrument), could provide further detailed guidance on more specific technical requirements and measures on the working environment, control systems, machinery guarding and protection against mechanical and other hazards, information and marking, and supplementary measures relating to specific machinery types.
67. A Conference discussion on safety and health in the use of machinery would be informed by a review of the code of practice on the same topic published in 2013⁵⁷ and a detailed law and practice report and be based on the questionnaire sent to Member States in the course of the standard-setting process.

D. Updating of new instruments on occupational safety and health

68. Standard-setting in the three areas would use appropriate approaches, so that new instruments can be easily updated, in particular with respect to technical provisions to ensure the continued relevance of the standards, taking into account national circumstances. Simplified revision mechanisms used in the MLC, 2006, or Recommendation No. 194 could serve as examples.

3. Update as regards the follow-up envisaged in relation to subjects currently under preparation

A. Access to labour justice: prevention and resolution of labour disputes⁵⁸

69. The Conference conclusions from the 2013 recurrent discussion called on Member States to ensure respect for the rule of law, including through the strengthening of dispute prevention and resolution mechanisms. They further called on the Office to expand its assistance to strengthen and improve the performance of labour dispute prevention and resolution systems and mechanisms, including for the effective handling of individual labour complaints. In turn, the Conference conclusions from the 2018 recurrent discussion on social dialogue and tripartism call on Members to establish, where appropriate, and develop with social partners dispute prevention and resolution mechanisms that are effective, accessible and transparent. They further call on the Office to assist Members and constituents to strengthen dispute prevention and resolution systems at various levels that promote effective social dialogue and build trust.

⁵⁷ ILO, *Safety and Health in the Use of Machinery*, code of practice, 2013.

⁵⁸ Office research has been realigned with the Programme and Budget for 2022–23 with the objective of supporting constituents in “revising legal frameworks in relation to dispute prevention and resolution to extend and protect rights for all, streamlining procedures and reinforcing the qualifications and capacity of personnel”. See GB.341/PFA/1, para. 81.

70. The Office continues to progress in its research on mechanisms for resolution of labour disputes, in the framework of the plan of action to implement the Conference conclusions from 2013. This includes research to identify guiding principles for effective resolution of labour disputes, and analysis of global developments in the promotion of access to justice, in the context of the SDGs.⁵⁹ The Office has expanded its research to cover how mechanisms for resolution of labour disputes have been affected by and have responded to the challenges of the COVID-19 pandemic.⁶⁰
71. The preliminary research findings suggest that the existing body of international labour standards could be enhanced. First, there is no single standard that directly and comprehensively addresses the issue of labour dispute resolution. Second, there is a relative lack of detail in the guidance in existing standards. Matters on which guidance could be valuable include: the role of the State in ensuring the effective application of the rule of law through access to labour justice; the role and operation of courts and non-judicial mechanisms in resolving labour disputes, including specialist labour courts; and the role of the social partners in effective labour dispute prevention and resolution. The impact of the COVID-19 pandemic on labour dispute resolution institutions is likely to linger longer than initially expected, especially regarding opportunities and challenges in respect of digitalization of proceedings, uneven access to technological tools and lack of statistical data.⁶¹ Furthermore, labour market transformations, including digitalization, are showing increasing demand for effective labour dispute mechanisms and institutions.
72. Existing standards are set to be reviewed by the SRM TWG: 4 of the 6 instruments in set 12 relate to dispute resolution. This, together with ongoing research findings, will enable the Office to advise the Governing Body about the desirability of action, and the form that any such action may take. During the 2020–21 biennium, the Office published: (1) a series of regional studies on access to justice and the role of labour courts⁶² (2) a number of related working papers;⁶³ (3) the results of a Rapid Assessment Survey: Response of Labour Dispute Resolution Mechanisms to the COVID-19 pandemic;⁶⁴ and forthcoming

