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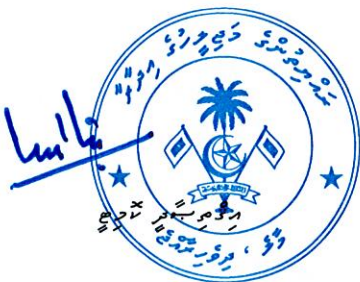
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2.2.5.3 101 نمبر سہ ماہیہ (ج-2012): سہ ماہیہ پختہ ماہیہ کو غیر پختہ ماہیہ سے 2012

(سہ ماہیہ نمبر R202)

جہاں پختہ ماہیہ سے تازہ ماہیہ کی خرید و فروخت کی گئی ہو اور اس سے پہلے اسے غیر پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو۔

(ا) تازہ ماہیہ کی خرید و فروخت کے وقت اسے پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو اور اس سے پہلے اسے غیر پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو۔

(ب) اس سے پہلے اسے غیر پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو اور اس سے پہلے اسے پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو۔

اس سے پہلے اسے غیر پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو اور اس سے پہلے اسے پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو۔

جہاں پختہ ماہیہ سے تازہ ماہیہ کی خرید و فروخت کی گئی ہو اور اس سے پہلے اسے غیر پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو۔

اس سے پہلے اسے غیر پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو اور اس سے پہلے اسے پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو۔

اس سے پہلے اسے غیر پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو اور اس سے پہلے اسے پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو۔

اس سے پہلے اسے غیر پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو اور اس سے پہلے اسے پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو۔

اس سے پہلے اسے غیر پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو اور اس سے پہلے اسے پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو۔

اس سے پہلے اسے غیر پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو اور اس سے پہلے اسے پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو۔

اس سے پہلے اسے غیر پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو اور اس سے پہلے اسے پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو۔

2.2.5.4 103 نمبر سہ ماہیہ (ج-2014): پختہ ماہیہ کو غیر پختہ ماہیہ سے 2014 جہاں تر کو پختہ ماہیہ

تازہ ماہیہ سے، 1930 (سہ ماہیہ نمبر P029) اس سے پہلے اسے غیر پختہ ماہیہ (سہ ماہیہ نمبر)

تازہ ماہیہ سے، 2014 (سہ ماہیہ نمبر R203)

تازہ ماہیہ سے تازہ ماہیہ کی خرید و فروخت کی گئی ہو اور اس سے پہلے اسے غیر پختہ ماہیہ کے طور پر تسلیم کیا گیا ہو۔



2.2.6. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

1. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

2. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

3. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

4. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

5. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

6. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

7. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

8. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

9. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

10. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

2.2.7. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

1. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

2. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

3. نتیجے کی سرگرمیاں:

انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

1. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

2. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

3. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

4. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

5. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

6. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

7. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

8. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

9. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:

10. انہی کے ذریعے کیے جانے والے کاموں کی تفصیلات درج ذیل ہیں:



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Ministry of Economic Development
Male',
Republic of Maldives



SUBMISSION REPORT ON ILO INSTRUMENTS

MULTIPLE INSTRUMENTS

Introduction – Article 19 of the ILO Constitution

Maldives is a member of the International Labour Organization (ILO). The ILO is a United Nations agency that brings together governments, employers and workers to set labour standards, develop policies and devise programmes promoting decent work for all women and men.

The International Labour Conference is the preeminent decision-making body of the ILO and meets in May-June each year. The Conference brings together governments', workers' and employers' delegates of ILO member States to set the ILO's broad priorities and adopt international labour standards (by a two-thirds majority vote). International labour standards, also known as 'instruments', take the form of legally binding Conventions and Protocols, and non-legally binding Recommendations.

As an ILO member State Maldives is required to comply with the provisions of the ILO Constitution. Article 19 of the ILO Constitution requires, following the adoption of Conventions, Protocols and Recommendations by the International Labour Conference, member States to submit the texts of newly adopted instruments to their 'competent authority'. Following this, members are required to report to the ILO on proposed action with respect to new instruments. Newly adopted instruments are required to be submitted to the competent authority within 12 months of adoption, and within 18 months in the case of any difficulties. In Maldives the competent authority is the Peoples Majlis.

The aim of this measure is to bring instruments newly adopted by the International Labour Conference to the attention of the Parliament and to promote measures at the domestic level for the implementation of Conventions and Recommendations. The procedure also aims to promote ratification (in respect of Conventions and Protocols). Through the submission to the Parliament, instruments adopted by the International Labour Conference are also brought to the knowledge of the public and stimulates tripartite dialogue at the national level. However, Governments remain free to propose any actions they judge appropriate in respect of these instruments. The obligation to submit the instruments does not imply any obligation to propose ratification of Conventions or to accept the Recommendations. Therefore, it should be noted that the process under Article 19 of the ILO Constitution is separate to the process of ratification.

Instruments adopted by the International Labour Conference

The International Labour Conference has adopted a number of instruments in recent years and, due to administrative and technical difficulties, Maldives has not submitted multiple instruments to the parliament, as it is required to do so within 12 – 18 months from the date of adoption.

This is classified as a 'serious failure to comply' by the ILO's supervisory body the Committee of Experts on the Application of Conventions and Recommendations (CEACR). This omission negatively impacts upon Maldives reporting and compliance obligations to the CEACR.





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The purpose of this submission is to rectify this omission by way of submitting multiple instruments to the parliament thereby bringing Maldives up to date with its obligations under Article 19 of the ILO Constitution.

ILO International Labour Conference have adopted the following instruments that require submission to the competent authority in the Maldives:

- *99th Session (June 2010)*
R200 - HIV and AIDS Recommendation, 2010 (No. 200)

- *100th Session (June 2011)*
C189 - Domestic Workers Convention, 2011 (No. 189)
R201 - Domestic Workers Recommendation, 2011 (No. 201)

- *101st Session (May - June 2012)*
R202 - Social Protection Floors Recommendation, 2012 (No. 202)

- *103rd Session (May - June 2014)*
P029 - Protocol of 2014 to the Forced Labour Convention, 1930
R203 - Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)

- *104th Session (June 2015)*
R204 - Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)

- *106th Session (June 2017)*
R205 - Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205)

- *108th Session (June 2019)*
C190 - Violence and Harassment Convention, 2019 (No. 190)
R206 - Violence and Harassment Recommendation, 2019 (No. 206)

A description of each instrument is at **Annex A** to this submission. The full text of the Conventions, Protocols and Recommendations is at **Annex B**.

Consultation

The Ministry shared the list of instruments with representative organisations of employers and workers report prior to its submission to the parliament.

Action proposed to be taken

The Ministry considers ratification of ILO Conventions on an ongoing basis, including priority ratifications. As part of this process the Ministry is considering whether it is in Maldives interests to





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ratify any of the Conventions or protocols outlined at **Annex A**.

Should the Government decide to pursue ratification of any of the Conventions or protocols the Ministry will undertake formal consultations with all relevant stakeholders on the prospects of ratifying the Convention, including with respect to compliance of existing legislation with the Convention. Following this, the Ministry will seek approval from the parliament in order to proceed with ratification.

In respect of non-binding Recommendations, no further formal domestic action is required. However, the parliament should note the Recommendations and their guidance when developing national policy, legislation and practice.





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Annex A

99th ILC Session (2010)

- **R200 - HIV and AIDS Recommendation, 2010**

In adopting this Recommendation, the Conference noted that HIV and AIDS have a serious impact on society and economies, on the world of work in both the formal and informal sectors, on workers, their families and dependants, on the employers and workers organizations and on public and private enterprises, and undermine the attainment of decent work and sustainable development. The Recommendation provides general principles that should apply to all action involved in the national response to HIV and AIDS in the world of work. It also provides that member States should:

- adopt national policies and programmes on HIV and AIDS and the world of work and on occupational safety and health, where they do not already exist; and
- integrate their policies and programmes on HIV and AIDS and the world of work in development plans and poverty reduction strategies, including decent work, sustainable enterprises and income-generating strategies, as appropriate.

The Recommendation outlines certain areas for attention including discrimination and promotion of equality of opportunity and treatment; prevention; treatment and care; support; testing; privacy and confidentiality; occupational safety and health; and children and young people.

100th ILC Session (2011)

- **C189 - Domestic Workers Convention, 2011**
- **R201 - Domestic Workers Recommendation, 2011**

The Convention and its accompanying Recommendation provide specific protection to domestic workers with a view to improving the working conditions of this vulnerable category of workers. It affirms the right of domestic workers to coverage under national labour law and access to minimum labour standards commensurate with those enjoyed by workers generally. The Convention provides that each member that ratifies it shall ensure that domestic workers: enjoy effective protection of their human rights; are free from abuse, harassment and violence; are informed of their terms and conditions of employment; have decent living conditions; and are not bound to the household. The Convention also provides that domestic workers shall have decent working conditions with respect to: daily and weekly working hours; occupational safety and health; and payment of wages. The Convention further

provides special protections for migrant domestic workers, places specific conditions on private employment agencies and specifies measures for enforcing the Convention.





101st ILC Session (2012)

- **R202** - Social Protection Floor Recommendation, 2012

This Recommendation provides guidance to member States to: (a) establish and maintain, as applicable, social protection floors as a fundamental element of their national social security systems; and (b) implement social protection floors within strategies for the extension of social security that progressively ensure higher levels of social security to as many people as possible, guided by ILO social security standards.

For the purpose of this Recommendation, social protection floors are nationally defined sets of basic social security guarantees that secure protection aimed at preventing or alleviating poverty, vulnerability and social exclusion.

The Recommendation calls on all member States, in accordance with their national circumstances, to establish as quickly as possible and maintain their social protection floors comprising basic social security guarantees. The guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and to basic income security which together secure effective access to goods and services defined as necessary at the national level. The Recommendation also includes guidance on national strategies for the extension of social security and monitoring.

103rd ILC Session (2014)

- **R203** - Forced Labour (Supplementary Measures) Recommendation, 2014
- **P029** - Protocol of 2014 to the Forced Labour Convention, 1930

The Forced Labour (Supplementary Measures) Recommendation, calls for member States to establish or strengthen:

- national policies and plans of action with time-bound measures using a gender- and child-sensitive approach to achieve the effective and sustained suppression of forced or compulsory labour in all its forms through prevention, protection and access to remedies, such as compensation of victims, and the sanctioning of perpetrators; and
- competent authorities such as the labour inspectorates, the judiciary and national bodies or other institutional mechanisms that are concerned with forced or compulsory labour, and to ensure the development, coordination, implementation, monitoring and evaluation of the national policies and plans of action.

There are four areas of focus that this Recommendation brings to the attention of the member States, which include: prevention, protection, remedies (such as compensation and access to justice), enforcement and international cooperation.

The Protocol of 2014 to the Forced Labour Convention, 1930 complements the existing Forced Labour Convention, adopted in 1930 to provide that member States shall take effective measures to suppress forced or compulsory labour. The measures should include:





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- prevent and eliminate its use
- provide to victims protection and access to appropriate and effective remedies, such as compensation, and
- sanction perpetrators of forced or compulsory labour.

104th ILC Session (2015)

- **R204** - Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)

The Recommendation provides guidance for ILO members to:

- facilitate the transition of workers and economic units from the informal to the formal economy, while respecting workers' fundamental rights and ensuring opportunities for income security, livelihoods and entrepreneurship
- promote the creation, preservation and sustainability of enterprises and decent jobs in the formal economy and the coherence of macroeconomic, employment, social protection, and other social policies, and
- prevent the informalisation of formal economy jobs.

106th ILC Session (2017)

- **R205** - Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205)

The Recommendation revises and replaces a 1944 Recommendation on the same topic. The new Recommendation provides up-to-date guidance for ILO members on the measures to be taken to generate employment and decent work for the purposes of prevention, recovery, peace and resilience with respect to crisis situations arising from conflicts and disasters. In developing such measures, member States are encouraged to pay particular attention to groups made vulnerable by a crisis including children, minorities, indigenous peoples, persons with disabilities, migrants and refugees.

108th ILC Session (2019)

- **C190** - Violence and Harassment Convention, 2019 (No. 190)
- **R206** - Violence and Harassment Recommendation, 2019 (No. 206)

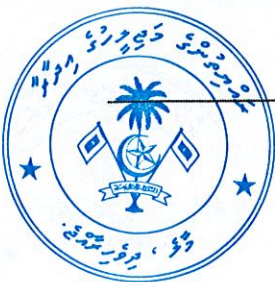
The adoption of Convention No. 190 and Recommendation No. 206 recognises the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment. For the first time this right has been articulated in an international treaty.





The scope of the Convention is very wide. It protects workers and other persons in the world of work irrespective of their contractual status (eg. persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants, and individuals exercising the authority, duties or responsibilities of an employer). Furthermore, it applies to all sectors: public and private, formal and informal, urban and rural. The Convention also applies to violence and harassment occurring in the course of, linked with, or arising out of work.

The key obligation in the Convention is that each member State shall adopt, in accordance with national law and circumstances and in consultation with representative employers' and workers' organisations, an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment.





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Annex B

R200 - HIV and AIDS Recommendation, 2010 (No. 200)

Preamble

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 99th Session on 2 June 2010, and

Noting that HIV and AIDS have a serious impact on society and economies, on the world of work in both the formal and informal sectors, on workers, their families and dependants, on the employers and workers organizations and on public and private enterprises, and undermine the attainment of decent work and sustainable development, and

Reaffirming the importance of the International Labour Organization's role in addressing HIV and AIDS in the world of work and the need for the Organization to strengthen its efforts to achieve social justice and to combat discrimination and stigmatization with regard to HIV and AIDS in all aspects of its work and mandate, and

Recalling the importance of reducing the informal economy by attaining decent work and sustainable development in order to better mobilize the world of work in the response to HIV and AIDS, and

Noting that high levels of social and economic inequality, lack of information and awareness, lack of confidentiality and insufficient access to and adherence to treatment, increase the risk of HIV transmission, mortality levels, the number of children who have lost one or both parents and the number of workers engaged in informal work, and

Considering that poverty, social and economic inequality and unemployment increase the risk of lack of access to prevention, treatment, care and support, therefore increasing the risk of transmission, and

Noting that stigma, discrimination and the threat of job loss suffered by persons affected by HIV or AIDS are barriers to knowing one's HIV status, thus increasing the vulnerability of workers to HIV and undermining their right to social benefits, and

Noting that HIV and AIDS have a more severe impact on vulnerable and at-risk groups, and

Noting that HIV affects both men and women, although women and girls are at greater risk and more vulnerable to HIV infection and are disproportionately affected by the HIV pandemic compared to men as a result of gender inequality, and that women's empowerment is therefore a key factor in the global response to HIV and AIDS, and

Recalling the importance of safeguarding workers through comprehensive occupational safety and health programmes, and

Recalling the value of the ILO code of practice An ILO code of practice on HIV/AIDS and the world of work, 2001, and the need to strengthen its impact given that there are limits and gaps in its implementation, and





Noting the need to promote and implement the international labour Conventions and Recommendations and other international instruments that are relevant to HIV and AIDS and the world of work, including those that recognize the right to the highest attainable standard of health and to decent living standards, and

Recalling the specific role of employers and workers organizations in promoting and supporting national and international efforts in response to HIV and AIDS in and through the world of work, and

Noting the important role of the workplace as regards information about and access to prevention, treatment, care and support in the national response to HIV and AIDS, and

Affirming the need to continue and increase international cooperation, in particular in the context of the Joint United Nations Programme on HIV/ AIDS, to support efforts to give effect to this Recommendation, and

Recalling the value of collaboration at the national, regional and international levels with the structures dealing with HIV and AIDS, including the health sector and with relevant organizations, especially those representing persons living with HIV, and

Affirming the need to set an international standard in order to guide governments and organizations of employers and workers in defining their roles and responsibilities at all levels, and

Having decided upon the adoption of certain proposals with regard to HIV and AIDS and the world of work, and

Having determined that these proposals shall take the form of a Recommendation;

adopts this seventeenth day of June of the year two thousand and ten the following Recommendation, which may be cited as the HIV and AIDS Recommendation, 2010.

