



International Labour Organisation

REPORT OF THE NEW ZEALAND GOVERNMENT
DELEGATES ON THE ONE HUNDREDTH SESSION
OF THE INTERNATIONAL LABOUR CONFERENCE,
GENEVA, 1 JUNE TO 17 JUNE 2011

Presented to the House of Representatives

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PROCEEDINGS OF THE CONFERENCE

The one-hundredth session of the International Labour Conference (the Conference) was held in Geneva, from 1 to 17 June 2011.

The annual Conference of the International Labour Organisation (ILO) drew some 4,000 delegates, including Heads of State, labour ministers and leaders of workers' and employers' organisations from most of the ILO's 183 member States. Under the ILO Constitution, delegations from each member State attending the Conference must consist of four representatives: two from government and one each representing workers and employers, each of whom may speak and vote independently. Delegates may be accompanied by advisers/substitute delegates.

The role of the International Labour Conference is to adopt and oversee compliance with international labour standards, establish the budget of the ILO and elect members of the Governing Body. Since 1919, the Conference has served as a major international forum for debate on social and labour questions of worldwide importance.

The following people represented New Zealand at the 2011 Conference:

Government Delegates

Mr Michael Hobby, Principal Adviser, International, Department of Labour

Government Advisers/Substitute Delegates

Mr Tom Dibley, Executive Adviser, Executive Group, Department of Labour

Mr Maarten Quivooy, Group Manager Workplace Services, Labour Group, Department of Labour

Ms Wendy Hinton, Deputy Permanent Representative, New Zealand Permanent Mission to the United Nations, Geneva

Ms Lucy Cassels, Second Secretary, New Zealand Permanent Mission to the United Nations, Geneva

Employers' Delegate

Mr Phil O'Reilly, Chief Executive, Business New Zealand

Employers' Adviser/Substitute Delegate

Mr Paul MacKay, Manager, Employment Relations Policy, Business New Zealand

Workers' Delegate

Ms Helen Kelly, President, New Zealand Council of Trade Unions

Workers' Adviser/Substitute Delegate

Mr Andrew Little, National Secretary, Engineering, Printing and Manufacturing Union

The Conference was presided over by Mr Robert Nkili, Minister of Labour and Social Security, Cameroon, and Government member of the ILO Governing Body.

The Conference also elected as Vice-Presidents Mr Hernández Sánchez (Government) of the Dominican Republic, Mr Lima Godoy (Employers) from Brazil, and Mr Hossu (Workers) from Romania.

CONFERENCE AGENDA

Standing Items

- I (a) Reports of the Chairperson of the Governing Body and of the Director-General
- (b) Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work
- II Programme and Budget proposals for 2012-13 and other questions
- III Information and reports on the application of Conventions and Recommendations

Items placed on the agenda by the Conference or the Governing Body

- IV Decent work for domestic workers (*standard setting, second discussion, with a view to the adoption of a Convention supplemented by a Recommendation*)
- V Labour administration and inspection (*General discussion*)
- VI A recurrent discussion on the strategic objective of social protection (social security) under the follow-up to the 2008 ILO Declaration on Social Justice for a Fair Globalisation

NEW ZEALAND PARTICIPATION

New Zealand delegates participated in the following Conference Committees:

- Finance Committee – Mr Michael Hobby
- Committee on the Application of Standards – Mr Michael Hobby and Ms Wendy Hinton
- Committee on Domestic Workers – Mr Tom Dibley, Mr Andrew Little and Mr Paul MacKay
- Committee on Labour Administration – Mr Maarten Quivooy
- Committee on Social Protection – Mr Phil O'Reilly

THE DIRECTOR-GENERAL'S REPORT

This year's Director General's report (the report) titled "*A new era in social justice*", discussed the key issues confronting the ILO in the post-economic crisis period, given the on-going effects of lost economic growth, increased unemployment, constrained finances and increased social pressures. The report focused on the need for an "efficient growth" to deliver on decent work opportunities for all and called for a new era of social justice to combat a continued growth of inequality and the accompanying social and development imbalances.

The New Zealand Government statement on the Report, given by the Head of Delegation, expressed support for the ILO's Decent Work Agenda as a mechanism to promote growth and development. It noted that New Zealand continues to focus on measures aimed at a jobs-rich recovery, strong sustainable and balanced growth and greater efficiency in the management of public resources, whilst ensuring social safety nets are maintained. Whilst supporting the Director-General's call to make better and more effective connections across the global international institutions, it cautioned against losing focus on the ILO's core mandate and business functions directed at supporting ILO members.

A copy of the Government delegate's address on the Director-General's report is included as Appendix 1.

THE GLOBAL REPORT: "EQUALITY AT WORK – THE CONTINUING CHALLENGE"

The discussion on the Global Report, "Equality at Work – the Continuing Challenge", was held on 10 June 2011. The Global Report provides a picture of trends over the last four years regarding discrimination and employment and presents some findings, conclusions and recommendations for future action by the ILO and its constituents.

Key areas covered in the report included:

- Promoting action on non-discrimination;
- Better design and enforcement of legislation;
- Gender equality;
- Equal remuneration for men and women;
- Reconciling work and family responsibilities;
- Equality with respect to race and ethnicity;
- Protecting migrant workers;
- Equal opportunities for persons with disabilities; and
- Age discrimination.

Responding to criticism over the presentation of previous reports, the discussion took the form of an interactive panel discussion of high profile speakers (including Business New Zealand Chief Executive Phil O'Reilly) led by an external facilitator, which took questions and talking points from the floor. Consequently, formal interventions were not required.

FINANCE COMMITTEE

The Finance Committee focused mainly on the Director-General's Programme and Budget proposals for 2012-2013. The remainder of the agenda items were administrative in nature and were adopted with little or no discussion.

The Director-General introduced the Programme and Budget proposals for 2012-13 with a proposed expenditure of US\$742 million. He noted the main underpinnings of the proposals being the ILO's relevance in the rapidly changing geopolitical and global economic scenery, the need to strengthen the ILO's knowledge base and service capacity, implementation of the 2008 Declaration on Social Justice for Fair Globalization in the continuation of avocation of the benefits of efficient growth with social justice, the ongoing process to strengthen the management capacities of the ILO Office and the continual strict financial discipline. He noted that the cost increases had been reduced to 2.1 per cent and accepted the proposal for an independent expenditure review committee to evaluate all programmes and expenditure in headquarters and the field on a continuing basis to ensure value for money.

The Resolution for the Programme and Budget was adopted in the Plenary with the final figures of 431 for the Budget, with 17 voting against and 14 abstentions. This was frustration amongst many developed economies that their circumstances had not been adequately recognised in the Director General's proposals for a real nominal growth Budget. Those voting against included Canada, the United States, the United Kingdom and Spain. Japan noted that it supported a Zero Nominal Growth Budget, but voted in favour of the Budget, expressing the hope that the ILO would keep looking for further savings.

New Zealand abstained from the final Vote noting that the global economic situation continued to pose serious issues for the ILO and its constituents. Whilst the Budget proposals had addressed some of these issues, governments faced capped or reduced resources and budgets and were having to prioritise, redirect and reduce their expenditure. Therefore, New Zealand considered that the ILO should adopt a zero nominal growth approach to the 2012/13 Budget. In these circumstances, while New Zealand supported the work of the ILO, it could not vote for the proposals, but would abstain, rather than voting against them.

New Zealand's monetary contribution for 2012 was set at 987, 933 Swiss Francs, or 0.273% of the total ILO budget.

STANDARDS COMMITTEE

The Committee on the Application of Conventions and Recommendations ("Standards Committee") met to discuss the Annual Report of the Committee of Experts on the Application of Conventions and Recommendations. Each year, the Committee of Experts makes observations concerning individual countries' application of ratified Conventions. As in previous years, the Standards Committee also held a special sitting on Myanmar's compliance with the Forced Labour Convention, 1930 (No. 29). The special sitting was the focus of New Zealand's engagement in the Standards Committee. New Zealand also covered the Committee's scrutiny of Fiji's compliance with the Discrimination in Employment and Occupation Convention (No. 111).