⁵⁹ Preliminary research findings suggest that individual labour disputes have been increasing worldwide. Causes include growing labour forces, particularly in high labour migration regions; an increased range of individual rights protections; a decrease in trade union density and/or collective bargaining coverage; and increased inequality as a result of segmented labour markets. It appears that the increase in individual labour disputes has contributed to challenges that can limit access to labour justice. These can include high costs and delays; a lack of independence and impartiality; insufficient capacity to address evolving forms of labour disputes; and reduced scope for social dialogue, including collective mechanisms. Member States have responded in a variety of ways including: the establishment of new or additional dispute resolution mechanisms and bodies; modified procedural rules and institutional structures; improved capacity of dispute resolution practitioners; specialized dispute resolution mechanisms for vulnerable groups of workers; and increased dispute prevention measures, including through the promotion of workplace mechanisms.

⁶⁰ ILO, *Report on the Rapid Assessment Survey: The Response of Labour Dispute Resolution Mechanisms to the COVID-19 Pandemic*, 2021

⁶¹ ILO, *Report on the Rapid Assessment Survey*, 33.

⁶² The regional studies consider separate publications for Europe, Asia and the Pacific, Arab States, Africa and Latin America. The publications are: Access to Labour Justice: Judicial Institutions and Procedures in Selected European Countries; Access to Labour Justice: Judicial Institutions and Procedures in Selected African Countries; Access to Labour Justice: Judicial Institutions and Procedures in Selected Asian & Pacific Countries; Access to Labour Justice: Judicial Institutions and Procedures in Selected South American countries; and, Access to Labour Justice: Judicial Institutions and Procedures in Selected Arab countries.

⁶³ Related publications including: ILO Working paper 6: Access to Justice: A Literature Review on Labour Courts in Europe and Latin America; Report on Review of Malaysia's Labour Dispute Resolution System; Documento de Trabajo de la OIT 10: Acceso a la tutela judicial efectiva laboral en países de América del Sur.

⁶⁴ ILO, *Report on the Rapid Assessment Survey*.

(4) a report on access to justice: guidance from international labour standards. Evidence shows a variety of national practices and context, the interconnections between different types of labour disputes, and the use of similar institutions and procedures for different types of disputes, and at the same time digital technological disparities of the institutions to deliver access to labour justice to all, in particular facing challenges from the pandemic. A possible first next step would be a meeting of experts to be scheduled in the 2023. This meeting might then advise on subsequent action including placing a possible item on a future session of the Conference.

B. Protection of whistle-blowers in the public service

73. The conclusions of the Global Dialogue Forum on Challenges in Collective Bargaining in the Public Service (Geneva, 2–3 April 2014) included references to the role of legislation, social dialogue and collective bargaining in the independence and protection of public servants, including anti-corruption legislation. The Workers' group also highlighted this issue in the Sectoral Advisory Bodies in October 2014. The Governing Body was informed in October 2015 that a proposal from Public Services International had been received for an item on the Conference agenda with a view to standard-setting to ensure the independence, impartiality and protection of certain categories of public service workers, notably through the fight against corruption.⁶⁵
74. As this is an emerging topic and issues are still open, the document submitted to the Governing Body in October 2016 suggested that the topic be first examined by a meeting of experts. In the framework of their meetings from 11 to 13 January 2017, the sectoral advisory bodies have recommended that the Office undertake research on the topic as part of the sectoral programme 2018–19. As a result, the Office has published a working paper on national law and practice on protecting whistle-blowers in the public and financial services sectors.⁶⁶ The topic is now considered sufficiently mature for examination by a meeting of experts. As such a meeting was not possible to organize due to the COVID-19 pandemic, the Sectoral Advisory Bodies, at their meeting of January 2021, decided to propose to the Governing Body a technical meeting on the protection of whistle-blowers in the public service sector to be held during the 2022–23 biennium. The Governing Body endorsed this proposal at its 341st Session (March 2021).⁶⁷ At its 343rd Session, the Governing Body set the dates of the meeting for 26–30 September 2022, with a composition of interested Governments, eight Employer representatives, eight Worker representatives, as well as advisers, observers, official international organizations, and non-governmental international organizations as observers.⁶⁸