I. DEFINITIONS

1. For the purposes of this Recommendation:

- (a) HIV refers to the human immunodeficiency virus, a virus that damages the human immune system. Infection can be prevented by appropriate measures;*
- (b) AIDS refers to the acquired immunodeficiency syndrome which results from advanced stages of HIV infection, and is characterized by opportunistic infections or HIV-related cancers, or both;*
- (c) persons living with HIV means persons infected with HIV;*
- (d) stigma means the social mark that, when associated with a person, usually causes marginalization or presents an obstacle to the full enjoyment of social life by the person infected or affected by HIV;*
- (e) discrimination means any distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation, as referred to in the Discrimination (Employment and Occupation) Convention, 1958, and Recommendation, 1958;*
- (f) affected persons means persons whose lives are changed by HIV or AIDS owing to the broader impact of the pandemic;*
- (g) reasonable accommodation means any modification or adjustment to a job or to the workplace that is reasonably practicable and enables a person living with HIV or AIDS to have access to, or participate*





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or advance in, employment;

(h) vulnerability means the unequal opportunities, social exclusion, unemployment or precarious employment, resulting from the social, cultural, political and economic factors that make a person more susceptible to HIV infection and to developing AIDS;

(i) workplace refers to any place in which workers perform their activity; and

(j) worker refers to any persons working under any form or arrangement.

II. SCOPE

2. This Recommendation covers:

(a) all workers working under all forms or arrangements, and at all workplaces, including:

(i) persons in any employment or occupation;

(ii) those in training, including interns and apprentices;

(iii) volunteers;

(iv) jobseekers and job applicants; and

(v) laid-off and suspended workers;

(b) all sectors of economic activity, including the private and public sectors and the formal and informal economies; and

(c) armed forces and uniformed services.

III. GENERAL PRINCIPLES

3. The following general principles should apply to all action involved in the national response to HIV and AIDS in the world of work:

(a) the response to HIV and AIDS should be recognized as contributing to the realization of human rights and fundamental freedoms and gender equality for all, including workers, their families and their dependants;

(b) HIV and AIDS should be recognized and treated as a workplace issue, which should be included among the essential elements of the national, regional and international response to the pandemic with full participation of organizations of employers and workers;

(c) there should be no discrimination against or stigmatization of workers, in particular jobseekers and job applicants, on the grounds of real or perceived HIV status or the fact that they belong to regions of the world or segments of the population perceived to be at greater risk of or more vulnerable to HIV infection;

(d) prevention of all means of HIV transmission should be a fundamental priority;

(e) workers, their families and their dependants should have access to and benefit from prevention, treatment, care and support in relation to HIV and AIDS, and the workplace should play a role in facilitating access to these services;

(f) workers' participation and engagement in the design, implementation and evaluation of national and workplace programmes should be recognized and reinforced;

(g) workers should benefit from programmes to prevent specific risks of occupational transmission of HIV and related transmissible diseases, such as tuberculosis;

(h) workers, their families and their dependants should enjoy protection of their privacy, including confidentiality related to HIV and AIDS, in particular with regard to their own HIV status;

(i) no workers should be required to undertake an HIV test or disclose their HIV status;

(j) measures to address HIV and AIDS in the world of work should be part of national development policies and programmes, including those related to labour, education, social protection and health; and

(k) the protection of workers in occupations that are particularly exposed to the risk of HIV transmission.





IV. NATIONAL POLICIES AND PROGRAMMES

4. *Members should:*

(a) *adopt national policies and programmes on HIV and AIDS and the world of work and on occupational safety and health, where they do not already exist; and*

(b) *integrate their policies and programmes on HIV and AIDS and the world of work in development plans and poverty reduction strategies, including decent work, sustainable enterprises and income-generating strategies, as appropriate.*

5. *In developing the national policies and programmes, the competent authorities should take into account the ILO code of practice on HIV/AIDS of 2001, and any subsequent revision, other relevant International Labour Organization instruments, and other international guidelines adopted on this subject.*

6. *The national policies and programmes should be developed by the competent authorities, in consultation with the most representative organizations of employers and workers, as well as organizations representing persons living with HIV, taking into account the views of relevant sectors, especially the health sector.*

7. *In developing the national policies and programmes, the competent authorities should take into account the role of the workplace in prevention, treatment, care and support, including the promotion of voluntary counselling and testing, in collaboration with local communities.*

8. *Members should take every opportunity to disseminate information about their policies and programmes on HIV and AIDS and the world of work through organizations of employers and workers, other relevant HIV and AIDS entities, and public information channels.*

DISCRIMINATION AND PROMOTION OF EQUALITY OF OPPORTUNITY AND TREATMENT

9. *Governments, in consultation with the most representative organizations of employers and workers should consider affording protection equal to that available under the Discrimination (Employment and Occupation) Convention, 1958, to prevent discrimination based on real or perceived HIV status.*

10. *Real or perceived HIV status should not be a ground of discrimination preventing the recruitment or continued employment, or the pursuit of equal opportunities consistent with the provisions of the Discrimination (Employment and Occupation) Convention, 1958.*

11. *Real or perceived HIV status should not be a cause for termination of employment. Temporary absence from work because of illness or caregiving duties related to HIV or AIDS should be treated in the same way as absences for other health reasons, taking into account the Termination of Employment Convention, 1982.*

12. *When existing measures against discrimination in the workplace are inadequate for effective protection against discrimination in relation to HIV and AIDS, Members should adapt these measures or put new ones in place, and provide for their effective and transparent implementation.*

13. *Persons with HIV-related illness should not be denied the possibility of continuing to carry out their work, with reasonable accommodation if necessary, for as long as they are medically fit to do so. Measures to redeploy such persons to work reasonably adapted to their abilities, to find other work through training or to facilitate their return to work should be encouraged, taking into consideration the relevant International Labour Organization and United Nations instruments.*

14. *Measures should be taken in or through the workplace to reduce the transmission of HIV and alleviate its impact by:*

(a) *ensuring respect for human rights and fundamental freedoms;*

(b) *ensuring gender equality and the empowerment of women;*





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- (c) ensuring actions to prevent and prohibit violence and harassment in the workplace;
- (d) promoting the active participation of both women and men in the response to HIV and AIDS;
- (e) promoting the involvement and empowerment of all workers regardless of their sexual orientation and whether or not they belong to a vulnerable group;
- (f) promoting the protection of sexual and reproductive health and sexual and reproductive rights of women and men; and
- (g) ensuring the effective confidentiality of personal data, including medical data.

PREVENTION

15. Prevention strategies should be adapted to national conditions and the type of workplace, and should take into account gender, cultural, social and economic concerns.
16. Prevention programmes should ensure:
- (a) that accurate, up to date, relevant and timely information is made available and accessible to all in a culturally sensitive format and language through the different channels of communication available;
 - (b) comprehensive education programmes to help women and men understand and reduce the risk of all modes of HIV transmission, including mother-to-child transmission, and understand the importance of changing risk behaviours related to infection;
 - (c) effective occupational safety and health measures;
 - (d) measures to encourage workers to know their own HIV status through voluntary counselling and testing;
 - (e) access to all means of prevention, including but not limited to guaranteeing the availability of necessary supplies, in particular male and female condoms and, where appropriate, information about their correct use, and the availability of post-exposure prophylaxis;
 - (f) effective measures to reduce high-risk behaviours, including for the most at-risk groups, with a view to decreasing the incidence of HIV; and
 - (g) harm reduction strategies based on guidelines published by the World Health Organization (WHO), the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the United Nations Office on Drugs and Crime (UNODC) and other relevant guidelines.

TREATMENT AND CARE

17. Members should ensure that their national policies and programmes on workplace health interventions are determined in consultation with employers and workers and their representatives and are linked to public health services. They should offer the broadest range of appropriate and effective interventions to prevent HIV and AIDS and manage their impact.
18. Members should ensure that workers living with HIV and their dependants benefit from full access to health care, whether this is provided under public health, social security systems or private insurance or other schemes. Members should also ensure the education and awareness raising of workers to facilitate their access to health care.
19. All persons covered by this Recommendation, including workers living with HIV and their families and their dependants, should be entitled to health services. These services should include access to free or affordable:
- (a) voluntary counselling and testing;
 - (b) antiretroviral treatment and adherence education, information and support;
 - (c) proper nutrition consistent with treatment;
 - (d) treatment for opportunistic infections and sexually transmitted infections, and any other HIV-related





illnesses, in particular tuberculosis; and

€ support and prevention programmes for persons living with HIV, including psychosocial support.

20. There should be no discrimination against workers or their dependants based on real or perceived HIV status in access to social security systems and occupational insurance schemes, or in relation to benefits under such schemes, including for health care and disability, and death and survivors'½ benefits.

SUPPORT

21. Programmes of care and support should include measures of reasonable accommodation in the workplace for persons living with HIV or HIV-related illnesses, with due regard to national conditions. Work should be organized in such a way as to accommodate the episodic nature of HIV and AIDS, as well as possible side effects of treatment.

22. Members should promote the retention in work and recruitment of persons living with HIV. Members should consider extending support through periods of employment and unemployment, including where necessary income-generating opportunities for persons living with HIV or persons affected by HIV or AIDS.

23. Where a direct link can be established between an occupation and the risk of infection, AIDS and infection by HIV should be recognized as an occupational disease or accident, in accordance with national procedures and definitions, and with reference to the List of Occupational Diseases Recommendation, 2002, as well as other relevant International Labour Organization instruments.

TESTING, PRIVACY AND CONFIDENTIALITY

24. Testing must be genuinely voluntary and free of any coercion and testing programmes must respect international guidelines on confidentiality, counselling and consent.

25. HIV testing or other forms of screening for HIV should not be required of workers, including migrant workers, jobseekers and job applicants.

26. The results of HIV testing should be confidential and not endanger access to jobs, tenure, job security or opportunities for advancement.

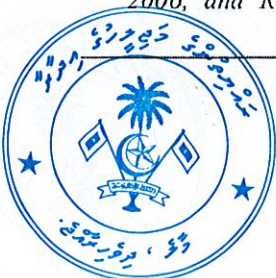
27. Workers, including migrant workers, jobseekers and job applicants, should not be required by countries of origin, of transit or of destination to disclose HIV-related information about themselves or others. Access to such information should be governed by rules of confidentiality consistent with the ILO code of practice on the protection of workers'½ personal data, 1997, and other relevant international data protection standards.

28. Migrant workers, or those seeking to migrate for employment, should not be excluded from migration by the countries of origin, of transit or of destination on the basis of their real or perceived HIV status.

29. Members should have in place easily accessible dispute resolution procedures which ensure redress for workers if their rights set out above are violated.

OCCUPATIONAL SAFETY AND HEALTH

30. The working environment should be safe and healthy, in order to prevent transmission of HIV in the workplace, taking into account the Occupational Safety and Health Convention, 1981, and Recommendation, 1981, the Promotional Framework for Occupational Safety and Health Convention, 2006, and Recommendation, 2006, and other relevant international instruments, such as joint





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International Labour Office and WHO guidance documents.

31. *Safety and health measures to prevent workers' exposure to HIV at work should include universal precautions, accident and hazard prevention measures, such as organizational measures, engineering and work practice controls, personal protective equipment, as appropriate, environmental control measures and postexposure prophylaxis and other safety measures to minimize the risk of contracting HIV and tuberculosis, especially in occupations most at risk, including in the healthcare sector.*

32. *When there is a possibility of exposure to HIV at work, workers should receive education and training on modes of transmission and measures to prevent exposure and infection. Members should take measures to ensure that prevention, safety and health are provided for in accordance with relevant standards.*

33. *Awareness-raising measures should emphasize that HIV is not transmitted by casual physical contact and that the presence of a person living with HIV should not be considered a workplace hazard.*

34. *Occupational health services and workplace mechanisms related to occupational safety and health should address HIV and AIDS, taking into account the Occupational Health Services Convention, 1985, and Recommendation, 1985, the Joint ILO/WHO guidelines on health services and HIV/AIDS, 2005, and any subsequent revision, and other relevant international instruments.*

CHILDREN AND YOUNG PERSONS

35. *Members should take measures to combat child labour and child trafficking that may result from the death or illness of family members or caregivers due to AIDS and to reduce the vulnerability of children to HIV, taking into account the ILO Declaration on Fundamental Principles and Rights at Work, 1998, the Minimum Age Convention, 1973, and Recommendation, 1973, and the Worst Forms of Child Labour Convention, 1999, and Recommendation, 1999. Special measures should be taken to protect these children from sexual abuse and sexual exploitation.*

36. *Members should take measures to protect young workers against HIV infection, and to include the special needs of children and young persons in the response to HIV and AIDS in national policies and programmes. These should include objective sexual and reproductive health education, in particular the dissemination of information on HIV and AIDS through vocational training and in youth employment programmes and services.*

V. IMPLEMENTATION

37. *National policies and programmes on HIV and AIDS and the world of work should:*

(a) be given effect, in consultation with the most representative organizations of employers and workers and other parties concerned, including relevant public and private occupational health structures, by one or a combination of the following means:

(i) national laws and regulations;

(ii) collective agreements;

(iii) national and workplace policies and programmes of action; and

(iv) sectoral strategies, with particular attention to sectors in which persons covered by this Recommendation are most at risk;

(b) involve the judicial authorities competent in labour issues, and labour administration authorities in the planning and implementation of the policies and programmes, and training in this regard should be provided to them;

(c) provide for measures in national laws and regulations to address breaches of privacy and confidentiality and other protection afforded under this Recommendation;





- (d) ensure collaboration and coordination among the public authorities and public and private services concerned, including insurance and benefit programmes or other types of programmes;*
- (e) promote and support all enterprises to implement the national policies and programmes, including through their supply chains and distribution networks, with the participation of organizations of employers and workers and ensure that enterprises operating in the export processing zones comply;*
- (f) promote social dialogue, including consultation and negotiation, consistent with the Tripartite Consultation (International Labour Standards) Convention, 1976, and other forms of cooperation among government authorities, public and private employers and workers and their representatives, taking into account the views of occupational health personnel, specialists in HIV and AIDS, and other parties including organizations representing persons living with HIV, international organizations, relevant civil society organizations and country coordinating mechanisms;*
- (g) be formulated, implemented, regularly reviewed and updated, taking into consideration the most recent scientific and social developments and the need to mainstream gender and cultural concerns;*
- (h) be coordinated with, among others, labour, social security and health policies and programmes; and*
- (i) ensure that Members make reasonable provision for the means of their implementation, with due regard to national conditions, as well as to the capacity of employers and workers.*

SOCIAL DIALOGUE

- 38. Implementation of policies and programmes on HIV and AIDS should be based on cooperation and trust among employers and workers and their representatives, and governments, with the active involvement, at their workplace, of persons living with HIV.*
- 39. Organizations of employers and workers should promote awareness of HIV and AIDS, including prevention and non-discrimination, through the provision of education and information to their members. These should be sensitive to gender and cultural concerns.*

EDUCATION, TRAINING, INFORMATION AND CONSULTATION

- 40. Training, safety instructions and any necessary guidance in the workplace related to HIV and AIDS should be provided in a clear and accessible form for all workers and, in particular, for migrant workers, newly engaged or inexperienced workers, young workers and persons in training, including interns and apprentices. Training, instructions and guidance should be sensitive to gender and cultural concerns and adapted to the characteristics of the workforce, taking into account the risk factors for the workforce.*
- 41. Up to date scientific and socio-economic information and, where appropriate, education and training on HIV and AIDS should be available to employers, managers and workers' ½ representatives, in order to assist them in taking appropriate measures in the workplace.*
- 42. Workers, including interns, trainees and volunteers should receive awareness-raising information and appropriate training in HIV infection control procedures in the context of workplace accidents and first aid. Workers whose occupations put them at risk of exposure to human blood, blood products and other body fluids should receive additional training in exposure prevention, exposure registration procedures and post-exposure prophylaxis.*
- 43. Workers and their representatives should have the right to be informed and consulted on measures taken to implement workplace policies and programmes related to HIV and AIDS. Workers' ½ and employers' ½ representatives should participate in workplace inspections in accordance with national practice.*





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PUBLIC SERVICES

44. *The role of the labour administration services, including the labour inspectorate, and of the judicial authorities competent in labour issues, in the response to HIV and AIDS, should be reviewed and, if necessary, strengthened.*
45. *Public health systems should be strengthened and follow the Joint ILO/WHO guidelines on health services and HIV/AIDS, 2005, and any subsequent revision, to help ensure greater access to prevention, treatment, care and support, and reduce the additional strain on public services, particularly on health workers, caused by HIV and AIDS.*