The Standards Committee began its work with a discussion on general aspects of the application of Conventions and Recommendations and the discharge by member States of standards-related obligations under the ILO Constitution.

The second part of the general discussion addressed a General Survey carried out by the Committee of Experts concerning social security instruments in light of the 2008 Declaration on Social Justice for a Fair Globalisation. In an effort to align the General Surveys with the recurrent item reports, the General Survey covered two Conventions – the Social Security (Minimum Standards) Convention (No. 102, the Employment Promotion and Protection against Unemployment Convention, (No.102)), and two Recommendations – the Income Security Recommendation, (No. 67), and the Medical Care Recommendation, (No. 69). The General Survey took into account information in the reports communicated by 116 member States under Article 19 of ILO Constitution.

During the course of the general discussion of the Conference Committee on the Application of Standards, the Employer members emphasised the survey had limited value to the central supervisory purpose of the Conference Committee, being compliant with full implementation of ratified Conventions, as it did not provide information on the technical challenges that ratifying States have had or how they have addressed them to the satisfaction of the Committee of Experts.

The Worker members welcomed the way the Committee of Experts had addressed the challenges of social security, viewing the survey as giving good direction for national policy and for the policies of the international community.

Following the general discussion, the Committee examined 25 individual cases relating to the application of various International Labour Conventions. The examination of the individual cases was based primarily on the observation contained in the Committee of Experts' report and the oral and written explanations provided by the governments concerned. Of particular interest, were cases against the Islamic Republic of Iran (Convention 111) and Myanmar (Convention 87). Canada was also on the list, with a case on Convention 87.

The composition of the list caused considerable debate between the workers and employers, as the employers blocked consideration of a case on Columbia. The process for considering how the list is finalised is likely to be considered by the Working Committee on the reform of the Conference.

The Committee held a special sitting to consider the application of the Forced Labour Convention, 1930 (No. 29), by the Government of Myanmar. New Zealand's Deputy Permanent Representative delivered a statement on behalf of New Zealand and Australia, which again called for further progress to be made by the Burmese Government to meet agreed commitments. The joint statement noted that it was important that all possible steps were taken to support the full mandate of the ILO on all aspects of forced labour.

COMMITTEE ON DECENT WORK FOR DOMESTIC WORKERS (SECOND DISCUSSION)

The Committee on Decent Work for Domestic Workers (the Committee) held the second part of a two-year discussion with a view of adopting a new international standard on decent work for domestic workers. The New Zealand employer representative Paul MacKay (Business New Zealand) was the Employer Vice Chair for this Committee.

The representative of the Secretary-General recalled that the adoption of the Conclusions of the first discussion in 2010 had been a major achievement, considering the complexity of the issues addressed.

From the deliberations, four common themes emerged and received unanimous support. First, new standards on domestic work had to be both robust and flexible, guaranteeing minimum protection to domestic workers, while allowing for wide ratification and continuous improvement of domestic workers working and living conditions. Secondly, new standards had to provide practical and realistic guidance to ensure that coverage would be real rather than a commitment on a piece of paper. Thirdly, there was a need for better knowledge and dissemination of successful national practices in areas such as working time, occupational health and safety, social security for domestic workers and law enforcement. Fourthly, there was a need for statistical information on domestic work.

The Committee concluded that the International Labour Conference should adopt an instrument establishing an international labour standard on domestic work, and that this instrument should take the form of a Convention supplemented by a Recommendation.

The conclusions of the Committee are attached as Appendix 3.

COMMITTEE ON LABOUR ADMINISTRATION

The Committee on Labour Administration held a general discussion of the current challenges and future perspectives facing labour administration and inspection systems and areas of action both for national labour administration and inspection systems and for the ILO. As well as representing New Zealand on the Committee, Maarten Quivooy (Department of Labour) was elected to the drafting group.

The Committee agreed to a report and conclusions outlining the respective roles of the ILO and its constituents in promoting effective labour administration and labour inspection systems. The report was accompanied by a Resolution recognising that labour administration and inspection are institutions for good governance at the service of the ILO constituents and are essential in achieving the Decent Work objectives. It was also noted that both labour administration and inspection have been ILO priorities since its foundation and that the importance of strong and effective labour administration and inspection is recognised in the ILO Constitution, the Declaration of Philadelphia, the ILO Declaration on Social Justice for a Fair Globalization and the Global Jobs Pact, as well as several ILO Conventions, Recommendations and other instruments.

The conclusions of the Committee are attached as Appendix 4.

COMMITTEE FOR THE RECURRENT DISCUSSION ON SOCIAL PROTECTION

The Committee for the Recurrent Discussion on Social protection held a general discussion on the role social protection measures play in alleviating the social and the role of standards in social security.

The two ILO reports prepared for the recurrent discussion - 'Social Security and the Rule of Law' and 'Social security for social justice and a fair globalisation' make the following recommendations on the social protection floor that:

- a) A new set of social policy initiatives need to be developed to reinvigorate the right to social security of 'everyone, as a member of society'.
- b) The framework of the existing social security standards needs to be strengthened.

The discussions highlighted the agreement on the central role of standards as a framework for social protection. The Employer members see them as an important reference which, however, should not be an obstacle to pragmatism, while the Worker members saw the advantage of the ILO standard setting in providing instruments which were firm on objectives but flexible on means.

Many governments underlined the important role of ILO social security standards and stressed that the Office should step up assistance to member States to enable them to ratify the Convention. There was also widespread consensus that the Organisation should develop a Recommendation providing flexible but meaningful guidance to countries in building Social Protection Floors and comprehensive social security systems in a way tailored to national circumstances and levels of development.

The outcome of the Committee was a report and conclusions outlining the respective roles of the ILO and its constituents in pursuing social security for all and under the four ILO strategic objectives aimed at the promotion of Decent Work; these being employment, social protection, social dialogue and labour standards.

The conclusions of the Committee are attached as Appendix 5.

RESOLUTIONS

A list of the 10 resolutions adopted by the Conference is provided in Appendix 8. The full texts of all resolutions are available from the Department of Labour, PO Box 3705, Wellington, New Zealand.

APPENDIX 1

TEXT OF THE ADDRESS BY THE NEW ZEALAND GOVERNMENT DELEGATE, MR MICHAEL HOBBY ON THE DIRECTOR-GENERAL'S REPORT

Mr President, fellow delegates.

I speak on behalf of the New Zealand Government and bring greetings from the New Zealand Minister of Labour, the Hon. Kate Wilkinson. We congratulate both the Director-General on his report, "A new era in social justice", and the International Labour Organisation on this 100th session of the International Labour Conference.

New Zealand was a founding member of the International Labour Organisation, and it looks forward to seeing this institution continuing as a vibrant and relevant international body through to its own 100th Anniversary in 2019.

While we should certainly recognise and celebrate the proud heritage and longevity of the ILO, its place in the 21st century will ultimately be secured by it remaining relevant to the needs of its tripartite constituency, and making an effective contribution to the world of work.

As the Director-General notes, the International Labour Organisation and the world at large faces a challenging environment in the post-crisis period, given the ongoing effects of lost economic growth, increased unemployment, constrained finances and increased social pressures. In some countries, particularly those in the Asia-Pacific region, serious natural disasters have added to this burden.

In this context, we agree with the Director-General's conclusion that the strategic focus given to the International Labour Organisation and its members by the Decent Work Agenda remains highly relevant as a means of promoting growth and development in "economies, enterprises, workplaces and, ultimately, in society".

To that end, we saw, in 2009, the development of the International Labour Organisation Global Jobs Pact and, last year, the first recurrent Conference discussion on employment. Each of these reinforced the value of measures aimed at a jobs-rich recovery, and at strong sustainable and balanced growth

In New Zealand, we have continued to focus on these goals. However, like others, we have faced a difficult environment. Our economy has suffered an ongoing loss of output and, although the fiscal outlook is improving, debt is high and deficits are still forecast for years ahead.