C. Decent work in the platform economy

75. The Centenary Declaration directs the ILO to ensure “that diverse forms of work arrangements, production and business models, including in domestic and global supply chains, leverage opportunities for social and economic progress, provide for decent work and are conducive to full, productive and freely chosen employment”. The question of how to ensure that diverse forms of work arrangements meet these objectives has been a recurring call in the Governing Body, especially since the February 2015 Meeting of Experts on Non-Standard Forms of Employment and the subsequent recurrent

⁶⁵ See GB.325/INS/2, para. 31.

⁶⁶ ILO, *Law and Practice on Protecting Whistle-blowers in the Public and Financial Services Sectors*, Working Paper No. 328, 2019.

⁶⁷ See GB.341/PV, paras 653–662.

⁶⁸ See GB.343/POL/2(Rev.2), Appendix I.

discussions on social protection (labour protection) at the 104th Session (2015) and on social dialogue and tripartism at the 107th Session (2018) of the Conference. The 2021 Global call to action calls for ILO leadership in supporting the efforts of Member States to harness “the fullest potential of technological progress and digitalization, including platform work, to create decent jobs and sustainable enterprises, enable broad social participation in its benefits and address its risks and challenges, including by reducing the digital divide between people and countries”.⁶⁹

76. Online digital labour platforms, which have emerged over the past decade, are part of the growing diversity of work arrangements. Work on these platforms includes both “cross-border, web-based platforms” (also sometimes referred to as “crowdwork” or “online outsourcing”) and location-based applications (apps) which allocate work to individuals in a specific geographical area. For cross-border, web-based platforms, the work is outsourced through an open call to a geographically dispersed crowd or to individuals through freelancing platforms. Though some of these jobs entail the movement of work from the offline to the online economy, in other instances, they are new tasks that permit the smooth functioning of web-based industries or the advancement of AI systems, such as content moderation on social media sites, or data annotation. Typical activities of location-based apps are transportation, delivery and home services.
77. Reliable estimates of the employment share of the platform economy are scarce. Figures for 14 EU States indicate that it concerns roughly 2 per cent of the adult population; an ILO estimate for Ukraine indicates that it is roughly 3 per cent of the labour force. An ILO survey of 3,500 workers on five major crowdwork platforms revealed there were workers from 75 countries, with strong representation from Africa, Asia and the Americas. Nevertheless, it is expected that work on digital labour platforms will continue to expand. According to the Oxford Internet Institute’s Online Labour Index, activity on the five largest English-language web-based labour platforms expanded by one third between July 2016 and March 2019. This number is likely to increase given the interest of Fortune 500 companies to scale up platform sourcing.
78. Drawing on surveys and interviews with some 12,000 workers and representatives of 85 businesses around the world in multiple sectors, the *World Employment and Social Outlook 2021* report highlights that digital labour platforms are opening up opportunities that did not exist before, particularly for women, young people, persons with disabilities and marginalized groups in all parts of the world. It also reports that platforms allow businesses to access a large workforce with varied skills, while expanding their customer base. At the same time, many businesses face challenges relating to unfair competition, non-transparency with regard to data and pricing, and high commission fees. For many platform workers challenges relate to working conditions, the regularity of work and income, and to social protection and freedom of association and collective bargaining rights. Many governments, enterprises and workers’ representatives, including unions, have begun to address some of these issues and have developed a variety of responses. The COVID-19 pandemic is highlighting both the employment opportunities platform work is generating in the recovery phase from job and income loss and the regulatory challenges to ensure platform workers’ safety and health is protected and they are covered by adequate social protection measures.

⁶⁹ ILO, Global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient, para. 13(a)(v).