INTERNATIONAL COOPERATION

46. *Members should cooperate, through bilateral or multilateral agreements, through their participation in the multilateral system or through other effective means, in order to give effect to this Recommendation.*
47. *Measures to ensure access to HIV prevention, treatment, care and support services for migrant workers should be taken by countries of origin, of transit and of destination, and agreements should be concluded among the countries concerned, whenever appropriate.*
48. *International cooperation should be encouraged between and among Members, their national structures on HIV and AIDS and relevant international organizations and should include the systematic exchange of information on all measures taken to respond to the HIV pandemic.*
49. *Members and multilateral organizations should give particular attention to coordination and to the necessary resources to satisfy the needs of all countries, especially high prevalence countries, in the development of international strategies and programmes for prevention, treatment, care and support related to HIV.*
50. *Members and international organizations should seek to reduce the price of supplies of any type, for the prevention, treatment and care of infection caused by HIV and other opportunistic infections and HIV-related cancers.*

VI. FOLLOW-UP

51. *Members should establish an appropriate mechanism or make use of an existing one, for monitoring developments in relation to their national policy on HIV and AIDS and the world of work, as well as for formulating advice on its adoption and implementation.*
52. *The most representative organizations of employers and workers should be represented, on an equal footing, in the mechanism for monitoring developments in relation to the national policy. In addition, these organizations should be consulted under the mechanism as often as necessary, taking into consideration the views of organizations of persons living with HIV, expert reports or technical studies.*
53. *Members should, to the extent possible, collect detailed information and statistical data and undertake research on developments at the national and sectoral levels in relation to HIV and AIDS in the world of work, taking into account the distribution of women and men and other relevant factors.*
54. *In addition to the reporting under article 19 of the Constitution of the International Labour Organization, a regular review of action taken on the basis of this Recommendation could be included in national reports to UNAIDS and reports under relevant international instruments.*





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C189 - Domestic Workers Convention, 2011 (No. 189)

Preamble

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 100th Session on 1 June 2011, and

Mindful of the commitment of the International Labour Organization to promote decent work for all through the achievement of the goals of the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization, and

Recognizing the significant contribution of domestic workers to the global economy, which includes increasing paid job opportunities for women and men workers with family responsibilities, greater scope for caring for ageing populations, children and persons with a disability, and substantial income transfers within and between countries, and

Considering that domestic work continues to be undervalued and invisible and is mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities and who are particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights, and

Considering also that in developing countries with historically scarce opportunities for formal employment, domestic workers constitute a significant proportion of the national workforce and remain among the most marginalized, and

Recalling that international labour Conventions and Recommendations apply to all workers, including domestic workers, unless otherwise provided, and

Noting the particular relevance for domestic workers of the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Workers with Family Responsibilities Convention, 1981 (No. 156), the Private Employment Agencies Convention, 1997 (No. 181), and the Employment Relationship Recommendation, 2006 (No. 198), as well as of the ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration (2006), and

Recognizing the special conditions under which domestic work is carried out that make it desirable to supplement the general standards with standards specific to domestic workers so as to enable them to enjoy their rights fully, and

Recalling other relevant international instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Convention against Transnational Organized Crime, and in particular its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and its Protocol against the Smuggling of Migrants by Land, Sea and Air, the Convention on the Rights of the Child and





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the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and

Having decided upon the adoption of certain proposals concerning decent work for domestic workers, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this sixteenth day of June of the year two thousand and eleven the following Convention, which may be cited as the Domestic Workers Convention, 2011..

Article 1

For the purpose of this Convention:

- (a) the term domestic work means work performed in or for a household or households;*
- (b) the term domestic worker means any person engaged in domestic work within an employment relationship;*
- (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.*

Article 2

- 1. The Convention applies to all domestic workers.*
- 2. A Member which ratifies this Convention may, after consulting with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, exclude wholly or partly from its scope:*
 - (a) categories of workers who are otherwise provided with at least equivalent protection;*
 - (b) limited categories of workers in respect of which special problems of a substantial nature arise.*
- 3. Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organisation, indicate any particular category of workers thus excluded and the reasons for such exclusion and, in subsequent reports, specify any measures that may have been taken with a view to extending the application of the Convention to the workers concerned.*

Article 3

- 1. Each Member shall take measures to ensure the effective promotion and protection of the human rights of all domestic workers, as set out in this Convention.*
- 2. Each Member shall, in relation to domestic workers, take the measures set out in this Convention to respect, promote and realize the fundamental principles and rights at work, namely:*
 - (a) freedom of association and the effective recognition of the right to collective bargaining;*
 - (b) the elimination of all forms of forced or compulsory labour;*
 - (c) the effective abolition of child labour; and*
 - (d) the elimination of discrimination in respect of employment and occupation.*
- 3. In taking measures to ensure that domestic workers and employers of domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members shall protect the right of domestic workers and employers of domestic workers to establish and, subject to the rules of the organization concerned, to join organizations, federations and confederations of their*





own choosing.

Article 4

1. Each Member shall set a minimum age for domestic workers consistent with the provisions of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and not lower than that established by national laws and regulations for workers generally.
2. Each Member shall take measures to ensure that work performed by domestic workers who are under the age of 18 and above the minimum age of employment does not deprive them of compulsory education, or interfere with opportunities to participate in further education or vocational training.

Article 5

Each Member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence.

Article 6

Each Member shall take measures to ensure that domestic workers, like workers generally, enjoy fair terms of employment as well as decent working conditions and, if they reside in the household, decent living conditions that respect their privacy.

Article 7

Each Member shall take measures to ensure that domestic workers are informed of their terms and conditions of employment in an appropriate, verifiable and easily understandable manner and preferably, where possible, through written contracts in accordance with national laws, regulations or collective agreements, in particular:

- (a) the name and address of the employer and of the worker;
- (b) the address of the usual workplace or workplaces;
- (c) the starting date and, where the contract is for a specified period of time, its duration;
- (d) the type of work to be performed;
- (e) the remuneration, method of calculation and periodicity of payments;
- (f) the normal hours of work;
- (g) paid annual leave, and daily and weekly rest periods;
- (h) the provision of food and accommodation, if applicable;
- (i) the period of probation or trial period, if applicable;
- (j) the terms of repatriation, if applicable; and
- (k) terms and conditions relating to the termination of employment, including any period of notice by either the domestic worker or the employer.

Article 8

1. National laws and regulations shall require that migrant domestic workers who are recruited in one country for domestic work in another receive a written job offer, or contract of employment that is enforceable in the country in which the work is to be performed, addressing the terms and conditions of employment referred to in Article 7, prior to crossing national borders for the purpose of taking up the domestic work to which the offer or contract applies.
2. The preceding paragraph shall not apply to workers who enjoy freedom of movement for the purpose of employment under bilateral, regional or multilateral agreements, or within the framework of regional economic integration areas.





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3. Members shall take measures to cooperate with each other to ensure the effective application of the provisions of this Convention to migrant domestic workers.

4. Each Member shall specify, by means of laws, regulations or other measures, the conditions under which migrant domestic workers are entitled to repatriation on the expiry or termination of the employment contract for which they were recruited.

Article 9

Each Member shall take measures to ensure that domestic workers:

(a) are free to reach agreement with their employer or potential employer on whether to reside in the household;

(b) who reside in the household are not obliged to remain in the household or with household members during periods of daily and weekly rest or annual leave; and

(c) are entitled to keep in their possession their travel and identity documents.

Article 10

1. Each Member shall take measures towards ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave in accordance with national laws, regulations or collective agreements, taking into account the special characteristics of domestic work.

2. Weekly rest shall be at least 24 consecutive hours.

3. Periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls shall be regarded as hours of work to the extent determined by national laws, regulations or collective agreements, or any other means consistent with national practice.

Article 11

Each Member shall take measures to ensure that domestic workers enjoy minimum wage coverage, where such coverage exists, and that remuneration is established without discrimination based on sex.

Article 12

1. Domestic workers shall be paid directly in cash at regular intervals at least once a month. Unless provided for by national laws, regulations or collective agreements, payment may be made by bank transfer, bank cheque, postal cheque, money order or other lawful means of monetary payment, with the consent of the worker concerned.

2. National laws, regulations, collective agreements or arbitration awards may provide for the payment of a limited proportion of the remuneration of domestic workers in the form of payments in kind that are not less favourable than those generally applicable to other categories of workers, provided that measures are taken to ensure that such payments in kind are agreed to by the worker, are for the personal use and benefit of the worker, and that the monetary value attributed to them is fair and reasonable.

Article 13

1. Every domestic worker has the right to a safe and healthy working environment. Each Member shall take, in accordance with national laws, regulations and practice, effective measures, with due regard for the specific characteristics of domestic work, to ensure the occupational safety and health of domestic workers.

2. The measures referred to in the preceding paragraph may be applied progressively, in consultation





with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

Article 14

1. Each Member shall take appropriate measures, in accordance with national laws and regulations and with due regard for the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are not less favourable than those applicable to workers generally in respect of social security protection, including with respect to maternity.
2. The measures referred to in the preceding paragraph may be applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

Article 15

1. To effectively protect domestic workers, including migrant domestic workers, recruited or placed by private employment agencies, against abusive practices, each Member shall:
 - (a) determine the conditions governing the operation of private employment agencies recruiting or placing domestic workers, in accordance with national laws, regulations and practice;
 - (b) ensure that adequate machinery and procedures exist for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of private employment agencies in relation to domestic workers;
 - (c) adopt all necessary and appropriate measures, within its jurisdiction and, where appropriate, in collaboration with other Members, to provide adequate protection for and prevent abuses of domestic workers recruited or placed in its territory by private employment agencies. These shall include laws or regulations that specify the respective obligations of the private employment agency and the household towards the domestic worker and provide for penalties, including prohibition of those private employment agencies that engage in fraudulent practices and abuses;
 - (d) consider, where domestic workers are recruited in one country for work in another, concluding bilateral, regional or multilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment; and
 - (e) take measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers.
2. In giving effect to each of the provisions of this Article, each Member shall consult with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

Article 16

Each Member shall take measures to ensure, in accordance with national laws, regulations and practice, that all domestic workers, either by themselves or through a representative, have effective access to courts, tribunals or other dispute resolution mechanisms under conditions that are not less favourable than those available to workers generally.

Article 17

1. Each Member shall establish effective and accessible complaint mechanisms and means of ensuring compliance with national laws and regulations for the protection of domestic workers.
2. Each Member shall develop and implement measures for labour inspection, enforcement and





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penalties with due regard for the special characteristics of domestic work, in accordance with national laws and regulations.

3. In so far as compatible with national laws and regulations, such measures shall specify the conditions under which access to household premises may be granted, having due respect for privacy.

Article 18

Each Member shall implement the provisions of this Convention, in consultation with the most representative employers and workers organizations, through laws and regulations, as well as through collective agreements or additional measures consistent with national practice, by extending or adapting existing measures to cover domestic workers or by developing specific measures for them, as appropriate.

Article 19

This Convention does not affect more favourable provisions applicable to domestic workers under other international labour Conventions.

Article 20

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 21

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification is registered.

Article 22

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention within the first year of each new period of ten years under the terms provided for in this Article.

Article 23

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations that have been communicated by the Members of the Organization.
2. When notifying the Members of the Organization of the registration of the second ratification that has been communicated, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.





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Article 24

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and denunciations that have been registered.

Article 25

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 26

1. *Should the Conference adopt a new Convention revising this Convention, then, unless the new Convention otherwise provides:*
 - (a) *the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 22, if and when the new revising Convention shall have come into force;*
 - (b) *as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.*
2. *This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.*

Article 27

The English and French versions of the text of this Convention are equally authoritative.





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R201 - Domestic Workers Recommendation, 2011 (No. 201)

Preamble

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 100th Session on 1 June 2011, and

Having adopted the Domestic Workers Convention, 2011, and

Having decided upon the adoption of certain proposals with regard to decent work for domestic workers, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Domestic Workers Convention, 2011;

adopts this sixteenth day of June of the year two thousand and eleven the following Recommendation, which may be cited as the Domestic Workers Recommendation, 2011.

- 1. The provisions of this Recommendation supplement those of the Domestic Workers Convention, 2011 ("the Convention"), and should be considered in conjunction with them.*
- 2. In taking measures to ensure that domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members should:*
 - (a) identify and eliminate any legislative or administrative restrictions or other obstacles to the right of domestic workers to establish their own organizations or to join the workers' organizations of their own choosing and to the right of organizations of domestic workers to join workers' organizations, federations and confederations;*
 - (b) give consideration to taking or supporting measures to strengthen the capacity of workers' and employers' organizations, organizations representing domestic workers and those of employers of domestic workers, to promote effectively the interests of their members, provided that at all times the independence and autonomy, within the law, of such organizations are protected.*
- 3. In taking measures for the elimination of discrimination in respect of employment and occupation, Members should, consistent with international labour standards, among other things:*
 - (a) make sure that arrangements for work-related medical testing respect the principle of the confidentiality of personal data and the privacy of domestic workers, and are consistent with the ILO code of practice "Protection of workers' personal data" (1997), and other relevant international data protection standards;*
 - (b) prevent any discrimination related to such testing; and*
 - (c) ensure that no domestic worker is required to undertake HIV or pregnancy testing, or to disclose HIV or pregnancy status.*
- 4. Members giving consideration to medical testing for domestic workers should consider:*
 - (a) making public health information available to members of the households and domestic workers on the primary health and disease concerns that give rise to any needs for medical testing in each national context;*
 - (b) making information available to members of the households and domestic workers on voluntary medical testing, medical treatment, and good health and hygiene practices, consistent with public health initiatives for the community generally; and*





(c) distributing information on best practices for work-related medical testing, appropriately adapted to reflect the special nature of domestic work.

5.

(1) Taking into account the provisions of the Worst Forms of Child Labour Convention, 1999 (No. 182), and Recommendation (No. 190), Members should identify types of domestic work that, by their nature or the circumstances in which they are carried out, are likely to harm the health, safety or morals of children, and should also prohibit and eliminate such child labour.

(2) When regulating the working and living conditions of domestic workers, Members should give special attention to the needs of domestic workers who are under the age of 18 and above the minimum age of employment as defined by national laws and regulations, and take measures to protect them, including by:

(a) strictly limiting their hours of work to ensure adequate time for rest, education and training, leisure activities and family contacts;

(b) prohibiting night work;

(c) placing restrictions on work that is excessively demanding, whether physically or psychologically; and

(d) establishing or strengthening mechanisms to monitor their working and living conditions.

6.

(1) Members should provide appropriate assistance, when necessary, to ensure that domestic workers understand their terms and conditions of employment.

(2) Further to the particulars listed in Article 7 of the Convention, the terms and conditions of employment should also include:

(a) a job description;

(b) sick leave and, if applicable, any other personal leave;

(c) the rate of pay or compensation for overtime and standby consistent with Article 10(3) of the Convention;

(d) any other payments to which the domestic worker is entitled;

(e) payments in kind and their monetary value;

(f) details of any accommodation provided; and

(g) any authorized deductions from the worker's remuneration.

(3) Members should consider establishing a model contract of employment for domestic work, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

(4) The model contract should at all times be made available free of charge to domestic workers, employers, representative organizations and the general public.

7. Members should consider establishing mechanisms to protect domestic workers from abuse, harassment and violence, such as:

(a) establishing accessible complaint mechanisms for domestic workers to report cases of abuse, harassment and violence;

(b) ensuring that all complaints of abuse, harassment and violence are investigated, and prosecuted, as appropriate; and

(c) establishing programmes for the relocation from the household and rehabilitation of domestic workers subjected to abuse, harassment and violence, including the provision of temporary accommodation and health care.





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8.

(1) Hours of work, including overtime and periods of standby consistent with Article 10(3) of the Convention, should be accurately recorded, and this information should be freely accessible to the domestic worker.

(2) Members should consider developing practical guidance in this respect, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

9.

(1) With respect to periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls (standby or on-call periods), Members, to the extent determined by national laws, regulations or collective agreements, should regulate:

(a) the maximum number of hours per week, month or year that a domestic worker may be required to be on standby, and the ways they might be measured;

(b) the compensatory rest period to which a domestic worker is entitled if the normal period of rest is interrupted by standby; and

(c) the rate at which standby hours should be remunerated.