Major earthquakes in our Canterbury region have exacerbated this situation. We have had to make hard choices to balance the need for fiscal discipline, whilst ensuring that the social and economic role of government is maintained.

Achieving greater efficiency in the management of our public resources, whilst ensuring social safety nets are maintained, has therefore been a key focus. In an era of constrained and reduced fiscal space, we are looking to do "more with less" in delivering the required front-line services. Often, this has required the reallocation or reduction of resources not central to these needs.

We endorse similar moves by the International Labour Organisation itself, and applaud the decision by the Director-General to establish a permanent mechanism to scrutinise budgets, in order to generate ongoing efficiencies and economies in International Labour Organisation processes and service delivery.

The report mentions the danger of the global financial system slipping back into business as usual. We agree that the crisis taught us all valuable lessons which have prompted policy responses designed to reduce the possibility of future such events. We therefore support better and more effective connections and cross fertilisation between the International Labour Organisation and other international institutions, within their respective mandates.

New Zealand has a strong interest in a relevant, dynamic and responsive International Labour Organisation that, through the Decent Work Agenda, adds value to the world of work and those within it. We are committed to working with and within the International Labour Organisation, as it moves to address the challenges and opportunities involved in promoting an employment-focussed recovery and Decent Work for all.

Kia ora. E noho rā.
Thank you. Goodbye.

APPENDIX 2

CONCLUSIONS ADOPTED BY THE CONFERENCE CONCERNING DECENT WORK FOR DOMESTIC WORKERS

RESOLUTION CONCERNING EFFORTS TO MAKE DECENT WORK A REALITY FOR DOMESTIC WORKERS WORLDWIDE¹

The General Conference of the International Labour Organization, meeting at its 100th Session,

Having adopted the Domestic Workers Convention and Recommendation, 2011,

Acknowledging the specific conditions under which domestic work is carried out,

Recognizing the importance and urgency of ensuring decent working conditions for domestic workers worldwide,

Invites the Governing Body of the International Labour Office to request the Director General to consider, subject to the availability of resources, cost-effective measures to:

- (a) promote, through appropriate initiatives, the widespread ratification of the Convention and the effective implementation of the Convention and Recommendation;
- (b) support governments and employers' and workers' organizations in the sharing of knowledge, information and good practices on domestic work;
- (c) promote capacity building of governments and employers' and workers' organizations to ensure decent working conditions for domestic workers;
- (d) encourage cooperation with regard to the promotion of decent work for domestic workers between the International Labour Organization and other relevant international organizations.

¹ Adopted on 11 June 2011.

APPENDIX 3

CONCLUSIONS ADOPTED BY THE CONFERENCE CONCERNING LABOUR ADMINISTRATION AND LABOUR INSPECTION

RESOLUTION CONCERNING LABOUR ADMINISTRATION AND LABOUR INSPECTION²

The General Conference of the International Labour Organization, meeting at its 100th Session, 2011,

Having undertaken a general discussion on the basis of Report V, *Labour administration and labour inspection*,

Recognizing that labour administration and labour inspection are institutions for good governance at the service of ILO constituents and are essential to achieve the decent work objectives; to promote compliance with and enforcement of labour legislation; to protect workers' rights, including fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation; and to develop mechanisms for solving complex issues in the world of work,

Recognizing that labour ministries have a pivotal role to play in shaping social and economic policies, as well as applying such policies in both the workplace and at the national level,

Recognizing that today's labour administrations' strategic, policy-making and coordinating roles are hampered in many countries by a lack of political support or a lack of financial, human or material resources,

Recognizing that sound labour administration and inspection systems are vital for the enforcement of labour standards, the promotion of social dialogue, social security, employment services, sustainable enterprises, and the development of employment policies,

Bearing in mind that labour administration and labour inspection have been ILO priorities since its foundation, and that the importance of strong and effective labour administration and inspection is recognized in the ILO Constitution, the Declaration of Philadelphia, the ILO Declaration on Social Justice for a Fair Globalization and the Global Jobs Pact, as well as several ILO Conventions, Recommendations and other instruments,

1. Adopts the following conclusions;
2. Invites the Director-General to bring these conclusions to the attention of the member States and employers' and workers' organizations; and
3. Invites the Governing Body of the International Labour Office to give due consideration to them in planning future action, especially within the technical cooperation programme and the delivery of Decent Work Country Programmes, and to request the Director-General to take them into account

² Adopted on 16 June 2011.

both when allocating other resources as may be available during the 2010–11 biennium and when implementing the programme and budget for the coming biennia.

CONCLUSIONS ON LABOUR ADMINISTRATION AND LABOUR INSPECTION

1. The principles of labour administration and labour inspection are grounded in international labour standards. These standards, notably the Labour Inspection Convention, 1947 (No. 81), and its Protocol of 1995, the Employment Service Convention, 1948 (No. 88), the Employment Policy Convention, 1964 (No. 122), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), (Conventions Nos 81, 122 and 129 are considered –governance standards^{II}), the Labour Administration Convention, 1978 (No. 150), the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), are relevant to all countries regardless of their level of economic development. The ratification and implementation of these Conventions, with respect for and the advancement of fundamental principles and rights at work, are essential to strengthen national systems of labour administration and labour inspection.
2. Effective labour administration systems, public employment services and labour inspection, are vital for good governance of labour matters and for economic and social progress. These systems can make decent work a reality in the workplace by enforcing labour standards and improving working and employment conditions, thus increasing accountability, occupational safety and health, competitiveness and productivity with social equity. At the same time, labour administration systems can help stimulate economic growth by developing and implementing economic and social policies designed to produce higher employment rates, social cohesion and decent work.
3. Experience from the recent financial and economic crisis has shown that labour administration has an essential role among government institutions, as good labour policies and efficient institutions can help to address difficult economic situations, by protecting workers and enterprises against the worst impact of an economic crisis and mitigating its economic and social consequences while facilitating economic recovery.
4. Ministries of labour and employment and their agencies are the core of labour administration systems throughout the world. They have a specific role to enforce labour laws and to provide information to workers and employers about their rights and responsibilities in order to protect workers, to enable and promote sound industrial relations including mediation and dispute resolution, to promote decent employment and better workplace practices, to ensure compliance with labour standards, and to improve the functioning of the labour market. Labour administration systems can also be instrumental in enforcing gender equality legislation and policy.
5. Governments should build effective labour administration and labour inspection systems through genuine and timely tripartite social dialogue. Effective tripartism requires respect for freedom of association. The presence of workers' and employers' organizations facilitates labour inspection.
6. The current weaknesses of labour administrations in many countries prevent ministries of labour from delivering adequate services to their citizens or meaningfully influencing policy-making processes. It is important to strengthen and increase the leadership role of ministries of labour in these countries in the coordination and development of employment and labour

market policies and national development plans. Consultation with workers' and employers' organizations is essential.