79. The platform economy is disrupting existing business models but also the employment model upon which these business models traditionally rely. Digital platforms are transforming drastically how organizations conceive business, interact with one another and create value for society. Work on digital labour platforms provides workers with the opportunity to work from any place, at any time and is particularly attractive for countries with weak labour demand. Yet engaging in such work can generate risks for workers with regard to their status of employment, employment and income security, social protection and other benefits, and the exercise of freedom of association and the right to collective bargaining, as most of this work is being performed outside the scope of labour law and is often undeclared. Moreover, in the cross-border, web-based platforms, the platform, and its clients, may be located in a different jurisdiction than the workers, making it difficult for regulators to apply local labour laws.
80. Understanding of mechanisms to ensure decent work for workers on digital labour platforms needs to be further enhanced. While the Office continues research, constituents have recognized the need for official discussions on this topic. The Centenary Declaration calls on all Members, with the support of the ILO, to “respond to challenges and opportunities in the world of work relating to the digital transformation of work, including platform work”, and develop “policies and measures that ensure appropriate privacy and personal data protection”. The resolution concerning inequalities and the world of work, adopted by the Conference at its 109th Session (2021), recalls that “digitalization and the rise of digital labour platforms can create new drivers of inequality, but also provide workers with income-generating opportunities.”⁷⁰ In addition, the 335th Session (March 2019) of the Governing Body recalled the discussion in October 2018, in which some governments proposed to prioritize action towards decent work in the platform economy. The discussion referred to the resolution concerning the second recurrent discussion on social dialogue and tripartism (2018) calling for “(e) ... access to freedom of association and the effective recognition of the right to collective bargaining of digital platform and gig economy workers ...”.
81. A majority of members of the Governing Body have expressed support for a future Conference discussion on decent work in the platform economy.⁷¹ Following the Governing Body’s decision taken at its 343rd Session, a tripartite meeting of experts on decent work in the platform economy will be convened in October 2022 to help shape the necessary policy approach. The results of this meeting should draw on all relevant tripartite discussions and inform the recurrent discussion on social protection (labour protection) to be held at the 111th Session (2023) of the Conference, which will pay attention to, among others, the opportunities and challenges associated with the growing diversity of forms of work arrangements. Depending on the outcome of the tripartite meeting of experts, either a general discussion or a standard-setting item on decent work in the platform economy could be envisaged, possibly as early as the 113th Session (2025) of the Conference depending on possible other items currently considered for inclusion on the Conference agenda.

⁷⁰ ILO, [Resolution concerning inequalities and the world of work](#), ILC.109/Resolution XVI, 2021, para. 21.

⁷¹ GB.337/PV, paras 17, 26, 31, 38, 42 and 43 and GB.341/PV.