(2) With regard to domestic workers whose normal duties are performed at night, and taking into account the constraints of night work, Members should consider measures comparable to those specified in subparagraph 9(1).

10. Members should take measures to ensure that domestic workers are entitled to suitable periods of rest during the working day, which allow for meals and breaks to be taken.

11.

(1) Weekly rest should be at least 24 consecutive hours.

(2) The fixed day of weekly rest should be determined by agreement of the parties, in accordance with national laws, regulations or collective agreements, taking into account work exigencies and the cultural, religious and social requirements of the domestic worker.

(3) Where national laws, regulations or collective agreements provide for weekly rest to be accumulated over a period longer than seven days for workers generally, such a period should not exceed 14 days for domestic workers.

12. National laws, regulations or collective agreements should define the grounds on which domestic workers may be required to work during the period of daily or weekly rest and provide for adequate compensatory rest, irrespective of any financial compensation.

13. Time spent by domestic workers accompanying the household members on holiday should not be counted as part of their paid annual leave.

14. When provision is made for the payment in kind of a limited proportion of remuneration, Members should consider:

(a) establishing an overall limit on the proportion of the remuneration that may be paid in kind so as not to diminish unduly the remuneration necessary for the maintenance of domestic workers and their families;

(b) calculating the monetary value of payments in kind by reference to objective criteria such as market value, cost price or prices fixed by public authorities, as appropriate;

(c) limiting payments in kind to those clearly appropriate for the personal use and benefit of the domestic worker, such as food and accommodation;

(d) ensuring that, when a domestic worker is required to live in accommodation provided by the household, no deduction may be made from the remuneration with respect to that accommodation, unless otherwise agreed to by the worker; and





(e) ensuring that items directly related to the performance of domestic work, such as uniforms, tools or protective equipment, and their cleaning and maintenance, are not considered as payment in kind and their cost is not deducted from the remuneration of the domestic worker.

15.

(1) Domestic workers should be given at the time of each payment an easily understandable written account of the total remuneration due to them and the specific amount and purpose of any deductions which may have been made.

(2) Upon termination of employment, any outstanding payments should be made promptly.

16. Members should take measures to ensure that domestic workers enjoy conditions not less favourable than those of workers generally in respect of the protection of workers' claims in the event of the employer's insolvency or death.

17. When provided, accommodation and food should include, taking into account national conditions, the following:

(a) a separate, private room that is suitably furnished, adequately ventilated and equipped with a lock, the key to which should be provided to the domestic worker;

(b) access to suitable sanitary facilities, shared or private;

(c) adequate lighting and, as appropriate, heating and air conditioning in keeping with prevailing conditions within the household; and

(d) meals of good quality and sufficient quantity, adapted to the extent reasonable to the cultural and religious requirements, if any, of the domestic worker concerned.

18. In the event of termination of employment at the initiative of the employer, for reasons other than serious misconduct, live-in domestic workers should be given a reasonable period of notice and time off during that period to enable them to seek new employment and accommodation.

19. Members, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, should take measures, such as to:

(a) protect domestic workers by eliminating or minimizing, so far as is reasonably practicable, work-related hazards and risks, in order to prevent injuries, diseases and deaths and promote occupational safety and health in the household workplace;

(b) provide an adequate and appropriate system of inspection, consistent with Article 17 of the Convention, and adequate penalties for violation of occupational safety and health laws and regulations;

(c) establish procedures for collecting and publishing statistics on accidents and diseases related to domestic work, and other statistics considered to contribute to the prevention of occupational safety and health related risks and injuries;

(d) advise on occupational safety and health, including on ergonomic aspects and protective equipment; and

(e) develop training programmes and disseminate guidelines on occupational safety and health requirements specific to domestic work.

20.

(1) Members should consider, in accordance with national laws and regulations, means to facilitate the payment of social security contributions, including in respect of domestic workers working for multiple employers, for instance through a system of simplified payment.

(2) Members should consider concluding bilateral, regional or multilateral agreements to provide, for migrant domestic workers covered by such agreements, equality of treatment in respect of social security, as well as access to and preservation or portability of social security entitlements.





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(3) *The monetary value of payments in kind should be duly considered for social security purposes, including in respect of the contribution by the employers and the entitlements of the domestic workers.*
21.

(1) *Members should consider additional measures to ensure the effective protection of domestic workers and, in particular, migrant domestic workers, such as:*

(a) *establishing a national hotline with interpretation services for domestic workers who need assistance;*

(b) *consistent with Article 17 of the Convention, providing for a system of pre-placement visits to households in which migrant domestic workers are to be employed;*

(c) *developing a network of emergency housing;*

(d) *raising employers' awareness of their obligations by providing information on good practices in the employment of domestic workers, employment and immigration law obligations regarding migrant domestic workers, enforcement arrangements and sanctions in cases of violation, and assistance services available to domestic workers and their employers;*

(e) *securing access of domestic workers to complaint mechanisms and their ability to pursue legal civil and criminal remedies, both during and after employment, irrespective of departure from the country concerned; and*

(f) *providing for a public outreach service to inform domestic workers, in languages understood by them, of their rights, relevant laws and regulations, available complaint mechanisms and legal remedies, concerning both employment and immigration law, and legal protection against crimes such as violence, trafficking in persons and deprivation of liberty, and to provide any other pertinent information they may require.*

(2) *Members that are countries of origin of migrant domestic workers should assist in the effective protection of the rights of these workers, by informing them of their rights before departure, establishing legal assistance funds, social services and specialized consular services and through any other appropriate measures.*

22. *Members should, after consulting with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, consider specifying by means of laws, regulations or other measures, the conditions under which migrant domestic workers are entitled to repatriation at no cost to themselves on the expiry or termination of the employment contract for which they were recruited.*

23. *Members should promote good practices by private employment agencies in relation to domestic workers, including migrant domestic workers, taking into account the principles and approaches in the Private Employment Agencies Convention, 1997 (No. 181), and the Private Employment Agencies Recommendation, 1997 (No. 188).*

24. *In so far as compatible with national law and practice concerning respect for privacy, Members may consider conditions under which labour inspectors or other officials entrusted with enforcing provisions applicable to domestic work should be allowed to enter the premises in which the work is carried out.*

25.

(1) *Members should, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, establish policies and programmes, so as to:*

(a) *encourage the continuing development of the competencies and qualifications of domestic workers, including literacy training as appropriate, in order to enhance their professional development and employment opportunities;*





(b) address the work–life balance needs of domestic workers; and
(c) ensure that the concerns and rights of domestic workers are taken into account in the context of more general efforts to reconcile work and family responsibilities.

(2) Members should, after consulting with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, develop appropriate indicators and measurement systems in order to strengthen the capacity of national statistical offices to effectively collect data necessary to support effective policymaking regarding domestic work.

26.

(1) Members should consider cooperating with each other to ensure the effective application of the Domestic Workers Convention, 2011, and this Recommendation, to migrant domestic workers.

(2) Members should cooperate at bilateral, regional and global levels for the purpose of enhancing the protection of domestic workers, especially in matters concerning the prevention of forced labour and trafficking in persons, the access to social security, the monitoring of the activities of private employment agencies recruiting persons to work as domestic workers in another country, the dissemination of good practices and the collection of statistics on domestic work.

(3) Members should take appropriate steps to assist one another in giving effect to the provisions of the Convention through enhanced international cooperation or assistance, or both, including support for social and economic development, poverty eradication programmes and universal education.

(4) In the context of diplomatic immunity, Members should consider:

(a) adopting policies and codes of conduct for diplomatic personnel aimed at preventing violations of domestic workers' rights; and

(b) cooperating with each other at bilateral, regional and multilateral levels to address and prevent abusive practices towards domestic workers.





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R202 - Social Protection Floors Recommendation, 2012 (No. 202)

Preamble

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 101st Session on 30 May 2012, and

Reaffirming that the right to social security is a human right, and

Acknowledging that the right to social security is, along with promoting employment, an economic and social necessity for development and progress, and

Recognizing that social security is an important tool to prevent and reduce poverty, inequality, social exclusion and social insecurity, to promote equal opportunity and gender and racial equality, and to support the transition from informal to formal employment, and

Considering that social security is an investment in people that empowers them to adjust to changes in the economy and in the labour market, and that social security systems act as automatic social and economic stabilizers, help stimulate aggregate demand in times of crisis and beyond, and help support a transition to a more sustainable economy, and

Considering that the prioritization of policies aimed at sustainable long-term growth associated with social inclusion helps overcome extreme poverty and reduces social inequalities and differences within and among regions, and

Recognizing that the transition to formal employment and the establishment of sustainable social security systems are mutually supportive, and

Recalling that the Declaration of Philadelphia recognizes the solemn obligation of the International Labour Organization to contribute to "achiev[ing] ... the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care", and

Considering the Universal Declaration of Human Rights, in particular Articles 22 and 25, and the International Covenant on Economic, Social and Cultural Rights, in particular Articles 9, 11 and 12, and

Considering also ILO social security standards, in particular the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Income Security Recommendation, 1944 (No. 67), and the Medical Care Recommendation, 1944 (No. 69), and noting that these standards are of continuing relevance and continue to be important references for social security systems, and

Recalling that the ILO Declaration on Social Justice for a Fair Globalization recognizes that "the commitments and efforts of Members and the Organization to implement the ILO's constitutional mandate, including through international labour standards, and to place full and productive employment and decent work at the centre of economic and social policies, should be based on ... (ii)





developing and enhancing measures of social protection ... which are sustainable and adapted to national circumstances, including ... the extension of social security to all", and

Considering the resolution and Conclusions concerning the recurrent discussion on social protection (social security) adopted by the International Labour Conference at its 100th Session (2011), which recognize the need for a Recommendation complementing existing ILO social security standards and providing guidance to Members in building social protection floors tailored to national circumstances and levels of development, as part of comprehensive social security systems, and

Having decided upon the adoption of certain proposals with regard to social protection floors, which are the subject of the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation;

adopts this fourteenth day of June of the year two thousand and twelve the following Recommendation, which may be cited as the Social Protection Floors Recommendation, 2012.

I. OBJECTIVES, SCOPE AND PRINCIPLES

1. This Recommendation provides guidance to Members to:

(a) establish and maintain, as applicable, social protection floors as a fundamental element of their national social security systems; and

(b) implement social protection floors within strategies for the extension of social security that progressively ensure higher levels of social security to as many people as possible, guided by ILO social security standards.

2. For the purpose of this Recommendation, social protection floors are nationally defined sets of basic social security guarantees which secure protection aimed at preventing or alleviating poverty, vulnerability and social exclusion.

3. Recognizing the overall and primary responsibility of the State in giving effect to this Recommendation, Members should apply the following principles:

(a) universality of protection, based on social solidarity;

(b) entitlement to benefits prescribed by national law;

(c) adequacy and predictability of benefits;

(d) non-discrimination, gender equality and responsiveness to special needs;

(e) social inclusion, including of persons in the informal economy;

(f) respect for the rights and dignity of people covered by the social security guarantees;

(g) progressive realization, including by setting targets and time frames;

(h) solidarity in financing while seeking to achieve an optimal balance between the responsibilities and interests among those who finance and benefit from social security schemes;

(i) consideration of diversity of methods and approaches, including of financing mechanisms and delivery systems;

(j) transparent, accountable and sound financial management and administration;

(k) financial, fiscal and economic sustainability with due regard to social justice and equity;

(l) coherence with social, economic and employment policies;

(m) coherence across institutions responsible for delivery of social protection;

(n) high-quality public services that enhance the delivery of social security systems;

(o) efficiency and accessibility of complaint and appeal procedures;





- (p) regular monitoring of implementation, and periodic evaluation;*
- (q) full respect for collective bargaining and freedom of association for all workers; and*
- (r) tripartite participation with representative organizations of employers and workers, as well as consultation with other relevant and representative organizations of persons concerned.*

II. NATIONAL SOCIAL PROTECTION FLOORS

4. *Members should, in accordance with national circumstances, establish as quickly as possible and maintain their social protection floors comprising basic social security guarantees. The guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and to basic income security which together secure effective access to goods and services defined as necessary at the national level.*

5. *The social protection floors referred to in Paragraph 4 should comprise at least the following basic social security guarantees:*

- (a) access to a nationally defined set of goods and services, constituting essential health care, including maternity care, that meets the criteria of availability, accessibility, acceptability and quality;*
- (b) basic income security for children, at least at a nationally defined minimum level, providing access to nutrition, education, care and any other necessary goods and services;*
- (c) basic income security, at least at a nationally defined minimum level, for persons in active age who are unable to earn sufficient income, in particular in cases of sickness, unemployment, maternity and disability; and*
- (d) basic income security, at least at a nationally defined minimum level, for older persons.*

6. *Subject to their existing international obligations, Members should provide the basic social security guarantees referred to in this Recommendation to at least all residents and children, as defined in national laws and regulations.*

7. *Basic social security guarantees should be established by law. National laws and regulations should specify the range, qualifying conditions and levels of the benefits giving effect to these guarantees. Impartial, transparent, effective, simple, rapid, accessible and inexpensive complaint and appeal procedures should also be specified. Access to complaint and appeal procedures should be free of charge to the applicant. Systems should be in place that enhance compliance with national legal frameworks.*

8. *When defining the basic social security guarantees, Members should give due consideration to the following:*

- (a) persons in need of health care should not face hardship and an increased risk of poverty due to the financial consequences of accessing essential health care. Free prenatal and postnatal medical care for the most vulnerable should also be considered;*
- (b) basic income security should allow life in dignity. Nationally defined minimum levels of income may correspond to the monetary value of a set of necessary goods and services, national poverty lines, income thresholds for social assistance or other comparable thresholds established by national law or practice, and may take into account regional differences;*
- (c) the levels of basic social security guarantees should be regularly reviewed through a transparent procedure that is established by national laws, regulations or practice, as appropriate; and*
- (d) in regard to the establishment and review of the levels of these guarantees, tripartite participation with representative organizations of employers and workers, as well as consultation with other relevant and representative organizations of persons concerned, should be ensured.*





9.

(1) In providing the basic social security guarantees, Members should consider different approaches with a view to implementing the most effective and efficient combination of benefits and schemes in the national context.

(2) Benefits may include child and family benefits, sickness and health-care benefits, maternity benefits, disability benefits, old-age benefits, survivors' benefits, unemployment benefits and employment guarantees, and employment injury benefits as well as any other social benefits in cash or in kind.

(3) Schemes providing such benefits may include universal benefit schemes, social insurance schemes, social assistance schemes, negative income tax schemes, public employment schemes and employment support schemes.

10. *In designing and implementing national social protection floors, Members should:*

(a) combine preventive, promotional and active measures, benefits and social services;

(b) promote productive economic activity and formal employment through considering policies that include public procurement, government credit provisions, labour inspection, labour market policies and tax incentives, and that promote education, vocational training, productive skills and employability; and

(c) ensure coordination with other policies that enhance formal employment, income generation, education, literacy, vocational training, skills and employability, that reduce precariousness, and that promote secure work, entrepreneurship and sustainable enterprises within a decent work framework.

11.

(1) Members should consider using a variety of different methods to mobilize the necessary resources to ensure financial, fiscal and economic sustainability of national social protection floors, taking into account the contributory capacities of different population groups. Such methods may include, individually or in combination, effective enforcement of tax and contribution obligations, reprioritizing expenditure, or a broader and sufficiently progressive revenue base.

(2) In applying such methods, Members should consider the need to implement measures to prevent fraud, tax evasion and non-payment of contributions.

12. *National social protection floors should be financed by national resources. Members whose economic and fiscal capacities are insufficient to implement the guarantees may seek international cooperation and support that complement their own efforts.*

III. NATIONAL STRATEGIES FOR THE EXTENSION OF SOCIAL SECURITY

13.

(1) Members should formulate and implement national social security extension strategies, based on national consultations through effective social dialogue and social participation. National strategies should:

(a) prioritize the implementation of social protection floors as a starting point for countries that do not have a minimum level of social security guarantees, and as a fundamental element of their national social security systems; and

(b) seek to provide higher levels of protection to as many people as possible, reflecting economic and fiscal capacities of Members, and as soon as possible.