7. The lack of resources constitutes a major obstacle to effective labour administration in many countries. In countries where available resources are at critically low levels, a substantial and sustained increase of resources is necessary. In these countries, as in all countries, the focus should be on developing and retaining skilled human resources, since no labour administration can work without specifically dedicated staff who are qualified and adequately trained and equipped.
8. Public employment services are fully part of a labour administration system. Strong coordination and regulation of these services are required at the national level with a view to promoting balanced and equitable policies in order to avoid abuses, including with respect to vulnerable workers, such as domestic and migrant workers and people with disabilities.
9. Labour administration and inspection systems today operate in a rapidly changing environment characterized by dramatic economic, institutional, demographic and political transformations, including changing patterns of production, work organization, employment structures and relationships, labour migration and cross-border postings, outsourcing and extended global supply chains, and the expansion of the informal economy.
10. To cope with challenges in a rapidly changing world of work, labour administrations must continuously adapt and modernize. They should explore efficient and effective methods of governance and management and build tripartite partnerships as well as partnerships with other institutions and actors. However, any modernization effort must respect values such as the rule of law, tripartism, social dialogue at all levels, public interest, democracy, equity, good governance and transparency.
11. In their efforts to adapt and modernize, labour administration and labour inspection systems should take advantage of advances in information and communication technologies to improve their internal working methods and expand the range and accessibility of services for constituents while maintaining thorough inspections. A variety of online, mobile and networking technologies have the potential to increase efficiency and reduce costs, improve transparency, facilitate the collection and analysis of labour statistics, and assist with the dissemination of accessible information about labour laws and policies. While the adoption of new technologies is uneven between countries, developing nations can still greatly benefit from modest and cost-effective systems adapted to their own level of technological development.
12. As a main labour administration component, labour inspection is a public function and is at the core of effective labour law with wide powers and functions, including enforcement and sanctions that should be sufficiently dissuasive to deter violations of labour legislation while also providing corrective, developmental and technical advice, guidance, prevention tools and promoting workplace best practices. These functions should be regulated and balanced as part of a comprehensive compliance strategy in order to ensure decent working conditions and a safe working environment.
13. Labour inspection systems, particularly those in developing countries, face numerous challenges that are common to labour administrations as a whole, including the need for increased financial resources, more duly qualified inspectors, better equipment and better training, and improved recruitment procedures.

14. In order to ensure the integrity of labour inspection, conditions of service for labour inspectors should reflect gender equality and facilitate employment stability and personal security in the exercise of their functions, underpinned by an appropriate regulatory framework.
15. Adequate resources must be made available by member States for the design and implementation of budgeted national training programmes with a view to upgrading technical skills, reinforcing ethical behaviour and ensuring independence of labour inspectors (as required under Article 6 of ILO Convention No. 81).
16. Labour inspection must be a public prerogative and be in accordance with international labour standards. However, the past decades have seen a growth in private auditing initiatives such as the establishment of social reporting and private monitoring systems. There is a risk that some types of private initiatives could undermine public labour inspection. The issues of private compliance initiatives, self-regulation and potential public-private partnerships are deserving of closer examination by tripartite experts to be drawn together by the ILO. The Committee therefore recommends that the Governing Body consider such a tripartite meeting of experts.
17. Promoting and enforcing decent working conditions, safety and health standards and respect for fundamental principles and rights at work are at the core of labour inspection activities. This includes, for example, action to combat undeclared work, child and forced labour. The provisions of labour law should apply equally to all workers and all workplaces. General compliance and preventive strategies are essential for ensuring fairness in the workplace and consequently sustainable enterprises and economic growth. These strategies should cover all workers, including those in the public sector, the informal economy, rural economy and agriculture and export processing zones (EPZs). It is unacceptable that some EPZs are exempted from basic national labour laws. Labour inspectors face the challenge of ensuring labour law compliance in workplaces that are difficult to detect (e.g. in the agricultural and construction sectors), or where the employment relationship is particular (home-based work, domestic work), or is difficult to identify (new forms of employment, outsourcing and complex supply chains). In this regard, the Employment Relationship Recommendation, 2006 (No. 198), should be noted.
18. It is important for governments to aim for an overall integrated strategy for inspection activities and to ensure the coordinating and supervisory role of the central authority recognized by Convention No. 81. Governments should also promote social dialogue in safety and health at sectoral and company level, particularly aimed at prevention. National tripartite dialogue could also focus on identifying specific prevention campaigns in sectors at risk or where widespread violations of labour law occur. Safety and health initiatives should where possible be based on the best available information and methods of work that are focused and effective.
19. For an overall effective system of labour inspection, the planning, programming and reporting cycle is also fundamental for achieving a coherent and objective basis for inspection action that responds to prevailing working conditions and anticipates geographic areas or sectors where targeted interventions may be required. However, many labour administrations are unable to provide comparable statistics. Collection by the ILO of basic national data on the number of inspectors and inspection activities and other related statistics could facilitate benchmarking and exchange of best practices.

20. In promoting a prevention culture and securing compliance, labour inspectors use a wide variety of interventions and tools including prevention initiatives as well as enforcement. Sufficiently dissuasive sanctions are an indispensable component of any labour inspection system. An appropriate mix of preventive measures such as risk evaluation, promoting a culture of leadership and best practice, implementing occupational safety and health measures, information guidance and awareness campaigns combined with sanctions should be adopted.
21. Prevention measures and enforcement sanctions are complementary to the overall purpose of promoting labour standards. It is essential for labour administration systems to establish appropriate and timely processes for imposing and enforcing fines, as well as timely proceedings consistent with the principles of due process.
22. The International Labour Office should use all appropriate means and apply appropriate measures including the following initiatives in order to strengthen labour administration and labour inspection:
 - (1) promote the ratification, implementation and effective application of the relevant international labour standards, in particular Conventions Nos 81 (and its Protocol of 1995), 88, 129, and 150;
 - (2) strengthen the consultation with and the capacity of workers and employers and their organizations in the design of labour administration and inspection policies and tools with a view to implementing the Decent Work Agenda;
 - (3) encourage international cooperation and exchanges, including South-South cooperation, and develop a database, accessible through the ILO website, on best practices in labour administration and inspection;
 - (4) promote, in cooperation with national governments, the exchange of best practices on transparent recruitment/selection processes, decent working conditions, security and protection, appropriate career development and training for labour administration officials and labour inspectors;
 - (5) encourage adequate and effective use of human and financial resource allocation for labour administration and inspection services;
 - (6) design a methodology for the collection and analysis of basic national statistical data, including gender-disaggregated data, to allow for international comparisons and benchmarking on inspection services and activities, available to ILO constituents;
 - (7) carry out research and provide advisory services, linked to the wider knowledge management strategy of the ILO, in those selected areas of interest to labour administration and inspection and social partners as identified in the report of the Committee on Labour Administration of the 100th Session of the International Labour Conference, including:
 - (a) research on the use of government procurement in advancing compliance with labour standards;
 - (b) research around the challenges for effective labour inspection posed by increased outsourcing, subcontracting, disguised and triangular employment relationships and means or methods to extend and enforce legislation to all workers in an employment relationship;

(c) research and evaluation of training methodology as well as training content to ensure that it addresses labour administration and inspectorates' needs and objectives; and

(d) research on the risks and practices of the interface between labour administration and migration regulatory frameworks;

(8) request that the Governing Body consider an international tripartite meeting of experts, during the next biennium, on private compliance initiatives in the light of international labour standards;

(9) design strategies for reaching out in order to promote the application and enforcement of labour legislation for workers in the public sector and for vulnerable workers, especially in the informal and rural economies, domestic workers and workers in EPZs;

(10) consider the conclusions arising from the 2009 general discussion –Gender equality at the heart of decent work, and recall that labour administrations, including labour inspection systems, are instrumental in enforcing gender equality legislation and policy;

(11) promote national tripartite dialogue to address problems around labour law enforcement and inspection related to the growth of new forms of employment, noting Recommendation No. 198 as an instrument to assist in dealing with disguised employment relationships;

(12) develop a technical cooperation portfolio to support the Office in the delivery of technical assistance to member States with a view to strengthening national labour administration and inspection services and mainstreaming them in the Decent Work Country Programmes;

(13) improve coordination and exchange of information in the areas of labour administration and inspection within and outside the Office and across the multilateral system, through regional networks supported by the ILO, for example.

APPENDIX 4

RESOLUTION CONCERNING THE RECURRENT DISCUSSION ON SOCIAL PROTECTION (SOCIAL SECURITY)³

The General Conference of the International Labour Organization, meeting in Geneva at its 100th Session, 2011,

Having undertaken, in accordance with the ILO Declaration on Social Justice for a Fair Globalization, a recurrent discussion on the basis of Report VI, *Social security for social justice and a fair globalization*,

1. Adopts the following conclusions;
2. Invites the Governing Body of the International Labour Office as a follow-up to the recurrent discussion on social protection (social security) and in line with the following conclusions which recognize the need for a Recommendation, to place a standard-setting item entitled —Elaboration of an autonomous Recommendation on the Social Protection Floor on the agenda of the 101st Session of the International Labour Conference, 2012, for a single discussion with a view to the adoption of a Recommendation; and
3. Invites the Governing Body of the International Labour Office to give due consideration to the following conclusions in planning future action on social protection (social security) and requests the Director-General to take them into account when preparing and implementing the programme and budget for future biennia and when allocating such other resources as may be available during the 2012–13 biennium.