D. Protection of workers' personal data in the digital era

82. Workers' personal data are collected and processed for a number of often legitimate reasons, including selection for employment, contractual obligations, personal administration and human resources management, OSH and protection of the employer. However, data collection and processing may also entail the risk of breaching the right of workers to privacy and, in certain cases, even result in their being discriminated against. These concerns are intensifying with the increasing use of information and communication technology for work-related purposes. Algorithmic management, which heavily relies on the processing of personal data, is an important feature of the platform economy that progressively came to encompass other workplaces across the socio-economic spectrum. Further, the massive shift to telework during the ongoing COVID-19 pandemic, to counter the spread of the contagion, has raised concerns regarding the potential implications for workers' surveillance and the processing of their health data.
83. Therefore, it is of the utmost importance to devise a clear and strong governance on the use of workers' personal data, including their use in the context of algorithm-based management. The Centenary Declaration calls upon ILO Member States to adopt "policies and measures that ensure appropriate privacy and personal data protection, and respond to challenges and opportunities in the world of work relating to the digital transformation of work, including platform work". In June 2021, the Conference adopted the Global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient in which the ILO's constituents commit to "(e) introduce, utilize and adapt teleworking and other new work arrangements so as to retain jobs and expand decent work opportunities through, among other means, regulation, social dialogue, collective bargaining, workplace cooperation and efforts to reduce disparities in digital access, respecting international labour standards and privacy and promoting data protection and work-life balance;".
84. Already in 1996, an ILO meeting of experts adopted a code of practice on the protection of workers' personal data. Several international labour standards also refer to the need to protect workers' personal data, including the Private Employment Agencies Convention, 1997 (No. 181) and Recommendation (No. 188), and the Occupational Health Services Recommendation, 1985 (No. 171). Further, the HIV and AIDS Recommendation, 2010 (No. 200), and the Domestic Workers Recommendation, 2011 (No. 201), expressly call for the adoption of measures consistent with the above-mentioned code of practice. The code of practice, completed by a commentary prepared by the ILO, regulates the collection, security and storage of personal data, as well as their use and communication to third parties. It also enumerates workers' individual and collective rights, and addresses the automated processing of data as well as electronic monitoring. There is nonetheless a need to assess its continuing relevance in light of the steady development of information and communications technologies. A growing number of countries throughout the world seek to protect workers' rights in relation to the collection, processing and use of personal data. In the European Union the European General Data Protection Regulation applies also to workers' personal data, while the Committee of Ministers of the Council of Europe adopted in 2015 a new Recommendation on the processing of personal data in the employment context, which takes into consideration the impact of the use of new information and communication technologies.
85. In view of the importance of this matter today and for the governance of the future of work, the Governing Body may consider holding a tripartite meeting of experts in the first quarter of 2023 that could review the challenges that emerge regarding the protection of workers' personal data across regions, notably in light of the growing

digitalization of work and the current state of regulation in law and practice. The review could cover the collection, storage and use of data, their communication to third parties, and the digital monitoring and algorithmic management of workers. Against this backdrop, the meeting of experts could assess the continued relevance of the ILO code of practice on the protection of workers' personal data to today's realities and needs and recommend possible adjustments and the most desirable follow-up action. Depending on the outcome of this meeting, the Governing Body may consider including an item on this subject matter on the agenda of future sessions of the Conference.

► Appendix II

Information on elements for a possible preparatory technical conference on the consolidation of instruments on chemical hazards

Introduction

1. As an alternative to the regular double-discussion standard-setting procedure, the Office recalls the possibility of convening a preparatory technical conference prior to the adoption of international labour standards on chemical hazards by a regular session of the Conference. An appropriate instrument could be adopted by the International Labour Conference in a single discussion in 2026 should the Governing Body not wish to place more than one item on occupational safety and health on the agenda of future sessions of the Conference. In accordance with paragraph 5.1.6 of the Standing Orders of the Governing Body, the Governing Body will have to determine the date, composition and terms of reference of a preparatory technical conference on the consolidation of instruments on chemical hazards. Below are possible proposals, which can be further elaborated based on the guidance provided by the Governing Body.

Date

2. A preparatory conference could be convened in the last quarter of 2023 for a period of two working weeks. This would be equal to the time normally available to a technical committee of the Conference for the completion of its work, and should allow sufficient time for adequate consideration of, and the formulation of proposals on, the technically complex subject of chemical hazards.
3. The period suggested would also leave sufficient leeway for the preparation and distribution well in advance of the documentation both for a preparatory conference in 2023 and, in the event of further action being recommended, for the 114th Session of the International Labour Conference (2026). The precise dates for a possible preparatory technical conference would be determined by the Governing Body in connection with the general programme of meetings for 2023.

Place

4. The preparatory technical conference could take place in Geneva.

Composition

5. Invitations to the preparatory technical conference could be issued to a limited number of Member States. However, chemical hazards is an issue with which, to a greater or lesser degree, all countries are concerned, and it is difficult to find a clear and obvious criterion on which a selected list of countries could be based such as exists in the case of a meeting dealing with a specified industry or activity. It could therefore be considered that an invitation to the Conference be issued to all States Members of the Organization, leaving each country to decide for itself whether it wishes to be represented.
6. With regard to the composition of delegations, the practice followed in respect of earlier preparatory technical conferences has in general been for each country to be represented by an equal number of delegates from each group. As there would be only one item on the

agenda, the Governing Body could think it appropriate that each Member State attending the Conference should be invited to send a delegation consisting of one Government delegate, one Employers' delegate and one Workers' delegate, together with such advisers as may be considered necessary.