(2) For this purpose, Members should progressively build and maintain comprehensive and adequate social security systems coherent with national policy objectives and seek to coordinate social security policies with other public policies.

14. *When formulating and implementing national social security extension strategies, Members should:*

(a) set objectives reflecting national priorities;

(b) identify gaps in, and barriers to, protection;





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(c) seek to close gaps in protection through appropriate and effectively coordinated schemes, whether contributory or non-contributory, or both, including through the extension of existing contributory schemes to all concerned persons with contributory capacity;

(d) complement social security with active labour market policies, including vocational training or other measures, as appropriate;

(e) specify financial requirements and resources as well as the time frame and sequencing for the progressive achievement of the objectives; and

(f) raise awareness about their social protection floors and their extension strategies, and undertake information programmes, including through social dialogue.

15. Social security extension strategies should apply to persons both in the formal and informal economy and support the growth of formal employment and the reduction of informality, and should be consistent with, and conducive to, the implementation of the social, economic and environmental development plans of Members.

16. Social security extension strategies should ensure support for disadvantaged groups and people with special needs.

17. When building comprehensive social security systems reflecting national objectives, priorities and economic and fiscal capacities, Members should aim to achieve the range and levels of benefits set out in the Social Security (Minimum Standards) Convention, 1952 (No. 102), or in other ILO social security Conventions and Recommendations setting out more advanced standards.

18. Members should consider ratifying, as early as national circumstances allow, the Social Security (Minimum Standards) Convention, 1952 (No. 102). Furthermore, Members should consider ratifying, or giving effect to, as applicable, other ILO social security Conventions and Recommendations setting out more advanced standards.

IV. MONITORING

19. Members should monitor progress in implementing social protection floors and achieving other objectives of national social security extension strategies through appropriate nationally defined mechanisms, including tripartite participation with representative organizations of employers and workers, as well as consultation with other relevant and representative organizations of persons concerned.

20. Members should regularly convene national consultations to assess progress and discuss policies for the further horizontal and vertical extension of social security.

21. For the purpose of Paragraph 19, Members should regularly collect, compile, analyse and publish an appropriate range of social security data, statistics and indicators, disaggregated, in particular, by gender.

22. In developing or revising the concepts, definitions and methodology used in the production of social security data, statistics and indicators, Members should take into consideration relevant guidance provided by the International Labour Organization, in particular, as appropriate, the resolution concerning the development of social security statistics adopted by the Ninth International Conference of Labour Statisticians.

23. Members should establish a legal framework to secure and protect private individual information contained in their social security data systems.

24.

(1) Members are encouraged to exchange information, experiences and expertise on social security strategies, policies and practices among themselves and with the International Labour Office.





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(2) In implementing this Recommendation, Members may seek technical assistance from the International Labour Organization and other relevant international organizations in accordance with their respective mandates.





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P029 - Protocol of 2014 to the Forced Labour Convention, 1930

Preamble

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 103rd Session on 28 May 2014, and

Recognizing that the prohibition of forced or compulsory labour forms part of the body of fundamental rights, and that forced or compulsory labour violates the human rights and dignity of millions of women and men, girls and boys, contributes to the perpetuation of poverty and stands in the way of the achievement of decent work for all, and

Recognizing the vital role played by the Forced Labour Convention, 1930 (No. 29), hereinafter referred to as "the Convention", and the Abolition of Forced Labour Convention, 1957 (No. 105), in combating all forms of forced or compulsory labour, but that gaps in their implementation call for additional measures, and

Recalling that the definition of forced or compulsory labour under Article 2 of the Convention covers forced or compulsory labour in all its forms and manifestations and is applicable to all human beings without distinction, and

Emphasizing the urgency of eliminating forced and compulsory labour in all its forms and manifestations, and

Recalling the obligation of Members that have ratified the Convention to make forced or compulsory labour punishable as a penal offence, and to ensure that the penalties imposed by law are really adequate and are strictly enforced, and

Noting that the transitional period provided for in the Convention has expired, and the provisions of Article 1, paragraphs 2 and 3, and Articles 3 to 24 are no longer applicable, and

Recognizing that the context and forms of forced or compulsory labour have changed and trafficking in persons for the purposes of forced or compulsory labour, which may involve sexual exploitation, is the subject of growing international concern and requires urgent action for its effective elimination, and

Noting that there is an increased number of workers who are in forced or compulsory labour in the private economy, that certain sectors of the economy are particularly vulnerable, and that certain groups of workers have a higher risk of becoming victims of forced or compulsory labour, especially migrants, and

Noting that the effective and sustained suppression of forced or compulsory labour contributes to ensuring fair competition among employers as well as protection for workers, and

Recalling the relevant international labour standards, including, in particular, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise





and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Minimum Age Convention, 1973 (No. 138), the Worst Forms of Child Labour Convention, 1999 (No. 182), the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Domestic Workers Convention, 2011 (No. 189), the Private Employment Agencies Convention, 1997 (No. 181), the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), as well as the ILO Declaration on Fundamental Principles and Rights at Work (1998), and the ILO Declaration on Social Justice for a Fair Globalization (2008), and

Noting other relevant international instruments, in particular the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Slavery Convention (1926), the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956), the United Nations Convention against Transnational Organized Crime (2000), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000), the Protocol against the Smuggling of Migrants by Land, Sea and Air (2000), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Convention on the Elimination of All Forms of Discrimination against Women (1979), and the Convention on the Rights of Persons with Disabilities (2006), and

Having decided upon the adoption of certain proposals to address gaps in implementation of the Convention, and reaffirmed that measures of prevention, protection, and remedies, such as compensation and rehabilitation, are necessary to achieve the effective and sustained suppression of forced or compulsory labour, pursuant to the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Protocol to the Convention;

adopts this eleventh day of June two thousand and fourteen the following Protocol, which may be cited as the Protocol of 2014 to the Forced Labour Convention, 1930.

Article 1

1. In giving effect to its obligations under the Convention to suppress forced or compulsory labour, each Member shall take effective measures to prevent and eliminate its use, to provide to victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour.
2. Each Member shall develop a national policy and plan of action for the effective and sustained suppression of forced or compulsory labour in consultation with employers' and workers' organizations, which shall involve systematic action by the competent authorities and, as appropriate, in coordination with employers' and workers' organizations, as well as with other groups concerned.
3. The definition of forced or compulsory labour contained in the Convention is reaffirmed, and therefore the measures referred to in this Protocol shall include specific action against trafficking in persons for the purposes of forced or compulsory labour.

Article 2

The measures to be taken for the prevention of forced or compulsory labour shall include:





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- (a) educating and informing people, especially those considered to be particularly vulnerable, in order to prevent their becoming victims of forced or compulsory labour;
- (b) educating and informing employers, in order to prevent their becoming involved in forced or compulsory labour practices;
- (c) undertaking efforts to ensure that:
 - (i) the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour, including labour law as appropriate, apply to all workers and all sectors of the economy; and
 - (ii) labour inspection services and other services responsible for the implementation of this legislation are strengthened;
- (d) protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process;
- (e) supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour; and
- (f) addressing the root causes and factors that heighten the risks of forced or compulsory labour.

Article 3

Each Member shall take effective measures for the identification, release, protection, recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support.

Article 4

1. Each Member shall ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation.
2. Each Member shall, in accordance with the basic principles of its legal system, take the necessary measures to ensure that competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour.

Article 5

Members shall cooperate with each other to ensure the prevention and elimination of all forms of forced or compulsory labour.

Article 6

The measures taken to apply the provisions of this Protocol and of the Convention shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned.

Article 7

The transitional provisions of Article 1, paragraphs 2 and 3, and Articles 3 to 24 of the Convention shall be deleted.

Article 8

1. A Member may ratify this Protocol at the same time as or at any time after its ratification of the Convention, by communicating its formal ratification to the Director-General of the International Labour Office for registration.
2. The Protocol shall come into force twelve months after the date on which ratifications of two Members have been registered by the Director-General. Thereafter, this Protocol shall come into force





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for a Member twelve months after the date on which its ratification is registered and the Convention shall be binding on the Member concerned with the addition of Articles 1 to 7 of this Protocol.

Article 9

- 1. A Member which has ratified this Protocol may denounce it whenever the Convention is open to denunciation in accordance with its Article 30, by an act communicated to the Director-General of the International Labour Office for registration.*
- 2. Denunciation of the Convention in accordance with its Articles 30 or 32 shall ipso jure involve the denunciation of this Protocol.*
- 3. Any denunciation in accordance with paragraphs 1 or 2 of this Article shall not take effect until one year after the date on which it is registered.*

Article 10

- 1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications, declarations and denunciations communicated by the Members of the Organization.*
- 2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Protocol shall come into force.*

Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications, declarations and denunciations registered by the Director-General.

Article 12

The English and French versions of the text of this Protocol are equally authoritative.





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R203 - Forced Labor (Supplementary Measures) Recommendation, 2014 (No. 203)

Preamble

The General Conference of the International Labor Organization,

Convened in Geneva by the Governing Body of the International Labor Office, and having met there on 28 May 2014, at its 103rd session;

Having adopted the 2014 Protocol to the Forced Labor Convention, 1930, hereinafter referred to as the "Protocol";

Having decided to adopt various proposals aimed at filling the gaps in the implementation of the Forced Labor Convention, 1930 (No. 29) – hereinafter referred to as the "Convention" – and reaffirmed that measures of prevention and protection and redress and redress mechanisms, such as compensation and rehabilitation, are necessary to achieve the effective and lasting suppression of forced or compulsory labour, under the fourth agenda item of the session;

Having decided that these proposals would take the form of a recommendation supplementing the convention and the protocol,

adopts this eleventh day of June two thousand and fourteen the following Recommendation, which may be cited as the Forced Labor (Supplementary Measures) Recommendation, 2014.

1. Members should establish or strengthen, as appropriate, in consultation with employers' and workers' organizations and other interested groups:

(a) national policies and action plans containing time-bound measures based on a child-friendly approach and the principle of equality between men and women to achieve the effective and sustainable elimination of forced or compulsory labor under all its forms, through prevention, protection and access to redress and reparation mechanisms, such as compensation for victims, and repression of perpetrators;

(b) competent authorities such as labor inspection services, judicial institutions and national bodies or other institutional mechanisms competent in matters of forced or compulsory labour, in order to ensure the elaboration, coordination, implementation implementation, monitoring and evaluation of national policies and action plans.

2.

1) Members should regularly collect, analyze and disseminate reliable, unbiased and detailed information and statistical data, disaggregated by relevant criteria, such as sex, age and nationality, on the nature and extent of work compulsory or compulsory, which would allow an evaluation of the progress made.

2) The right to privacy in personal data should be respected.

PREVENTION

3. Members should take preventive measures which include:

(a) respect, promotion and realization of fundamental principles and rights at work;

(b) the promotion of freedom of association and collective bargaining to enable workers at risk to join workers' organizations;

(c) programs to combat discrimination which increases vulnerability to forced or compulsory labour;





(d) initiatives to combat child labor and promote educational opportunities for children, boys and girls, in order to protect them from the risk of becoming victims of forced or compulsory labour;

e) actions aimed at achieving the aims of the protocol and the convention.

4. Taking into account their national circumstances, Members should take the most effective preventive measures, such as:

(a) action against the root causes of workers' vulnerability to forced or compulsory labour;

(b) targeted awareness-raising campaigns, in particular for those most at risk of becoming victims of forced or compulsory labour, to inform them, inter alia, of how they can protect themselves against practices fraudulent or abusive employment and recruitment, their rights and responsibilities at work, and how they can get assistance when needed;

(c) targeted awareness-raising campaigns concerning the penalties incurred in the event of violation of the prohibition of forced or compulsory labour;

(d) vocational training programs for populations at risk, in order to increase their employability and their earning capacity and possibilities;

(e) action to ensure that national legislation concerning the employment relationship covers all sectors of the economy and that it is effectively applied. Relevant information on employment conditions should be specified in an appropriate, verifiable and easily understandable manner, preferably in the form of a written employment contract, in accordance with national legislation or collective agreements;

(f) the basic social security guarantees that make up the national social protection floor, as provided for in the Social Protection Floors Recommendation, 2012 (No. 202), in order to reduce vulnerability to forced or compulsory labour;

(g) orientation and information services for migrants, on departure and arrival, so that they are better prepared to work and live abroad and to raise awareness of situations of trafficking in purposes of forced labor and to allow a better understanding of it;

(h) coherent policies, such as employment and labor migration policies, which take into account the risks faced by particular groups of migrants, including those in an irregular situation, and which address the circumstances that may lead to forced labor situations;

(i) the promotion of coordinated efforts by relevant government agencies with those of other States to enable safe and regular migration and to prevent trafficking in persons, including coordinated efforts to regulate, license and control the activity of recruiters and employment agencies and to eliminate recruitment fees charged to workers in order to prevent debt bondage and other forms of economic coercion;

(j) in fulfilling their obligations under the Convention to suppress forced or compulsory labour, guide and support employers and enterprises to take effective measures to identify, prevent and mitigate the risks of forced or obligatory, and to inform on the way in which they apprehend these risks, in their activities or in the products, services or activities to which they can be directly linked.

PROTECTION

5.

1) Targeted efforts should be made to identify and release victims of forced or compulsory labour.

2) Measures of protection should be granted to victims of forced or compulsory labour. These measures should not be conditional on the victim's willingness to cooperate in criminal or other proceedings.

3) Measures can be taken to encourage victims to cooperate in the identification and sentencing of the perpetrators of the offences.

6. Members should recognize the role and capacities of workers' organizations and other interested organizations in supporting and assisting victims of forced or compulsory labour.

7. Members should, in accordance with the fundamental principles of their legal system, take the necessary measures to ensure that the competent authorities are not obliged to prosecute or impose





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sanctions against victims of forced or compulsory labor for having taken part in illicit activities which they would have been forced to carry out and which would be a direct consequence of their submission to forced or compulsory labour.

8. With a view to eliminating abuses and fraudulent practices by recruiters and employment agencies, Members should take measures such as:

- (a) eliminate recruitment fees charged to workers;*
- (b) require transparent contracts clearly stipulating terms and conditions of employment;*
- (c) establish adequate and accessible complaint handling mechanisms;*
- (d) impose adequate penalties;*
- (e) regulate or authorize such services.*

9. Taking into account their national circumstances, Members should take the most effective protective measures to meet the needs of all victims, both in terms of immediate assistance and their long-term recovery and rehabilitation, such as that:

- (a) reasonable efforts to protect the safety of victims of forced or compulsory labor, as well as of their family members and witnesses, as appropriate, including protection against any act of intimidation and any form of reprisal for exercising their rights under applicable national law or cooperating with legal proceedings;*
- (b) adequate and appropriate accommodation;*
- (c) health care including medical and psychological assistance, as well as special rehabilitation measures for victims of forced or compulsory labour, including those who have also suffered sexual violence;*
- (d) material assistance;*
- (e) protection of privacy and identity;*
- (f) social and economic support, including access to education and training opportunities and access to decent work.*

10. Protective measures for child victims of forced or compulsory labor should take into account the special needs and best interests of the child and, in addition to the protections provided for in the Worst Forms of Labor Convention (No. 182) Children, 1999 should include:

- (a) access to education for girls and boys;*
- b) the appointment of a tutor or other representative, if applicable;*
- c) when the age of the person is uncertain but there are reasons to believe that he is under 18, a presumption of the status of minor, pending verification of his age;*
- (d) efforts to reintegrate children into their families or, where the best interests of the child so require, to place them in a family environment.*

11. Taking into account their national circumstances, Members should take the most effective protective measures for migrant victims of forced or compulsory labour, regardless of their legal status in the national territory, including:

- a) the granting of a period of reflection and recovery, where there are reasonable grounds to believe that the person is the victim of forced or compulsory labour, in order to allow him to make an informed decision as to protective measures and participation in legal proceedings, during which time the person will be allowed to remain in the territory of the Member State concerned;*
- (b) the granting of a temporary or permanent residence permit and access to the labor market;*
- (c) measures facilitating safe and preferably voluntary repatriation.*





REMEDIES AND REDRESS MECHANISMS, SUCH AS COMPENSATION AND ACCESS TO JUSTICE

12. Members should take measures to ensure that all victims of forced or compulsory labor have access to justice and other effective and appropriate redress and redress mechanisms, such as compensation for moral injury and material suffered, including through:

- (a) ensuring, in accordance with national law and practice, that all victims have, alone or through a representative, effective access to courts or other dispute resolution mechanisms to seek remedies for remedial purposes, such as compensation and damages;
- (b) provisions for victims to seek compensation and damages, including for unpaid wages and mandatory contributions to social security benefits, from perpetrators;
- (c) ensuring access to existing appropriate compensation schemes;
- (d) information and advice to victims about their rights and available services, in a language they understand, as well as access to legal assistance, preferably free of charge;
- e) provisions providing that all victims of forced or compulsory labor perpetrated in a Member State, nationals or foreigners, may seek appropriate administrative or judicial, civil or criminal remedies in that State, regardless of their presence or status legal in that State, under simplified procedural rules if necessary.