CONCLUSIONS CONCERNING THE RECURRENT DISCUSSION ON SOCIAL PROTECTION (SOCIAL SECURITY)

I. POLICY AND INSTITUTIONAL CONTEXT

1. The new consensus on social security reached at the International Labour Conference, at its 89th Session in 2001, gave the highest priority to policies and initiatives that can bring social security to those who are not covered by existing schemes. Consequently, the International Labour Office launched in 2003 the Global Campaign on Social Security and Coverage for All. The ILO Declaration on Social Justice for a Fair Globalization, adopted by the International Labour Conference at its 97th Session in 2008, again reaffirmed the tripartite commitment to extend social security to all in need of such protection in the framework of the Decent Work Agenda.
2. The International Labour Conference at its 98th Session in 2009 recognized the crucial role of social protection policies in crisis response, and the Global Jobs Pact called for countries to —give consideration, as appropriate, to building adequate social protection for all, drawing on a basic social protection floor. The High-level Plenary Meeting of the UN General Assembly on the Millennium Development Goals (MDG Summit) in September 2010 recognized that —promoting universal access to social services and providing social protection floors can make an important contribution to consolidating and achieving further development gains and hence endorsed the Social Protection Floor Initiative which the UN Chief Executives Board had launched in 2009.

³ Adopted on 17 June 2011

3. Regional tripartite ILO meetings in Latin America, Arab States and Asia and the Pacific during 2007 and 2008 discussed social security extension strategies. A generic two-dimensional extension strategy, combining the extension of coverage to all through nationally defined social protection floors and the progressive implementation of higher levels of social security through comprehensive systems, emerged. This strategy was endorsed by the Yaoundé Tripartite Declaration on the implementation of the Social Protection Floor adopted at the 2nd African Decent Work Symposium in Yaoundé in 2010, and the Chair's Summary of the Tripartite Meeting of Experts on Strategies for the Extension of Social Security Coverage in 2009.
4. This consensus concerning social security is underpinned by the Decent Work Agenda, including its four pillars: employment, social dialogue, social protection and standards and fundamental principles and rights. These four pillars are inseparable, interrelated and mutually supportive. These conclusions on social security sit within this context. Sustainable social security systems are a key element in promoting productive economic growth with equity. They are closely linked to all of the elements of the Decent Work Agenda and should be based on entitlements within a legal framework. Tripartism and social dialogue based on freedom of association and the effective recognition of the right to collective bargaining are key elements to ensure adequate wages for workers thereby assisting them to increase their contributory capacity. They also contribute to the sustainability of broader social security systems in which non-contributory and contributory schemes complement each other.

II. THE ROLE AND NEED FOR SOCIAL SECURITY

5. The Conference recognizes and reiterates that:

- (a) Social security is a human right.

Everyone as a member of society has a right to social security as stated in the Universal Declaration of Human Rights, Article 22. Globally the large majority of women, men and children do not have access to adequate or any social security. By recognizing in the Declaration of Philadelphia the solemn obligation of the International Labour Organization —to further among the nations of the world programmes which will achieve ... the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care, its member States confirmed the ILO's commitment to achieving adequate social security for all.

- (b) Social security is a social necessity.

Effective national social security systems are powerful tools to provide income security, to prevent and reduce poverty and inequality, and promote social inclusion and dignity. They are an important investment in the well-being of workers and the population at large, notably by enhancing access to health care, and providing income security thereby facilitating access to education and reducing child labour and in particular eliminating its worst forms. Social security strengthens social cohesion and thus contributes to building social peace, inclusive societies and a fair globalization with decent standards of living for all.

(c) Social security is an economic necessity.

Full, productive and decent employment is the most important source of income security. Social protection is key to ensuring a just share of the fruits of progress for all. Sustainable growth requires good health, nutrition and education, which can foster transitions from low productivity and subsistence-level activities to highly productive decent jobs and from the informal to the formal economy. Social security, well designed and linked to other policies, enhances productivity and employability and supports economic development. Adequate social security encourages human capital investment for both employers and workers, enables workers to adapt to change and facilitates equitable and inclusive structural change associated with globalization. As an effective automatic stabilizer in times of crisis, social security contributes to mitigating the economic and social impact of economic downturns, to enhancing resilience, and achieving faster recovery towards inclusive growth.

III. SOCIAL SECURITY EXTENSIONS STRATEGIES

6. Many developing countries have made significant progress in extending social security coverage during the last decade. They offer the best evidence that the extension of social security is possible. Despite these advances, broad social security coverage gaps remain in many countries of the world. In some regions, the vast majority of the population is excluded from social security.
7. The risk of being excluded from coverage is particularly high among certain groups, including workers in the informal economy and atypical forms of employment, vulnerable workers in rural and urban areas, domestic workers, migrant workers, unskilled workers, and people with disabilities and chronic illnesses, including those affected by HIV and AIDS. Women tend to face higher exclusion than men, due to discrimination throughout the life cycle and the burden they usually shoulder in family and care responsibilities. Children of excluded populations are more likely to grow up in impaired states of health and nutrition that undermine their future and that of their societies.
8. Closing coverage gaps is of highest priority for equitable economic growth, social cohesion and Decent Work for all women and men. Effective national strategies to extend social security in line with national priorities, administrative feasibility and affordability contribute to achieving these objectives. These national strategies should be aimed at achieving universal coverage of the population with at least minimum levels of protection (horizontal dimension) and progressively ensuring higher levels of protection guided by up-to-date ILO social security standards (vertical dimension). The two dimensions of the extension of coverage are consistent with moving towards compliance with the requirements of the Social Security (Minimum Standards) Convention, 1952 (No. 102), and are of equal importance and should be pursued simultaneously where possible.
9. The horizontal dimension should be aimed at the rapid implementation of national Social Protection Floors, containing basic social security guarantees that ensure that over the life cycle all in need can afford and have access to essential health care and have income security at least at a nationally defined minimum level. Social Protection Floor policies should be aimed at facilitating effective access to essential goods and services, promote productive economic activity and be implemented in close coordination with other policies enhancing employability, reducing informality and precariousness, creating decent jobs and promoting entrepreneurship.

10. As a one-size-fits-all approach is not appropriate, every member State should design and implement its Social Protection Floor guarantees according to national circumstances and priorities defined with the participation of social partners. While expected outcomes of these guarantees are of a universal nature, member States find different ways of implementing Social Protection Floor policies, which may include universal benefit schemes, social insurance, public employment programmes and employment support schemes, and social assistance schemes that provide benefits only to people with low income, or appropriate combinations of such measures. To be effective, these policies require an appropriate mix of preventive measures, benefits and social services.
11. The process of building comprehensive social security systems cannot stop at the ground floor of protection. Hence, the vertical dimension of the social security coverage extension strategy in each member State should seek to provide higher levels of income security and access to health care – taking into account and progressing towards in the first instance the coverage and benefit provisions of Convention No. 102 – to as many people as possible and as soon as possible, based, as a prerequisite, on policies aiming at encouraging participation of those in the informal economy and its gradual formalization. As economies develop and become more resilient, people's income security and their access to health care should be strengthened.
12. National strategies to extend social security should progress based on the resources of the nation and a set of essential principles, i.e. universal coverage, progressive realization while providing immediate protection against discrimination, promoting gender equality, social and economic adequacy, rights-based benefits, financial and fiscal sustainability, good governance with the overall general responsibility of the State and the ongoing participation of social partners and, finally, institutional and organizational questions should not prevent adequate protective outcomes. These principles should guide national policy and strategic decisions.
13. Strategies to extend social security are closely associated with employment policies. Member States should therefore pay particular attention to building an economic and social framework that is conducive to sustainable enterprise creation and growth of decent and productive employment. A large informal economy constitutes a particular challenge for the extension of social security coverage. Social insurance remains the central pillar of social security systems in most member States, yet it tends to focus on formal employees. However, a growing number of developing countries have gradually extended the scope of social insurance coverage to other categories of workers such as own-account workers, domestic workers or workers in rural areas and workers in small and micro-enterprises by adapting the scope of benefits, contributions and administrative procedures. The inclusion of these groups in social insurance is a key component of the formalization of employment and can also reduce the cost of tax-financed benefit systems for poor workers in the informal economy.
14. Member States should be encouraged to continuously employ efforts aimed at the transition from informal to formal economies. While social security policies have a strong role to play in attaining this objective, they have to be complemented by fiscal and employment policies, and by developing administrative procedures aimed at creating adequate incentives to join the formal economy and reduce the costs of formalization. Member States should be encouraged to strengthen compliance assistance, the promotion and the enforcement of legal frameworks including by adequate labour, tax and social security inspections aimed at reducing fraud, and informality including