Agenda

7. The agenda of the Conference would consist of a single item, as follows:
Consolidation of international labour standards concerning chemical hazards.
8. The documentation to be prepared by the Office for the preparatory technical conference would give particular attention to chemical hazards issues confronting developing countries.

Rules of procedure

9. The Governing Body would have to adopt rules of procedure (Standing Orders) for the preparatory conference.

Representation of the Governing Body

10. The budgetary credit for the Conference includes provision for a tripartite Governing Body delegation of three persons. The Governing Body could be asked to appoint the members of its delegation at a later session, if this option is chosen.

Representation of Intergovernmental Organizations and Non-Governmental International Organizations

11. The Director-General would propose that the Governing Body authorizes him or her to invite interested international organizations and international non-governmental organizations to be represented at the preparatory technical conference.

Financial implications

12. In accordance with the usual practice in the case of preparatory technical tripartite conferences, the expenses of all the delegates will be met by their governments. Should the Governing Body decide to convene a preparatory technical Conference, a detailed budget will be proposed to the Governing Body at its 346th Session (November 2022). ¹

¹ A budget for a preparatory technical Conference has not been included in the [Programme and Budget for the biennium 2022–23](#). Its cost may be estimated in the range of US\$500,000. Should it be decided to convene the preparatory technical conference in 2024, the Director-General would include in his budget proposals for 2024–25 the necessary financial provision for approval by the Conference.

► Appendix III

Overview of the technical items selected for the Conference agenda (2010–30)

Session	Technical items			
99th (2010)	Decent work for domestic workers – standard-setting , double discussion (first discussion).	Elaboration of an autonomous Recommendation on HIV/AIDS in the world of work – standard-setting , double discussion (second discussion).	A recurrent discussion on the strategic objective of employment, under the follow-up to the Social Justice Declaration.	Review of the follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work.
100th (2011)	Decent work for domestic workers – standard-setting , double discussion (second discussion).	Labour administration and labour inspection – general discussion .	A recurrent discussion on the strategic objective of social protection (social security), under the follow-up to the Social Justice Declaration.	
101st (2012)	Elaboration of an autonomous Recommendation on Social Protection Floors – standard-setting , single discussion.	Youth employment crisis – general discussion .	A recurrent discussion on the strategic objective of fundamental principles and rights at work, under the follow-up to the Social Justice Declaration, and the follow-up (revised, June 2010) to the 1998 Declaration.	
102nd (2013)	Employment and social protection in the new demographic context – general discussion .	Sustainable development, decent work and green jobs – general discussion .	A recurrent discussion on the strategic objective of social dialogue, under the follow-up to the Social Justice Declaration.	Further review of remaining measures previously adopted by the Conference under article 33 of the ILO Constitution to secure compliance by Myanmar with recommendations of the Commission of Inquiry on forced labour.