APPLICATION CONTROL

13. Members should take steps to strengthen enforcement of national legislation and other measures, including:

- (a) provide competent authorities, such as labor inspection services, with the necessary powers, resources and training facilities to enable them to effectively enforce the law and to cooperate with other interested organizations for the purposes of prevention and protection of victims of forced or compulsory labour;
- (b) provide, in addition to criminal penalties, for the imposition of other penalties, such as the confiscation of profits from forced or compulsory labor and other property, in accordance with national law;
- (c) ensure, by applying Article 25 of the Convention and sub-paragraph (b) above, that legal persons can be held liable for violations of the prohibition of the use of forced or compulsory labour;
- (d) intensify efforts in the area of victim identification, including by defining indicators of forced or compulsory labor which could be used by labor inspectors, law enforcement officers, social service agents, immigration officials, public prosecutors, employers, employers' and workers' organizations, non-governmental organizations and other relevant actors.

INTERNATIONAL COOPERATION

14. International cooperation should be strengthened among Members and with the international and regional organizations concerned, which should render mutual assistance with a view to achieving the effective and lasting suppression of forced or compulsory labour, in particular by:

- (a) the strengthening of international cooperation between the institutions responsible for the application of labor legislation in addition to that concerning the application of criminal law;
- (b) mobilization of resources for national action programs and for international technical cooperation and assistance;
- (c) mutual legal assistance;
- (d) cooperation to combat and prevent the use of forced or compulsory labor by diplomatic personnel;
- (e) mutual technical assistance, including the exchange of information and the sharing of good practices and lessons learned in the fight against forced or compulsory labour.





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R204 - Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)

Preamble

The General Conference of the International Labor Organization,

Convened in Geneva by the Governing Body of the International Labor Office, and having met there on 1 June 2015, in its 104th session;

Recognizing that the magnitude of the informal economy, in all its forms, constitutes a major obstacle to the rights of workers, including the fundamental principles and rights at work, to social protection, to decent working conditions, to inclusive development and the rule of law, and that it has a negative impact on the development of sustainable enterprises, public revenues, the scope of action of the State, particularly with regard to economic, social policies and environmental, as well as strong institutions and fair competition in national and international markets;

Noting that most people do not enter the informal economy by choice but because of the lack of opportunities in the formal economy and lack of other means of subsistence;

Recalling that it is in the informal economy that decent work deficits – denial of rights at work, insufficient quality employment opportunities, inadequate social protection and absence of social dialogue – are most pronounced;

Noting that informality has multiple causes which relate in particular to issues of governance and structural issues, and that public policies can accelerate the process of transition to the formal economy, in a context of social dialogue;

Recalling the Declaration of Philadelphia, 1944, the Universal Declaration of Human Rights, 1948, the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, and the ILO Declaration on Society for a Fair Globalization, 2008;

Reaffirming the relevance of the eight core ILO conventions, and other relevant international labor standards and UN instruments listed in the appendix;

Recalling the resolution and conclusions concerning decent work and the informal economy, adopted by the International Labor Conference at its 90th Session (2002) and the other relevant resolutions and conclusions listed in the appendix;

Affirming that the transition from the informal to the formal economy is essential to achieve inclusive development and decent work for all;

Recognizing the urgent need for Members to take appropriate measures to enable the transition of workers and economic units from the informal to the formal economy, while ensuring the preservation and improvement of their livelihoods during the transition;

Recognizing that employers' and workers' organizations play an important and active role in facilitating the transition from the informal to the formal economy;





Having decided to adopt various proposals relating to the transition from the informal to the formal economy, an issue which constitutes the fifth item on the agenda of the session;

Having decided that these proposals would take the form of a recommendation;

adopts this twelfth day of June two thousand and fifteen the following recommendation, which may be referred to as the Recommendation on the Transition from the Informal to the Formal Economy, 2015.

I. Objectives and scope

1. This Recommendation is intended to provide guidance to Members to:
 - (a) facilitate the transition of workers and economic units from the informal to the formal economy while respecting fundamental workers' rights and providing opportunities for income security, livelihood and entrepreneurship;
 - (b) promote the creation of enterprises and decent jobs, their preservation and sustainability in the formal economy, as well as coherence between macroeconomic, employment, social protection and other social policies;
 - (c) prevent the informalization of jobs in the formal economy.
2. For the purposes of this Recommendation, the terms "informal economy":
 - (a) designate all economic activities of workers and economic units which – in law or in practice – are not covered or are insufficiently covered by formal provisions;
 - (b) do not refer to illicit activities, in particular the provision of services or the production, sale, possession or consumption of goods prohibited by law, including the illicit production and trafficking of narcotics, the manufacture and trafficking of illicit firearms, trafficking in persons and money laundering, as defined in the relevant international conventions.
3. For the purposes of this Recommendation, economic units in the informal economy include:
 - (a) units which employ labour;
 - (b) units owned by individuals working on their own account, either alone or with the help of unpaid family workers;
 - (c) cooperatives and units of the social and solidarity economy.
4. This Recommendation applies to all workers and all economic units in the informal economy, including enterprises, entrepreneurs and households, in particular:
 - (a) persons operating in the informal economy who own and administer economic units, including:
 - (i) own-account workers;
 - (ii) employers;
 - (iii) members of cooperatives and social and solidarity economy units;
 - (b) unpaid family workers, whether working in economic units in the formal or informal economy;
 - (c) employees in informal jobs within formal enterprises or economic units in the informal economy, or working for them, including in the context of subcontracting and supply chains, or as domestic workers paid employed by households;
 - (d) workers whose employment relationship is not recognized or regulated.
5. Informal work can be observed in all sectors of the economy, both in public and private spaces.
6. In giving effect to the provisions contained in paragraphs 2 to 5 above and taking into account the various forms that the informal economy may take in Member States, the competent authority should identify the nature and extent of the informal economy as described in this recommendation, as well as its relationship to the formal economy. To do this, the competent authority





should have recourse to tripartite mechanisms in which the most representative organizations of employers and workers who should be included in their ranks participate fully,

II. Guiding principles

7. When designing coherent and integrated strategies to facilitate the transition to the formal economy, Members should take into account the following elements:

- (a) the diversity of characteristics, situations and needs of workers and economic units in the informal economy and the need to respond to them through specific approaches;
- (b) the specificity of national situations, laws, policies, practices and priorities regarding the transition to the formal economy;
- (c) the fact that multiple and diverse strategies can be applied to facilitate the transition to the formal economy;
- (d) the need to ensure coherence and coordination within a broad set of policies aimed at facilitating the transition to the formal economy;
- (e) the effective promotion and protection of the human rights of all those operating in the informal economy;
- (f) the achievement of decent work for all through respect, in law and practice, for fundamental principles and rights at work;
- (g) up-to-date international labor standards that provide guidance in specific policy areas (see annex);
- (h) the promotion of equality between women and men and non-discrimination;
- (i) the need to pay specific attention to people who are particularly exposed to the most serious decent work deficits in the informal economy, including women, young people, migrants, the elderly, indigenous and tribal peoples, people living with or affected by HIV or AIDS, people with disabilities, domestic workers and people living from subsistence farming;
- (j) the preservation and development, during the transition to the formal economy, of the entrepreneurial potential, creativity, dynamism, skills and innovative capacities of workers and economic units in the informal economy;
- k) the need for a balanced approach combining incentive and corrective measures
- l) the need to prevent and sanction deliberate circumvention or exit from the formal economy in order to evade taxes and social and labor legislation.

III. Legal and policy frameworks

8. Members should duly undertake an assessment and diagnosis of the factors, characteristics, causes and circumstances of informality in the national context to help design and implement legislation, policies and other measures to facilitate the transition to the formal economy.

9. Members should adopt national legislation or other measures and review and enforce existing legislation or measures to ensure that all categories of workers and economic units are covered and adequately protected.

10. Members should ensure that an integrated policy framework is included in national development strategies or plans as well as national poverty reduction strategies and budgets, to facilitate the transition to the formal economy, taking into account, where appropriate, the role of different levels of government.

11. This integrated policy framework should address:

- (a) the promotion of strategies for sustainable development, poverty eradication and inclusive growth, and the creation of decent jobs in the formal economy;
- (b) the establishment of an appropriate legislative and regulatory framework;
- (c) promoting an environment conducive to business and investment;
- (d) respect, promotion and realization of fundamental principles and rights at work;
- (e) organization and representation of employers and workers to promote social dialogue;





- (f) the promotion of equality and the elimination of all forms of discrimination and violence, including gender-based violence, in the workplace;
- (g) the promotion of entrepreneurship, microenterprises and small and medium-sized enterprises, as well as other forms of business models and economic units, such as cooperatives and other units of the social and solidarity economy;
- (h) access to lifelong learning and skills development;
- (i) access to financial services, including through a regulatory framework that promotes an inclusive financial sector;
- (j) access to business services;
- (k) market access;
- (l) access to infrastructure and technology;
- (m) promotion of sectoral policies;
- (n) the establishment, where they do not exist, of social protection floors and the extension of social security coverage;
- (o) promotion of local development strategies in rural and urban areas, including regulated access to public spaces for use and regulated access to public natural resources for subsistence purposes;
- (p) effective occupational safety and health policies;
- (q) efficient and effective labor inspections;
- r) income security, including appropriately designed minimum wage policies;
- s) effective access to justice
- (t) mechanisms for international cooperation.

12. In formulating and implementing an integrated policy framework, Members should ensure coordination between different levels of government and cooperation between relevant bodies and authorities, including tax authorities, social security institutions, labor inspectorates, customs authorities, bodies responsible for migration issues and employment services, taking into account national circumstances

13. Members should recognize the importance of preserving opportunities to secure the income of workers and economic units in the transition to the formal economy, by providing those workers or economic units with the means to obtain recognition of their property as well as the means to formalize property rights and access to land.

IV. Employment policies

14. In pursuing the objective of creating quality jobs in the formal economy, Members should develop and implement a national employment policy consistent with the Employment Policy Convention (No. 122). Employment, 1964, and make the promotion of full, decent, productive and freely chosen employment a central objective of their national development and growth strategies or plans.

15. Members should promote the implementation, on the basis of tripartite consultations, of a comprehensive framework of employment policies which may include the following elements:

- (a) job-friendly macroeconomic policies that support aggregate demand, productive investment and structural transformations, promote sustainable enterprises, support business confidence and address inequalities;
- (b) trade, industrial, fiscal, sectoral and infrastructure policies to promote employment, enhance productivity and facilitate structural transformation processes;
- (c) enterprise policies that promote sustainable enterprises and in particular the enabling environment conditions for them, taking into account the resolution and conclusions concerning the promotion of sustainable enterprises, adopted by the International Labor Conference at its 96th session (2007), including support for micro, small and medium-sized enterprises and entrepreneurship, as well as well-designed regulations, transparent and well disseminated to facilitate formalization and fair competition;





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- (d) labor market policies and institutions aimed at helping low-income households move out of poverty and into freely chosen employment, such as appropriately designed wage policies, including minimum wages, social protection programs, including cash benefits, public employment programs and employment guarantees, as well as employment services that reach more and better people operating in the informal economy;
- (e) labor migration policies that take into account labor market needs and promote decent work and the rights of migrant workers;
- (f) education and skills development policies that support lifelong learning, respond to changing labor market needs and new technologies and recognize skills acquired in particular in the framework of informal apprenticeship systems, thereby expanding formal employment opportunities;
- (g) comprehensive activation measures to facilitate the school-to-work transition of young people, in particular disadvantaged young people, such as youth guarantee programs for access to training and continued productive employment;
- (h) measures to support the transition from unemployment or inactivity to work, in particular for the long-term unemployed, women and other disadvantaged groups
- (i) relevant, accessible and up-to-date labor market information systems.

V. Rights and social protection

16. Members should take measures to achieve decent work and to respect, promote and realize the fundamental principles and rights at work for people operating in the informal economy, namely:

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labor
- (d) the elimination of discrimination in respect of employment and occupation.

17. Members should:

- (a) take immediate action to remedy the unsafe and unhealthy working conditions that often characterize work in the informal economy;
- (b) promote occupational safety and health protection and extend it to employers and workers in the informal economy.

18. As part of the transition to the formal economy, Members should progressively extend, in law and practice, to all workers in the informal economy, social security, maternity protection, decent work and a minimum wage that takes into account the needs of workers and considers relevant factors, including the cost of living and the general level of wages in the country.

19. When establishing and maintaining their national social protection floors within their social protection system and promoting the transition to the formal economy, Members should pay particular attention to the needs and circumstances of people operating in the informal economy and their families.

20. As part of the transition to the formal economy, Members should gradually extend social insurance coverage to persons operating in the informal economy and, if necessary, adapt administrative procedures, benefits and contributions accordingly, taking into account the contributory capacity of these persons.

21. Members should encourage the provision of, and access to, quality and affordable childcare and personal care services, in order to promote equality between women and men in entrepreneurship and employment opportunities and to enable the transition to the formal economy.

VI. Incentives, Compliance and Enforcement

22. Members should take appropriate measures, including a combination of preventive measures, law enforcement and effective sanctions, to address tax evasion, non-payment of social contributions and circumvention of social legislation and labor and other laws. All incentives should aim to facilitate effective and timely transition from the informal to the formal economy.





23. Members should reduce, where appropriate, barriers to transition to the formal economy and take measures to promote good governance and the fight against corruption.
24. Members should provide incentives and promote the benefits of effective transition to the formal economy, including improved access to business services, finance, infrastructure, markets, technologies, education and skills acquisition, as well as property rights.
25. With regard to the formalization of micro and small economic units, Members should:
- (a) undertake business start-up reforms by reducing registration costs and the length of procedures, and by improving access to services, for example through information and communication technologies;
 - (b) reduce compliance costs by putting in place simplified systems for calculating and paying taxes and contributions;
 - (c) facilitate access to public procurement, in accordance with national legislation, including labor legislation, for example by adapting procedures and the volume of procurement, providing training and advice on participation in tenders and by reserving quotas for these economic units;
 - (d) improve access to inclusive financial services, such as credit and shares, payment and insurance services, savings and guarantee mechanisms, adapted to the size and needs of these economic units;
 - (e) improving access to entrepreneurship training, skills development and tailored business support services;
 - (f) improve access to social security.
26. Members should put in place appropriate mechanisms or revise existing mechanisms to ensure the application of national legislation, including the recognition and respect of employment relationships so as to facilitate the transition to the formal economy.
27. Members should have an adequate and appropriate inspection system, extend the coverage of labor inspection to all workplaces in the informal economy in order to protect workers, and provide guidance to bodies responsible for ensure enforcement of laws, including on how to deal with working conditions in the informal economy.
28. Members should take measures to ensure the effective provision of information, assistance in compliance with applicable legislation and capacity building of relevant actors.
29. Members should establish effective and accessible complaints and redress procedures.
30. Members should provide for appropriate preventive and remedial measures to facilitate the transition to the formal economy and ensure that the administrative, civil or criminal penalties provided for by national law in the event of non-compliance are adequate and strictly enforced.

VII. Freedom of association, social dialogue and the role of employers' and workers' organizations

31. Members should ensure that persons operating in the informal economy enjoy freedom of association and the right to collective bargaining, including the right to establish organizations, federations and confederations of their own choosing and to affiliate thereto, subject to the statutes of the organization concerned.
32. Members should create an enabling environment for employers and workers to exercise their right to organize and bargain collectively and to participate in social dialogue in the transition to the formal economy.
33. Employers' and workers' organizations should, where appropriate, extend to workers and economic units in the informal economy the possibility of membership and access to their services.
34. When developing, implementing and evaluating policies and programs concerning the informal economy, including its formalization, Members should consult the most representative organizations of employers and workers and promote the active participation of these organizations.