disguised employment, undeclared business and undeclared work. The formalization of the economy is one of the crucial prerequisites for long-term growth and will increase the public revenue base necessary to finance higher levels of social security for contributors and taxpayers and non-contributory benefits to cover those without the capacity to contribute.

IV. ENSURING THE AFFORDABILITY AND THE FINANCING OF SOCIAL SECURITY

15. The expenditure required to finance social security systems is a long-term investment in people. Societies that do not invest in social security face important costs such as those associated with the lack of a healthy and productive workforce, economic insecurity and social exclusion. On the other hand, investing in people through social security systems requires resources that have to be provided by enterprises, workers, households and others as contributors and taxpayers. It is thus essential that a rational balance is found between short- and long-term costs and benefits of social security systems for society and different groups of financers and beneficiaries.
16. Social security interventions need to achieve their objectives in terms of both social and economic adequacy in an effective and cost-efficient way. Permanent monitoring and evaluation by the social partners of the short- and long-term effectiveness and efficiency of individual programmes and social security systems, including actuarial studies, are important mechanisms and may lead to reform and adjustments whenever necessary. In the case of State-operated schemes transparency, consultation and social dialogue are appropriate. In the case of schemes that involve workers' and employers' organizations social dialogue and agreements are usually appropriate.
17. Many member States at all levels of development have already implemented elements of a national Social Protection Floor as part of their efforts in building comprehensive social security systems. Member States have chosen different options to ensure the necessary fiscal space, including reprioritizing expenditure and broadening the revenue base. Sustainable growth, the progressive formalization of the economy and high levels of productive employment are essential in ensuring the financial resources necessary to extend social security to all.
18. While national Social Protection Floors should be financed from domestic sources of revenue to ensure their long-term sustainability, there may be cases where these resources are insufficient to extend the Social Protection Floor to all in a short time frame. International cooperation can play an important role in helping member States to initiate the process and build the national resource base with a view to ensuring sustainable financing mechanisms.
19. The affordability of social security systems is widely discussed in the context of demographic change. The expected increase in economic dependency ratios over the next decades raises concerns about the sustainability of social security systems. The ageing of the population will increase expenditure on pensions, health and long-term care in the decades to come. However, evidence suggests that this challenge is manageable within properly organized systems. Necessary reform processes can be successfully managed, fairly balancing social needs and financial and fiscal requirements, if embedded in a well informed social dialogue process.

20. It is indispensable to create positive synergies for sustainable growth and higher levels of decent employment between social protection, financial and economic policies. Integrated national policies promoting productive employment are necessary to ensure sustainable financing, addressing possible skills shortages, promoting productivity, taking advantage of a wider diversity of the workforce in terms of sex, age, nationality and ethnic origin and facilitating a better balance between work and family responsibilities for women and men. Some of the policy options lie within the realm of social security policies proper, while others reside in other policy spheres. Such options may include:

- (a) integrating macroeconomic, employment and social policies that give priority to Decent Work;
- (b) investing social security reserves prudently;
- (c) building quality public services that enhance effective social security systems;
- (d) promoting social dialogue, the effective recognition of the right to collective bargaining and freedom of association;
- (e) promoting and strengthening the enabling environment for sustainable enterprises reflecting employment growth and Decent Work;
- (f) investing in education, vocational skills and lifelong learning;
- (g) promoting the good governance of labour migration;
- (h) facilitating reconciliation of work and family responsibilities for women and men, and ensuring effective access to comprehensive social services to address care needs including for children, people in old age, and people living with HIV and AIDS and with disabilities. This includes maternity protection, such as adequate pre- and postnatal care and income guarantees and other support for women during the last weeks of pregnancy and the first weeks after delivery;
- (i) policies to enable all workers including those in atypical employment to take advantage of social security;
- (j) promoting labour force participation of women by more equitable treatment creating better employment opportunities, reducing the segmentation of the labour market between men and women, eliminating gender gaps in wages and providing equal professional development opportunities;
- (k) facilitating effective school-to-work transitions;
- (l) improving the rehabilitation of workers with reduced working capacity including personal support and training where appropriate with a view to fostering their participation in the labour market;
- (m) combining the income replacement function of social security with active labour market policies as well as assistance and incentives that promote real participation in the formal labour market.

21. Ensuring adequate labour force participation of older women and men is often essential for the adaptation of social security systems to demographic change. In addition to policies to promote full employment, measures to promote the employment of older workers may include:

(a) investing in technologies and occupational safety and health measures that permit the productive employment of older workers and workers with health impairments and disabilities;

(b) raising the labour force participation rates of older workers by eliminating age discrimination and providing incentives for workers and employers to address enterprise restructuring through innovative work arrangements;

(c) introducing socially acceptable rules through a transparent process, including social dialogue and tripartism, as to the age at which people withdraw from the labour market, which should reflect a sustainable relationship between the duration and demands of working life and retirement, taking into account issues such as conditions of work, years of service and the recognition that retirement is a legitimate part of the life cycle.

V. SOCIAL SECURITY GOVERNANCE

22. Social security systems need to be well managed and administered to ensure effectiveness in reaching agreed objectives, efficiency in using resources, and transparency to gain confidence of those who finance them and benefit from these systems. Active involvement of all stakeholders, and in particular workers and employers through effective social dialogue mechanisms and tripartite supervision, is one of the important means to secure good governance of social security systems.

23. The general responsibility for an effective and efficient social security system lies with the State, particularly with respect to creating political commitment and setting appropriate policy, legal and regulatory frameworks and supervision that guarantee adequate benefit levels, good governance and management and protecting acquired rights of beneficiaries and other participants.

24. Collective bargaining and freedom of association play an important role in helping employers and workers negotiate on social security provisions, including for occupational and other supplementary schemes. Agreements should be in the context of a state regulatory framework.

25. Social dialogue is essential in identifying and defining priority policy objectives; the design of the corresponding benefits, entitlements and delivery methods; the allocation of the financial burden between generations and between contributors and taxpayers; and the need to find a fair balance between social expectations and financial constraints.

26. Social dialogue is an important means of contributing to the permanent monitoring of financial sustainability and the social adequacy, effectiveness and efficiency of management and administration of the scheme. It is also important in enforcing the existing social security legislation so that the contributions due are paid by all those obliged to pay and benefits delivered to all those eligible. This requires well-resourced and well-trained public inspection services to promote and ensure law enforcement and the

prevention of contribution evasion, fraud and corruption. However, this also requires active monitoring by employers, workers and other stakeholders.