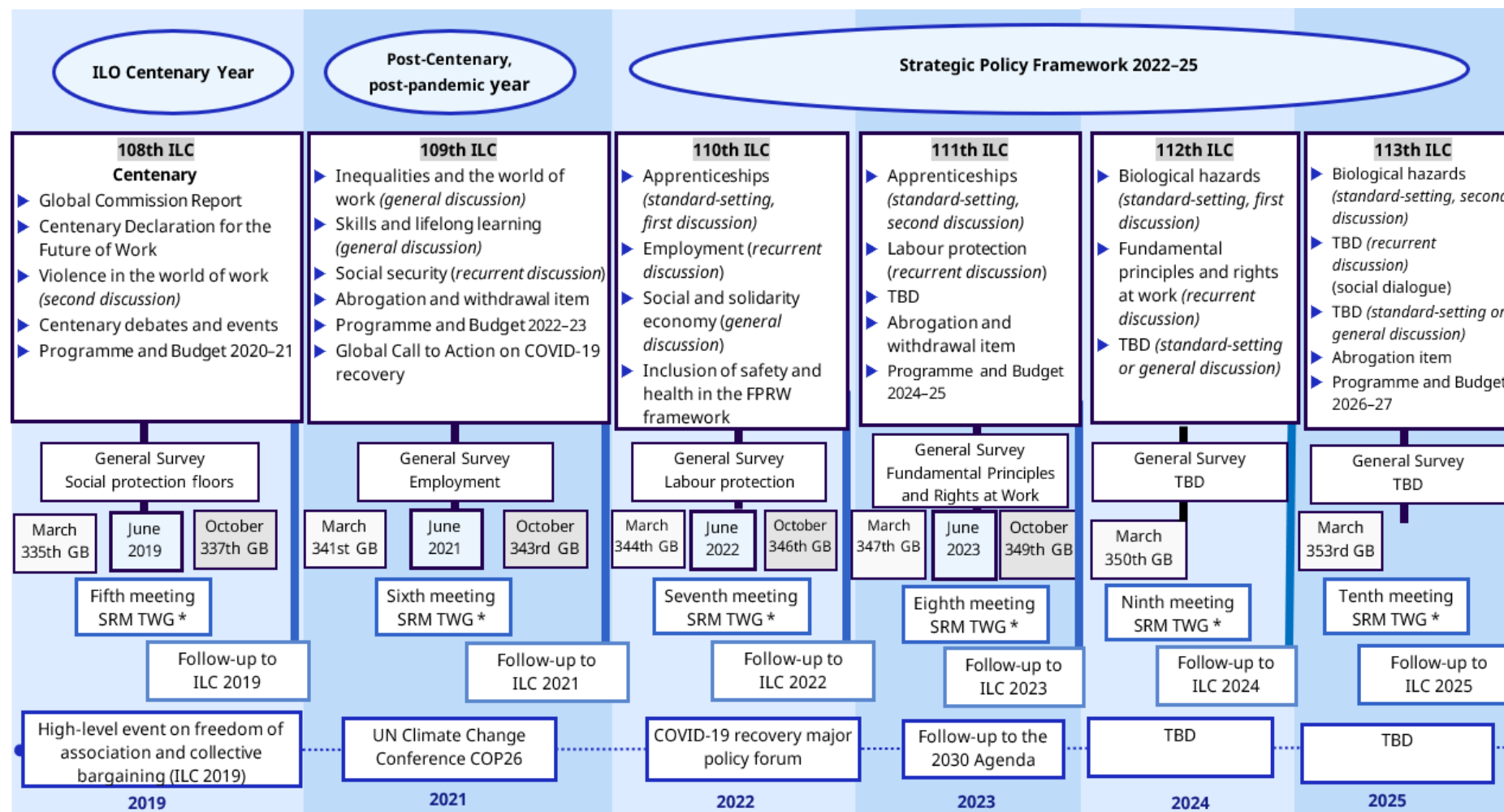
Session	Technical items			
103rd (2014)	Supplementing the Forced Labour Convention, 1930 (No. 29), to address implementation gaps to advance prevention, protection and compensation measures to effectively achieve the elimination of forced labour – standard-setting , single discussion.	Facilitating transitions from the informal to the formal economy – standard-setting , double discussion (first discussion).	Second recurrent discussion on the strategic objective of employment, under the follow-up to the Social Justice Declaration.	Approval of amendments to the Code of the Maritime Labour Convention, 2006, as adopted by the Special Tripartite Committee established under Article XIII of the Convention.
104th (2015)	Facilitating transitions from the informal to the formal economy – standard-setting , double discussion (second discussion).	Small and medium-sized enterprises and decent and productive employment creation – general discussion .	A recurrent discussion on the strategic objective of social protection (labour protection), under the follow-up to the Social Justice Declaration.	
105th (2016)	Decent work for peace, security and disaster resilience: Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71) – standard-setting , double discussion (first discussion).	Decent work in global supply chains – general discussion .	Evaluation of the impact of the Social Justice Declaration.	Approval of amendments to the annexes to the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185); and to the Code of the Maritime Labour Convention, 2006, as adopted by the Special Tripartite Committee.
106th (2017)	Decent work for peace, security and disaster resilience: Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71) – standard-setting , double discussion (second discussion).	Labour migration – general discussion .	A recurrent discussion on the strategic objective of fundamental principles and rights at work, under the follow-up to the Social Justice Declaration.	Abrogation and/or withdrawal of Conventions Nos 4, 15, 28, 41, 60 and 67.
107th (2018)	Violence and harassment against women and men in the world of work – standard-setting , double discussion (first discussion).	Effective ILO development cooperation in support of the Sustainable Development Goals – general discussion .	A recurrent discussion on the strategic objective of social dialogue and tripartism, under the follow-up to the Social Justice Declaration.	Abrogation of Conventions Nos 21, 50, 64, 65, 86 and 104 and withdrawal of Recommendations Nos 7, 61 and 62.