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which should include in their ranks, in accordance with national practice, representatives of representative organizations whose members are informal economy workers and economic units.

35. Members and employers' and workers' organizations may request assistance from the International Labor Office to build the capacity of representative organizations of employers and workers and, where they exist, representative organizations of persons operating in the informal economy, to assist workers and economic units in the informal economy, with a view to facilitating the transition to the formal economy.

VIII. Data collection and monitoring

36. Members should, in consultation with employers' and workers' organizations, regularly:

(a) whenever possible and as appropriate, collect, analyze and disseminate statistics disaggregated by sex, age, place of work and other specific socio-economic criteria concerning the size and composition of the informal economy, including the number of informal economic units, the workers they employ and the sectors in which they operate

b) monitoring and evaluating progress towards formalization.

37. When formulating or revising concepts, definitions and methodology used to produce data, statistics and indicators on the informal economy, Members should take into account relevant guidance provided by the International Labor Organization, in particular, as appropriate, the Guidelines for a Statistical Definition of Informal Employment, adopted by the Seventeenth International Conference of Labor Statisticians in 2003, and their subsequent updates.

IX. Implementation

38. Members should give effect to the provisions of this Recommendation, in consultation with the most representative organizations of employers and workers, which should include in their ranks, in accordance with national practice, representatives of representative organizations whose members are workers and economic units in the informal economy, through one or more of the following means, as appropriate:

(a) national legislation;

b) les conventions collectives;

(c) policies and programs;

(d) effective coordination between government bodies and other stakeholders;

(e) institutional capacity building and resource mobilization;

(f) other measures in accordance with national law and practice.

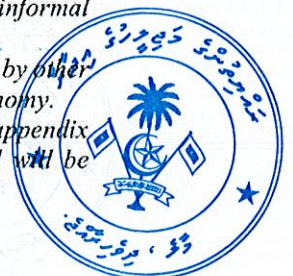
39. Members should, as appropriate, regularly review the effectiveness of policies and measures to facilitate the transition to the formal economy, in consultation with the most representative organizations of employers and workers. workers who should include in their ranks, in accordance with national practice, representatives of representative organizations whose members are informal economy workers and economic units.

40. In defining, designing, implementing and periodically reviewing measures taken to facilitate the transition to the formal economy, Members should take into account the guidance provided by the instruments of the International Labor Organization and the United Nations relevant to the informal economy listed in the annex.

41. Nothing in this Recommendation should be interpreted as reducing the protection afforded by other instruments of the International Labor Organization to persons operating in the informal economy.

42. The annex may be revised by the Governing Body of the International Labor Office. Any appendix so revised, once adopted by the Governing Body, will replace the previous appendix and will be communicated to the Members of the International Labor Organization.

Annexe





International Labor Organization and United Nations instruments relevant to facilitating the transition from the informal to the formal economy

INSTRUMENTS OF THE INTERNATIONAL LABOR ORGANIZATION

Fundamental Conventions;

- *Forced Labor Convention, 1930 (No. 29), and Protocol of 2014 to the Forced Labor Convention, 1930*
- *Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)*
- *Right to Organize and Collective Bargaining Convention, 1949 (No. 98)*
- *Equal Remuneration Convention, 1951 (No. 100)*
- *Abolition of Forced Labor Convention, 1957 (No. 105)*
- *Discrimination (Employment and Occupation) Convention, 1958 (No. 111)*
- *Minimum Age Convention, 1973 (No. 138)*
- *Worst Forms of Child Labor Convention, 1999 (No. 182)*

Governance agreements;

- *Labor Inspection Convention, 1947 (No. 81)*
- *Employment Policy Convention, 1964 (No. 122)*
- *Labor Inspection (Agriculture) Convention, 1969 (No. 129)*
- *Tripartite Consultation (International Labor Standards) Convention, 1976 (No. 144)*

Other Instruments

Freedom of association, collective bargaining and industrial relations

- *Rural Workers' Organizations Convention, 1975 (No. 141)*
- *Collective Bargaining Convention, 1981 (No. 154)*

Equality of opportunity and treatment

- *Workers with Family Responsibilities Convention, 1981 (No. 156)*

Employment policy and promotion

- *Employment Policy Recommendation, 1964 (No. 122)*
- *Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)*
- *Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169)*
- *Private Employment Agencies Convention, 1997 (No. 181)*
- *Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189)*
- *Recommendation (No 193) on the promotion of cooperatives, 2002*
- *Employment Relationship Recommendation, 2006 (No 198)*

Vocational guidance and training

- *Human Resources Development Convention, 1975 (No. 142)*
- *Human Resources Development Recommendation, 2004 (No 195)*

Wages

- *Labor Clauses (Public Contracts) Convention (No. 94) and Recommendation (No. 84), 1949*
- *Minimum Wage Fixing Convention (No. 131) and Recommendation (No. 135), 1970*





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Occupational safety and health

- *Occupational Safety and Health Convention, 1981 (No. 155)*
- *Safety and Health in Agriculture Convention (No. 184) and Recommendation (No. 192), 2001*
- *Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)*

Social Security

- *Social Security (Minimum Standards) Convention, 1952 (No. 102)*
- *Recommendation (No 202) on social protection floors, 2012*

Maternity protection

- *Maternity Protection Convention, 2000 (No. 183)*

Migrant workers

- *Migrant Workers Convention (Revised), 1949 (No. 97)*
- *Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)*

VIH et sida

- *HIV and AIDS Recommendation, 2010 (No 200)*

Indigenous and tribal peoples

- *Indigenous and Tribal Peoples Convention, 1989 (No. 169)*

Special categories of workers

- *Home Work Convention, 1996 (No. 177)*
- *Domestic Workers Convention (No. 189) and Recommendation (No. 201), 2011*

International Labor Conference resolutions

- *Resolution and conclusions concerning the promotion of sustainable enterprises, adopted by the International Labor Conference at its 96th Session (2007)*
- *Resolution and conclusions concerning the youth employment crisis, adopted by the International Labor Conference at its 101st Session (2012)*
- *Resolution and conclusions concerning the second recurrent discussion on employment, adopted by the International Labor Conference at its 103rd Session (2014)*

UNITED NATIONS INSTRUMENTS

- *Universal Declaration of Human Rights, 1948*
- *International Covenant on Economic, Social and Cultural Rights, 1966*
- *International Covenant on Civil and Political Rights, 1966*
- *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*





R205 - Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205)

Preamble

The General Conference of the International Labor Organization,

Convened in Geneva by the Governing Body of the International Labor Office, and having met there on 5 June 2017 in its 106th session;

Reaffirming the principle enshrined in the Constitution of the International Labor Organization (ILO), that universal and lasting peace can only be established on the basis of social justice;

Recalling the Declaration of Philadelphia (1944), the Universal Declaration of Human Rights (1948), the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998) and the ILO Declaration on social justice for a fair globalization (2008);

Bearing in mind the need to revise the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71), in order to broaden its scope and provide up-to-date guidance on the role of employment and decent work in prevention, recovery, peace and resilience in crisis situations resulting from conflicts and disasters;

Considering the impact and consequences of conflicts and disasters on poverty and development, human rights and dignity, decent work and sustainable enterprises;

Recognizing the importance of employment and decent work in promoting peace, preventing crisis situations resulting from conflicts and disasters, enabling recovery and building resilience;

Recognizing that countries hosting refugees may not be in a situation of conflict or disaster;

Emphasizing the need to ensure respect for all human rights and the rule of law, including respect for fundamental principles and rights at work and international labor standards, in particular rights and principles relevant to employment and labor decent;

Considering the need to recognize that crises affect women and men differently and the central importance of gender equality and the empowerment of women and girls to promote peace, prevent crises, enable recovery and building resilience;

Recognizing the importance of developing, through social dialogue, responses to crisis situations resulting from conflicts and disasters, in consultation with the most representative organizations of employers and workers and, as appropriate, with relevant civil society organizations;

Noting the importance of creating or restoring an enabling environment for sustainable enterprises, taking into account the resolution and conclusions concerning the promotion of sustainable enterprises adopted by the International Labor Conference at its 96th Session (2007), and particular to small and medium-sized enterprises, to stimulate job creation, economic recovery and development;





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Affirming the need to develop and strengthen social protection measures in order to prevent crises, enable recovery and build resilience;

Recognizing the role of accessible and quality public services in economic recovery, development, reconstruction efforts, prevention and resilience;

Emphasizing the need for international cooperation and partnerships between regional and international organizations to ensure joint and coordinated efforts;

Having decided to adopt various proposals relating to employment and decent work for peace and resilience, which constitutes the fifth item on the agenda of the session;

Having decided that these proposals would take the form of a recommendation,

adopts this sixteenth day of June two thousand and seventeen the following Recommendation, which may be referred to as the Employment and Decent Work for Peace and Resilience Recommendation, 2017.

I. Objectives and scope

1. This Recommendation provides guidance to Members on how to promote employment and decent work for prevention, recovery, peace and resilience to crisis situations resulting from conflict and disasters.

2. For the purposes of this recommendation and based on internationally recognized terminology:

(a) the term "disaster" means the serious disruption of the functioning of a community or society at any level as a result of hazardous events, the consequences of which depend on the conditions of exposure, vulnerability and capacities of the community or society concerned, and which may cause human or material loss or have economic or environmental consequences;

(b) the term "resilience" means the capacity of a system, community or society exposed to hazards to resist their effects, to absorb them, to adapt to them, to transform themselves accordingly and to recover quickly and effectively, including preserving and restoring critical structures and functions through risk management.

3. For the purposes of this Recommendation, the term "crisis response" refers to all measures relating to employment and decent work taken to deal with crisis situations resulting from conflicts and disasters.

4. This Recommendation applies to all workers and job seekers and to all employers, in all sectors of the economy affected by crisis situations resulting from conflicts and disasters.

5. References in this Recommendation to fundamental principles and rights at work, to safety and health and to working conditions also apply to workers involved in crisis response, including immediate response. References in this recommendation to human rights and safety and health also apply to people engaged in voluntary work involved in crisis response.

6. The provisions of this recommendation are without prejudice to the rights and obligations of Members under relevant rules of international law, in particular international humanitarian law, international refugee law and international human rights law.

II. Guiding principles

7. When taking action on employment and decent work in response to crisis situations resulting from conflicts and disasters, and for the purposes of prevention, Members should take into account the following:





- (a) the essential role of promoting full, productive and freely chosen employment and decent work in fostering peace, crisis prevention, recovery and building resilience;
- (b) the need to respect, promote and realize fundamental principles and rights at work, other human rights and other relevant international labor standards, and to take into account other international instruments and documents, as appropriate ;
- (c) the importance of good governance and the fight against corruption and clientelism;
- (d) the need to respect national legislation and policies and to use local knowledge, capacities and resources;
- (e) the nature of the crisis and the extent of its impact on the ability of governments, in particular regional and local authorities, employers' and workers' organizations and other national institutions and appropriate institutions to deal with it effectively, with necessary international cooperation and assistance, as required;
- (f) the need to combat discrimination, prejudice and hatred based on race, colour, sex, religion, political opinion, national extraction, social origin, disability, age , or sexual orientation or any other ground;
- (g) the need to respect, promote and achieve equality of opportunity and treatment between women and men without discrimination of any kind;
- (h) the need to pay special attention to population groups and individuals who have been made particularly vulnerable by the crisis, including children, young people, persons belonging to minorities, indigenous and tribal peoples, persons with disabilities, internally displaced persons, migrants, refugees and other persons forcibly displaced from one country to another;
- (i) the importance of identifying and assessing any negative and unintended consequences and avoiding adverse impacts on people, communities, the environment and the economy;
- (j) the need for a just transition towards an environmentally sustainable economy as a means of economic growth and social progress;
- (k) the importance of social dialogue;
- (l) the importance of national reconciliation, if any;
- (m) the need for international solidarity, responsibility and burden sharing and cooperation, in accordance with international law;
- (n) the need for close coordination and synergy between humanitarian assistance and development assistance, in particular to promote full, productive and freely chosen employment, and decent work and income generation, while avoiding duplication of efforts and mandates.

III. Strategic approaches

8. Members should adopt a multidimensional, step-by-step approach, implementing coherent and comprehensive strategies to promote peace, prevent crises, enable recovery and build resilience, including:

- (a) stabilizing livelihoods and incomes through immediate measures for social protection and employment;
- (b) promoting local economic recovery for job creation and decent work and socio-economic reintegration;
- (c) promoting sustainable employment and decent work, social protection and social inclusion, sustainable development, the creation of sustainable enterprises, in particular small and medium-sized enterprises, the transition from the informal economy to the formal economy, a just transition towards an environmentally sustainable economy and access to public services;
- (d) ensuring consultation and encouraging the active participation of employers' and workers' organizations in the planning, implementation and monitoring of recovery and resilience measures, taking into account, where appropriate , in the opinion of relevant civil society organizations;





- (e) analyzing the impact on employment of national recovery programs implemented through public and private investment, with a view to promoting full, productive and freely chosen employment and decent work for all women and all men, especially young people and people with disabilities;
- f) providing guidance and support to employers so that they take effective measures to identify, prevent and mitigate the risks of adverse impacts on human rights and workers' rights in their activities or in products, services or activities to which they may be directly linked, and to report on how they approach these risks;
- (g) adopting a gender perspective in all design, implementation, monitoring and evaluation activities implemented in crisis prevention and response;
- (h) creating economic, social and legal frameworks at the national level to promote sustainable peace and development, while respecting labor rights;
- (i) promoting social dialogue and collective bargaining;
- (j) establishing or re-establishing labor market institutions, including employment services, for stabilization and recovery;
- (k) building the capacities of governments, including regional and local authorities, and employers' and workers' organizations;
- (l) taking measures, as appropriate, for the socio-economic reintegration of persons affected by crisis, in particular those who have been associated with armed forces or groups, including through training programs aimed at improve their employability.
9. Crisis response in the aftermath of conflict or disaster should include, as appropriate:
- (a) a coordinated and inclusive needs assessment with a clear gender perspective;
- (b) an emergency response consisting of meeting basic needs and providing services, including social protection, support for livelihoods, immediate employment measures and income opportunities for population groups and individuals who have been made particularly vulnerable by the crisis;
- (c) assistance, provided as far as possible by the public authorities with the support of the international community, involving the social partners and, where necessary, civil society organizations and appropriate local associations;
- (d) safe and decent working conditions including the distribution of personal protective equipment and medical assistance for all workers, including those involved in relief and rehabilitation activities;
- (e) the re-establishment, where necessary, of government institutions as well as employers' and workers' organizations and appropriate civil society organizations.

IV. Opportunities for job creation and income

10. Among the measures taken to enable recovery and build resilience, Members should adopt and implement a comprehensive and sustainable employment strategy aimed at promoting full, productive and freely chosen employment and decent work for women and men, taking into account the Employment Policy Convention, 1964 (No. 122), and the guidance given in the relevant resolutions of the International Labor Conference.
11. Members should, in consultation with the most representative organizations of employers and workers, adopt inclusive measures to promote opportunities for full, productive and freely chosen employment, decent work and income generation, as it suits:
- (a) implementing employment-intensive investment strategies and programmes, including public employment programmes;
- (b) undertaking local economic recovery and development initiatives, particularly focusing on rural and urban livelihoods;
- (c) creating or restoring an environment conducive to sustainable enterprises, in particular by promoting small and medium-sized enterprises as well as cooperatives and other social economy initiatives, with particular emphasis on initiatives that facilitate access to finance;





- (d) helping sustainable enterprises to ensure business continuity to maintain and increase the level of employment and enable the creation of new jobs and income opportunities;
- (e) facilitating a just transition to an environmentally sustainable economy as a means of sustainable economic growth and social progress, and the creation of new jobs and income opportunities;
- (f) supporting social protection and employment, respecting, promoting and realizing the fundamental principles and rights at work of persons operating in the informal economy and encouraging the transition of workers and economic units from the informal economy to the formal economy, taking into account the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204);
- (g) assisting the public sector and promoting socially, economically and environmentally responsible public-private partnerships and other mechanisms for skills and capacity development and job creation;
- (h) establishing mechanisms to encourage multinational enterprises to cooperate with national enterprises to create productive and freely chosen employment and decent work, and to apply the principle of due diligence with regard to human rights in order to ensure respect for human rights and rights at work, taking into account the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;
- (i) facilitating the employment of persons who have been associated with armed forces or groups, as appropriate.