27. To play the expected active role in securing good social security governance, all workers and employers need to be aware of, and understand, existing social security provisions and emerging challenges. Member States should consider including basic knowledge about social security in the education and training curricula at different levels of the national education systems. Employers' and workers' organizations have to build significant capacity to be able to share the social security knowledge with their members as well as to actively participate in social dialogue on social security policies and in monitoring and supervision of social security schemes.
28. The up-to-date⁴ ILO social security standards, and in particular Convention No. 102, provide a unique set of minimum standards for national social security systems that are internationally accepted. They set out principles that guide the design, financing, governance and monitoring of national social security systems. Convention No. 102 continues to serve as a benchmark and reference in the gradual development of comprehensive social security coverage at the national level. Several member States currently implementing successful and innovative social security extension policies have recently ratified Convention No. 102 and others have indicated their intention to do so.
29. Increasing ratification and effective implementation of Convention No. 102 and other social security Conventions remain a key priority for member States. It is therefore essential to raise awareness and understanding of ILO social security standards, to identify gaps in coverage that still may prevent further ratifications, and to design policies that may close these gaps. In particular, this should also include the dissemination of information on the requirements concerning implementation of these instruments and devote special efforts to capacity building and the training of the social partners, and thus to strengthening the role of social dialogue in the implementation of standards.
30. As also noted in the outcome of the discussion on the General Survey of 2011 on social security by the Committee on the Application of Standards, the language of certain provisions of Convention No. 102 is often interpreted as gender-biased. There is a need for a pragmatic solution that would enable its interpretation in a gender-responsive way without revising the instrument itself or weakening the prescribed levels of protection and population coverage. This may facilitate further ratifications by a number of member States.
31. In view of the renewed support for the provision of at least a basic level of social security through establishing Social Protection Floors, there is a need for a Recommendation complementing the existing standards that would provide flexible but meaningful guidance to member States in building Social Protection Floors within comprehensive social security systems tailored to national circumstances and levels of development. Such a Recommendation should be promotional and gender-responsive, and allow for flexible

⁴ The ILO social security standards considered up-to-date by the ILO Governing Body are: the Social Security (Minimum Standards) Convention, 1952 (No. 102); the Equality of Treatment (Social Security) Convention, 1962 (No. 118); the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121); the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128); the Medical Care and Sickness Benefits Convention, 1969 (No. 130); the Maintenance of Social Security Rights Convention, 1982 (No. 157); the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168); and the Maternity Protection Convention, 2000 (No. 183).

implementation to be applied by all member States using different methods and according to their own needs, resources and their time frame for progressive implementation. Elements of a possible Recommendation on Social Protection Floors are outlined in the appendix to these conclusions.

VI. THE ROLE OF GOVERNMENTS AND SOCIAL PARTNERS

32. Governments have the primary responsibility for ensuring effective access to social security to all. Effective social dialogue processes play a key role in contributing to the formulation, implementation and monitoring of social security policies and ensuring good governance of national social security systems.
33. Governments of member States should consider and/or undertake the following:
 - (a) fully assuming their responsibility for social security by providing an appropriate policy, legal and institutional framework, effective governance and management mechanisms, including a legal framework to secure and protect the private individual information contained in their social security data systems;
 - (b) fostering coherence of social security policies with employment, macroeconomic, and other social policies within a decent work framework, particularly with respect to promoting the progressive formalization of employment and providing support for productive employment;
 - (c) the development of a national two-dimensional social security extension strategy, through a social dialogue-based consultation process, that identifies gaps in the desired levels of social security and seeks to close those gaps in a coordinated and planned manner over a period of time with a view to developing national Social Protection Floors and building comprehensive social security systems;
 - (d) ensuring that social security policies take account of changing roles of women and men with respect to employment and care responsibilities, promote gender equality, provide maternity protection and support the empowerment of women through measures to ensure equitable outcomes for women;
 - (e) ensuring that social security policies address the needs of women, men and children during all stages of the life cycle and in both urban and rural areas, and the specific needs of vulnerable groups, including indigenous people, minorities, migrant workers, people with disabilities, people living with HIV and AIDS, orphans and vulnerable children;
 - (f) strengthening labour and social security inspection systems to improve compliance with social security and occupational safety and health legislation and strengthen the preventive potential of the latter through the promotion of a health and safety culture;
 - (g) concluding bilateral, regional or multilateral agreements to provide equality of treatment in respect of social security, as well as access to and preservation and/or portability of social security entitlements, to migrant workers to be covered by such agreements;

(h) ensuring the financial, fiscal and economic sustainability of social security systems through appropriate policies and different financing mechanisms, developed in consultation with or by social partners as appropriate;

(i) balancing, with the participation of social partners, the economic and social adequacy in public and private social security schemes in the longer term;

(j) engaging with social partners and promoting effective social dialogue to define the most appropriate national social security policies and time frames for their progressive implementation;

(k) giving full effect to the provisions of Convention No. 102 and other up-to-date ILO social security Conventions, and undertaking measures to ratify these Conventions;

(l) contributing to exchange of information, experiences and expertise on social security policies and practices among member States and with the ILO.

34. Employers' and workers' organizations should consider and/or undertake the following:

(a) raising awareness and building public support for social security among their members and the wider public, including on ILO social security standards;

(b) actively participating in social dialogue processes aimed at the design, implementation and monitoring of national social security strategies and policies, with a view to responding to the evolving needs and capacities of workers and enterprises;

(c) contributing to the development of innovative solutions including those which might address economic shocks, structural changes and sustainability including through collective bargaining;

(d) participating in policy dialogue aimed at the establishment of national Social Protection Floors;

(e) jointly developing initiatives to support the transition to formal employment and formal enterprises;

(f) supporting the development of standards of good performance and accountability for effective and efficient and sustainable operation of the overall national social security systems;

(g) actively participating in the governance of social security institutions in order to ensure the effective representation of protected persons and taxpayers and contributors;

(h) assisting workers and employers in their interactions with social security institutions, ensuring due contribution collection and provision of benefits;

(i) collaborating with the Government and the ILO in promoting the ratification and effective implementation of Convention No. 102.

VII. THE ROLE OF THE ILO AND FOLLOW-UP

35. The Conference calls upon the International Labour Office in the context of the Global Campaign on Social Security and Coverage for All to:

- (a) assist member States, including through Decent Work Country Programmes and appropriate technical advisory services, to support the design and implementation of national two-dimensional strategies to extend social security coverage, including national Social Protection Floors, in the wider context of comprehensive national social and economic policy frameworks;
- (b) assist member States in designing and improving the governance, management and effective delivery systems of social security schemes, and to evaluate regularly the impact, viability and sustainability of social security policies;
- (c) further strengthen member States' capacities to design, implement and monitor social security systems that are responsive to challenges including changing demographic trends and migration and assuring their proper functioning;
- (d) support the establishment of bilateral and multilateral agreements to provide social security to migrant workers and their families;
- (e) strengthen the ILO's leading role in the promotion of the Social Protection Floor at both the international and national levels with the participation of constituents and in partnership with other international organizations;
- (f) support the development of macroeconomic frameworks and policies, including activation measures, which are conducive to the creation of quality employment and sustainable and effective social security systems;
- (g) support member States in formulating and implementing, in consultation with employers' and workers' organizations, national policies aimed at facilitating progressive transition from the informal to the formal economy;
- (h) promote, at the national and international level, social dialogue and the role of social partners in the design, governance and implementation of comprehensive and sustainable social security for all;
- (i) devote special efforts to capacity building and the training of the social partners on ILO social security standards, thus strengthening the role of social dialogue in ways the standards are implemented;
- (j) strengthen the capacities of social partners to engage in policy dialogue, and social security governance at the national level through the further development of appropriate training programmes, technical assistance and other means;
- (k) expand assistance to constituents in enhancing awareness and understanding of ILO social security standards and their implementation, designing policies to overcome obstacles to ratification and undertaking innovative initiatives for promoting up-to-date ILO Conventions on social security, notably Convention No. 102;

(l) develop in cooperation with ILO constituents a social security good practices guide that provides member States with practical guidance and benchmarks to evaluate and enhance their national social protection provisions, including general and financial social security management, benefit design and good governance;

(m) strengthen the International Labour Office's research capacities, particularly with regard to analysing national social security policies and practices, developing tools for the assessment of performance, and producing reliable statistics, and ensuring its high quality and visibility with a view to helping governments and social partners make informed decisions;

(n) facilitate the exchange of experiences and good practices, the transfer of knowledge, and by mutual agreement, the transfer of technologies among member States including the promotion of South-South and triangular exchange of experiences and expertise;

(o) facilitate the implementation of the ILO's mandate on social protection by improving international policy coherence, effectiveness and efficiency including by coordinating its programmes and activities and deepening collaboration with the UN system, the IMF, the World Bank, regional development banks, the OECD, the European Commission and other regional organizations, the ISSA and civil society organizations. This collaboration is crucial at national level through country-led initiatives;

(p) strengthen cooperation with ISSA and other national and international social security associations, and their member organizations, with regard to sharing information and mobilizing expertise to support the ILO's technical operations;

(q) proactively and consistently mainstream gender in all the above activities in order to promote gender equality.