Session	Technical items			
108th (2019)	Violence and harassment against women and men in the world of work – standard-setting , double discussion (second discussion).	Centenary Declaration for the Future of Work.	Organization of debates and events connected to the ILO's Centenary.	
109th (2021)	Skills and lifelong learning – general discussion .	Inequality and the world of work – general discussion .	A recurrent discussion on the strategic objective of social protection (social security), under the follow-up to the Social Justice Declaration.	Abrogation of Conventions Nos 8, 9, 16, 53, 73, 74, 91 and 145 and withdrawal of Conventions Nos 7, 54, 57, 72, 76, 93, 109, 179 and 180 as well as of Recommendations Nos 27, 31, 49, 107, 137, 139, 153, 154, 174, 186 and 187. Withdrawal of the Fee-Charging Employment Agencies Convention, 1933 (No. 34).
110th (2022)	Apprenticeships – standard-setting , double discussion (first discussion).	A recurrent discussion on the strategic objective of employment, under the follow-up to the Social Justice Declaration.	Social and solidarity economy – general discussion .	Inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work through an amendment to paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work, 1998
111th (2023) (to be completed)	Apprenticeships – standard-setting , double discussion (second discussion).	A recurrent discussion on the strategic objective of social protection (labour protection), under the follow-up to the Social Justice Declaration.	<i>To be decided at the 344th Session of the Governing Body.</i>	Abrogation of Convention No. 163. Withdrawal of Conventions Nos 70, 75, 165, 178 and of the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976, as well as of Recommendations Nos 9, 10, 20, 28, 48, 75, 76, 78, 105, 106, 108, 138, 140, 141, 142, 155, 173 and 185.

Session	Technical items		
112th (2024) (to be completed)	Occupational safety and health protection against biological hazards – standard-setting , double discussion (first discussion).	A recurrent discussion on the strategic objective of fundamental principles and rights at work, under the follow-up to the Social Justice Declaration.	Abrogation of Conventions Nos 45, 62, 63 and 85.
113th (2025) (to be completed)	Occupational safety and health protection against biological hazards – standard-setting , double discussion (second discussion).	A recurrent discussion on the strategic objective of social dialogue and tripartism, under the follow-up to the Social Justice Declaration (to be confirmed).	
114th (2026) (to be completed)			
115th (2027) (to be completed)			
116th (2028) (to be completed)			
117th (2029) (to be completed)			
118th (2030) (to be completed)			Abrogation of Conventions Nos 22, 23, 55, 56, 58, 68, 69, 92, 96, 133, 134, 146, 164 and 166.

► Appendix IV.

Agenda of the ILO – Timeline (2019–25)



* SRM TWG – Standards Review Mechanism Tripartite Working Group.