36. The Conference requests the Director-General to take these conclusions into account in preparing future programme and budget proposals and facilitating extra-budgetary sources, including Regular Budget Supplementary Accounts.

37. The Conference invites the Governing Body to place the discussion on the possible Recommendation mentioned in paragraph 31 on the agenda of the 101st Session of the International Labour Conference in 2012.

38. The Conference invites the Governing Body to consider, in light of the resolution concerning gender equality and the use of language in legal texts of the ILO, the question of gender-sensitive language in ILO social security standards and report to the Conference at a later session.

39. The Conference requests the Director-General to prepare a plan of action for the implementation of the other recommendations of these conclusions and of the outcome of the discussions of the Committee on the Application of Standards, and requests the Governing Body to consider that plan in its 312th Session in November 2011.

Appendix

Elements of a possible Recommendation on Social Protection Floors

1. General context

A1. Everyone as a member of society has the right to social security as stated in the Universal Declaration of Human Rights, Article 22. Social security is a social and economic necessity, a prerequisite of social and economic development, and an element of Decent Work for all women and men. It can make a major contribution to the achievement of the Millennium Development Goals and targets.

2. Objective

A2. The Recommendation would focus on the extension of coverage to wider groups of the population (horizontal extension of coverage), and thereby supporting the implementation of national Social Protection Floors. With respect to progressively ensuring higher levels of protection (vertical extension of coverage), the Recommendation would encourage member States to ratify and those that have ratified to ensure the effective implementation of the Social Security (Minimum Standards) Convention, 1952 (No. 102), and other up-to-date ILO social security Conventions.

A3. The objective of the Recommendation would be to provide guidance to member States to develop a social security extension strategy compatible with, and supportive of, wider national social, economic and employment policy strategies and seek in particular to contribute to poverty reduction and the formalization of informal employment.

3. Principles for the implementation

A4. The extension of social security should be country-led and responsive to national needs, priorities and resources. In order to support member States in this task, the Recommendation would specify a number of principles for the design and implementation of national social security extension strategies in line with the conclusions of this Committee.

4. Scope of the instrument

A5. The Recommendation should encourage member States to design, through an effective national social dialogue process, a social security strategy that identifies gaps in the achievement of nationally pursued levels of protection and seeks to close those gaps and build a comprehensive social security system in a coordinated and planned manner over a period of time, giving due regard to the workers in the informal economy.

A6. The horizontal dimension of the social security extension strategy should prioritize the implementation of a national Social Protection Floor, consisting of four basic social security guarantees, i.e. nationally-defined minimum levels of income security during childhood, working age and old age, as well as affordable access to essential health care. These guarantees set the minimum levels of protection that all members of a society should be entitled to in case of need. Focusing on outcomes achieved, these guarantees do not prescribe specific forms of benefits, financing mechanisms or the organization of benefit delivery.

A7. The Recommendation could encourage member States to close coverage gaps of populations with contributory capacity through contributory schemes. It would encourage member States to ratify up-to-date ILO social security Conventions as early as possible in national social and economic development processes, and to ensure their effective implementation.

A8. The Recommendation should encourage member States to establish appropriate mechanisms to monitor the extension of social security and the implementation of their national basic social security guarantees. It could also invite member States to establish mechanisms, based on effective national social dialogue, to further extend social security coverage on the basis of Convention No. 102 and other up-to-date Conventions and build comprehensive social security systems in line with national social needs, and economic and fiscal capacities.

APPENDIX 5**LIST OF RESOLUTIONS ADOPTED BY THE CONFERENCE**

- I. Resolution concerning efforts to make decent work a reality for domestic workers worldwide
- II. Resolution concerning labour administration and labour inspection
- III. Resolution concerning the recurrent discussion on social protection (social security)
- IV. Resolution concerning gender equality and the use of language in legal texts of the ILO
- V. Resolution concerning the arrears of contributions of Ukraine
- VI. Resolution concerning the Financial report and audited financial statements for 2008-09
- VII. Resolution concerning the treatment of net premium earned
- VIII. Resolution concerning the assessment of contributions of new member States
- IX. Resolution concerning the scale of assessments of contributions to the budget for 2011
- X. Resolution concerning the composition of the Administrative Tribunal of the International Labour Organisation

APPENDIX 8

PROPOSED ACTION BY THE NEW ZEALAND GOVERNMENT ON THE INSTRUMENTS ADOPTED BY THE NINETY-EIGHTH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE

Article 19 of the Constitution of the International Labour Organisation requires member States to submit to the competent legislative authorities the text of Conventions and Recommendations adopted by the International Labour Conference, and to state the action they propose to take on these instruments. They are also required to notify such action to the Director-General of the ILO, which in New Zealand's case is ensured by sending the ILO a copy of this report.

A Convention and Recommendation concerning Decent Work for Domestic Workers was adopted by the Conference. An ILO Recommendation is not open to ratification, but gives guidance as to policy formulation, legislation and practical action. In most cases, a Recommendation supports a Convention by spelling out in finer detail the practical measures which may be used to implement it.

Convention concerning Decent Work for Domestic Workers

The New Zealand Government voted in favour of the adoption of the Domestic Workers Convention.

The Convention establishes the right of domestic workers to be informed, in a manner they could understand, of what the terms and conditions of their employment are. It also establishes limits to the proportion of remuneration that can be paid in kind, and provides for a weekly rest of at least 24 consecutive hours. The Convention also provides for special measures to address the vulnerability of particular groups of domestic workers: young domestic workers – those above the minimum age of employment and below 18 years of age – live-in domestic workers, as well as migrant domestic workers. For live-in workers, it sets minimum requirements in terms of accommodation and privacy. It requires member States to set a minimum age of employment for admission to domestic work, and to adopt measures so that child domestic workers can finish compulsory schooling, if they have not been able to do so because they engaged in domestic work at a very young age, and to facilitate their further education and vocational training.

For migrant domestic workers the Convention requires that they be provided with a written job offer or contract of employment before crossing the boundaries to take up the new job in the country of employment. Member States are also requested to take measures geared towards affording progressively domestic workers with minimum protections in respect of social security, including maternity benefits, on par with other categories of workers. Another important provision relates to private employment agencies, which play a very important role in the domestic work labour market. The Convention requires states to have clear rules and procedures to prevent the type of fraudulent or abusive practices that unfortunately some unscrupulous private employment agencies have engaged in. The Convention recognizes the specific context in which domestic work takes place, namely the home, and strikes a balance between the right to workers' protection and the right to privacy of household members.

The implications of ratification of the Convention concerning Decent Work for Domestic Workers will need to be considered against current law, policy and

practice. New Zealand will continue to consider the possibility of ratification of this Convention.

Recommendation concerning Decent Work for Domestic Workers

This Recommendation, a non-binding instrument, supplements the Convention providing practical and useful guidance on how to give effect to the obligations embedded in the Convention.

As a Recommendation is not open to ratification, no formal government action is required with respect to this instrument.