12. Members should develop and implement active labor market policies and programs aimed in particular at disadvantaged and marginalized populations and at populations and individuals who have been rendered particularly vulnerable by a crisis, including persons with disabilities, internally displaced persons, migrants and refugees, as appropriate and in accordance with national legislation.

13. In responding to crisis situations, Members should seek to provide young women and young men with opportunities for income generation, stable employment and decent work, including through:

- (a) coordinated training, employment and labor market programs to address the particular situation of young people entering the world of work;
- (b) youth employment components of disarmament, demobilization and reintegration programmes, which include psychosocial support services and other interventions to address anti-social behavior and violence, for the purpose of reintegration into civilian life.

14. In the event of a crisis resulting in the displacement of large numbers of people within their own country, Members should:

- (a) supporting the livelihoods, training and employment of internally displaced persons in order to promote their socio-economic and labor market integration;
- b) Strengthen the resilience of host communities and their ability to promote decent jobs for all, to ensure that local populations retain their livelihoods and employment and are better able to accommodate displaced persons to the inside their own country;
- (c) facilitate the voluntary return of internally displaced persons to their place of origin and their reintegration into the labor market when the situation permits.

V. Rights, equality and non-discrimination

15. In responding to discrimination resulting from or exacerbated by conflict or disaster, and when taking action to promote peace, prevent crises, enable recovery and build resilience, Members should:

- (a) respect, promote and achieve equality of opportunity and treatment between women and men without discrimination of any kind, taking into account Convention (No. 100) and Recommendation (No. 90) on Equal Remuneration, 1951, as well as the Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958;
- (b) pay particular attention to households headed by one person, especially if it is a child, a woman, a disabled person or an elderly person;





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- (c) take measures to ensure that women who have been employed during the crisis and who have taken on extended responsibilities are not replaced against their will when the male workforce returns;
- (d) take steps to ensure that women are empowered to participate meaningfully and effectively in decision-making in the context of recovery and resilience-building, that their needs and interests are prioritized in strategies and responses and that the human rights of women and girls are promoted and protected;
- (e) preventing and punishing all forms of gender-based violence, including rape, sexual exploitation and sexual harassment, and protecting and supporting victims;
- f) pay particular attention to the creation or restoration of the conditions of stability and economic and social development for the categories of population which have been particularly affected by the crisis, in particular persons belonging to minorities, indigenous and tribal peoples , internally displaced persons, persons with disabilities, migrants and refugees,taking into account the Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958 (No. 111), as well as other international labor standards and other relevant international instruments and documents, as appropriate ;
- (g) ensure that persons belonging to the minorities concerned are consulted, as well as indigenous and tribal peoples, in particular through their representative institutions, where they exist, and participate directly in decision-making, in particularly if the territories inhabited or used by these peoples and their environment suffer the effects of the crisis and of the recovery and return to stability measures;
- (h) ensure, in consultation with employers' and workers' organizations, that persons with disabilities, including those who have acquired a disability as a result of conflict or disaster, are provided with opportunities for rehabilitation , education, specialized vocational guidance, training, vocational retraining and employment, taking into account international labor standards and other relevant international instruments and documents;
- i) ensure that the human rights of all migrants and members of their families residing in a country affected by a crisis are respected, on an equal basis with those of national populations, taking into account relevant national provisions as well as as international labor standards and other relevant international instruments and documents, as appropriate.

16. When addressing child labor caused or exacerbated by conflict or disaster, Members should:

- (a) take all necessary measures to prevent, identify and eliminate child labor in crisis responses, taking into account the Minimum Age Convention (No. 138) and Recommendation (No. 146), 1973;
- (b) take urgent measures to prevent, identify and eliminate the worst forms of child labour, including the trafficking of children and the recruitment of children for use in armed conflict, taking into account Convention (No. 182) and the Worst Forms of Child Labor Recommendation, 1999 (No. 190);
- (c) establish rehabilitation, social integration and training programs for children and young people who have been associated with armed forces or groups, in order to help them readapt to civilian life;
- (d) providing social protection services, for example in the form of cash transfers or benefits in kind, to protect children.

17. When addressing forced or compulsory labor caused or exacerbated by conflict or disaster, Members should take urgent action to prevent, identify and eliminate all forms of forced or compulsory labour, including trafficking in persons for the purpose of forced or compulsory labour, taking into account the Forced Labor Convention, 1930 (No. 29), its Protocol of 2014, the Abolition of Forced Labor Convention, 1957 (No. 105), and Forced Labor (Supplementary Measures) Recommendation, 2014 (No. 203).

VI. Education and vocational training and guidance

18. In seeking to prevent or respond to crisis situations, Members should, on the basis of the principle of equality of opportunity and treatment for women and men, and girls and boys, ensure that:





(a) education services are not disrupted or are restored as quickly as possible and that children, especially those who are internally displaced, migrants or refugees, have access to education and free quality public education, including with the support of international assistance, in accordance with relevant international law, without discrimination of any kind at all stages of crisis and recovery;

(b) programs aimed at giving children and young people a second chance are in place and meet the main needs resulting from a possible interruption of their education or training.

19. When seeking to prevent or respond to crisis situations, Members should, as appropriate:

(a) develop or adapt, in consultation with education and training establishments and employers' and workers' organizations, a national program of education, training, retraining and vocational guidance which assesses the new needs of skills related to recovery and reconstruction, and in which all relevant actors from the public and private sectors are fully involved;

(b) adapt curricula and train teachers and instructors to promote:

(i) peaceful coexistence and reconciliation for peacebuilding and resilience;

(ii) disaster risk education and awareness as well as disaster risk reduction and management for recovery, reconstruction and resilience;

(c) coordinate education, training and retraining services at national, regional and local level, including higher education, apprenticeships, vocational training and entrepreneurship training, and enable women and men whose education or training has been prevented or interrupted from commencing or resuming and completing their education or training;

(d) expand and adapt training and retraining programs to meet the needs of all unemployed persons;

(e) pay particular attention to the training and economic empowerment of affected populations, including in rural areas and in the informal economy.

20. Members should ensure that women and girls have access, on the basis of equality of opportunity and treatment, to all education, training and training programs established for the recovery and resilience.

ARE YOU COMING. Social protection

21. In responding to crisis situations, Members should, as quickly as possible:

(a) strive to guarantee basic income security, in particular to people who have been deprived of their jobs or their means of subsistence by the crisis;

(b) develop, restore or improve comprehensive social security schemes and other social protection mechanisms, taking into account national legislation and international agreements;

(c) endeavor to ensure effective access to health care and other essential social services, in particular for the categories of the population and individuals who have been made particularly vulnerable by the crisis.

22. To prevent crises, enable recovery and build resilience, Members should establish, restore or maintain social protection floors and strive to fill gaps in their coverage, taking into account Convention (No. 102) Social Security (Minimum Standards), 1952, the Social Protection Floors Recommendation, 2012 (No. 202), and other relevant international labor standards.

VIII. Labor law, labor administration and labor market information

23. In post-crisis situations, Members should, in consultation with the most representative organizations of employers and workers:

(a) review, develop, reinstate or strengthen labor legislation, where necessary, including provisions relating to the protection of workers and occupational safety and health, in accordance with the ILO Declaration on fundamental principles and rights at work and its follow-up (1998) and applicable international labor standards;

(b) ensure that labor laws promote productive and freely chosen employment and decent work;





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- (c) establish, restore or strengthen, as necessary, the system of labor administration, including labor inspection, and other competent institutions, taking into account the Labor Inspection Convention (No. 81), 1947, as well as the system of collective bargaining and collective agreements, taking into account the Right to Organize and Collective Bargaining Convention, 1949 (No. 98);
- (d) establishing, restoring or improving, as necessary, systems for collecting and analyzing information on the labor market, particularly with regard to the categories of the population most seriously affected by the crisis;
- (e) establishing or re-establishing and strengthening public employment services, including emergency employment services;
- (f) ensuring the regulation of private employment agencies, taking into account the Private Employment Agencies Convention, 1997 (No. 181);
- (g) promote synergies between all labor market actors to enable local populations to make the most of the jobs created by peacebuilding and recovery investments.

IX. Social dialogue and the role of employers' and workers' organizations

24. In responding to crisis situations, Members should, in consultation with the most representative organizations of employers and workers:

- (a) ensure that all measures provided for in this Recommendation are developed or promoted through social dialogue involving women on an equal footing with men, taking into account the Tripartite Consultation Convention (No. 144) International Labor Standards, 1976;
- (b) create an environment conducive to the establishment, re-establishment or strengthening of employers' and workers' organizations;
- (c) encourage close cooperation with civil society organizations where appropriate.

25. Members should recognize that employers' and workers' organizations play an essential role in responding to crises, taking into account the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), and in particular:

- (a) help sustainable enterprises, in particular small and medium-sized enterprises, to set up a business continuity plan and to overcome the crisis through training, advice and material support, and facilitate their access financing;
- (b) help workers, especially those made vulnerable by the crisis, to overcome the crisis through training, advice and material support;
- (c) take steps to do so through collective bargaining and other forms of social dialogue.

X. Migrants affected by a crisis situation

26. Considering that special attention should be given to migrants, in particular migrant workers, whom the crisis has made particularly vulnerable, Members should take measures, in accordance with national legislation and applicable international law, to:

- (a) suppress forced or compulsory labor, including trafficking in persons;
- (b) promote, as appropriate, the inclusion of migrants in receiving societies through access to the labor market, including entrepreneurship and income-generating opportunities, and through decent work ;
- (c) defend and strive to ensure labor rights and a safe environment for migrant workers, including those in precarious employment, women migrant workers, young migrant workers and migrant workers with disabilities, in all sectors;
- (d) consider migrant workers and their families when developing labor policies and programs to deal with conflict and disasters, as appropriate;
- (e) facilitate the voluntary return of migrants and their families, in safety and dignity.





27. In accordance with the guidance provided in Parts V, VIII and IX, Members should promote equality of opportunity and treatment for all migrant workers with regard to fundamental principles and rights at work and protection by national labor law, applicable work, and in particular:

(a) educate migrants about rights and protections at work, including providing them with information about workers' rights and obligations and about remedies in the event of violations, in a language they understand;

(b) allow migrants to join representative organizations of employers and workers;

(c) adopt measures and facilitate campaigns to combat discrimination and xenophobia in the workplace and to draw attention to the positive contribution of migrants, with the active participation of employers' and workers' organizations and the civil society;

(d) consult and involve employers' and workers' organizations and, where necessary, other appropriate organizations of civil society, with regard to the employment of migrants.

XI. Refugees and returnees

ACCESS OF REFUGEES TO THE LABOR MARKET

28. Any measures taken under this Part in the event of an influx of refugees are subject to:

(a) national and regional contexts, taking into account applicable international law, fundamental principles and rights at work and national legislation;

(b) the challenges and constraints weighing on Members with regard to their resources and their capacity to provide an effective response, taking into account the needs and priorities expressed by the most representative organizations of employers and workers .

29. Members should recognize the central importance of equitable burden and responsibility sharing. They should enhance international cooperation and solidarity to provide predictable and responsive humanitarian assistance and sustainable development assistance to support least developed and developing countries hosting large numbers of refugees, including managing the consequences of this influx on their labor market and to guarantee the continuation of their development.

30. Members should take action, as appropriate, to:

(a) promote self-reliance by increasing opportunities for refugees to access livelihoods and the labor market, without discrimination between them and in a way that also supports host communities;

(b) develop national policies and action plans, involving the competent employment and labor authorities and in consultation with employers' and workers' organizations, in order to guarantee the protection of refugees in the labor market , including in terms of their access to decent work and livelihoods.

31. Members should collect reliable information to assess the impact of refugees on the labor market, as well as the needs of the existing workforce and employers, in order to optimize the use of skills and capital human being that refugees represent.

32. Members should strengthen the resilience and capacities of host communities by investing in the local economy and promoting full, productive and freely chosen employment and decent work, as well as training for local populations.

33. In accordance with the guidance provided in parts IV, VI and VII, Members should involve refugees in measures taken with regard to access to employment, training and the labor market, as appropriate. , and especially:

(a) promote their access to technical and vocational training, in particular through programs of the ILO and interested parties, in order to improve their skills and enable their professional retraining, taking into account their possible voluntary repatriation;





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- (b) promote their access to formal employment, income-generating programs and entrepreneurship through, as appropriate, vocational guidance and training services, job placement assistance, and the issuance of work permits, thus preventing the informalization of the labor market in host communities;*
- (c) facilitate the recognition, certification, validation and use of refugee skills and qualifications, through appropriate mechanisms, and provide access to appropriate training and retraining opportunities, including intensive language courses ;*
- (d) strengthen the capacity of public employment services and improve cooperation with other service providers, including private employment agencies, to facilitate refugees' access to the labor market;*
- (e) make specific efforts to promote the labor market integration of refugee youth and women and other people in vulnerable situations;*
- (f) facilitate, as appropriate, the portability of employment rights and rights to social security benefits, including pensions, in accordance with the national provisions of the host country.*

34. Consistent with the guidance provided in Parts V, VIII and IX, Members should promote equality of opportunity and treatment for refugees with respect to fundamental principles and rights at work and protection under applicable labor law, and especially:

- (a) educate refugees about labor rights and protections, including providing them with information about workers' rights and obligations and about remedies for violations, in a language they understand;*
- (b) allow the membership of refugees in representative organizations of employers and workers;*
- (c) adopt appropriate measures, including legislative measures and campaigns, to combat discrimination and xenophobia in the workplace and to draw attention to the positive contribution of refugees, with the active participation of organizations of employers and workers and civil society.*

35. Members should consult and involve employers' and workers' organizations and other interested actors on refugees' access to the labor market.

36. Members should support host countries to build capacity and resilience, including through development assistance, by investing in local communities.

VOLUNTARY REPATRIATION AND REINTEGRATION OF RETURNEES

37. When the security situation in the country of origin of refugees has improved sufficiently, Members should work together to facilitate their voluntary repatriation in safety and dignity and support their reintegration into the labor market, including with the assistance of International organisations.

38. Members should work with the ILO and relevant stakeholders to develop specific programs for returnees to facilitate their vocational training and reintegration into the labor market.

39. Members should cooperate with each other, including with the assistance of relevant international organizations, to support the socio-economic integration of returnees in their country of origin, through the measures provided for in parts IV to IX, as appropriate, so as to support the economic and social development of local populations.

40. Bearing in mind the principle of burden and responsibility sharing, Members should support countries of origin to build their capacities and resilience, including through development assistance, by investing in local communities in which returnees are reintegrated, and promoting full, productive and freely chosen employment and decent work.

XII. Prevention, Mitigation and Preparedness Measures

41. Members should, particularly in countries where foreseeable risks of conflict or disaster exist, take measures to build resilience, in consultation with employers' and workers' organizations and other interested actors, and to prevent and mitigate and prepare for crises in ways that support economic and social development and decent work, including through:





(a) the identification of risks and the assessment, at local, national and regional levels, of the vulnerability of human, physical, economic, environmental, institutional and social capital, and of the threats to it;

(b) risk management, including contingency plans, early warning, risk reduction and emergency response preparedness;

(c) prevention and mitigation of adverse consequences, including through business continuity management in the public and private sectors, taking into account the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and the Declaration of the Convention on Fundamental Principles and Rights at Work and its Follow-up (1998).

XIII. International cooperation

42. To prepare for and respond to crisis situations, Members should strengthen cooperation and take appropriate measures through bilateral or multilateral arrangements, including within the framework of the United Nations system, international financial institutions and international organizations, other regional or international mechanisms for coordinated intervention. Members should make full use of existing arrangements and existing institutions and mechanisms and strengthen them, as appropriate.

43. Responses to crises, including assistance from regional and international organizations, should place employment, decent work and sustainable enterprises at the centre, and should be consistent with applicable international labor standards.

44. Members should cooperate to promote development assistance and public and private sector investment in crisis response for the creation of decent and productive jobs, enterprise development and self-employment.

45. International organizations should strengthen their cooperation and the coherence of their responses to crises within their respective mandates, making full use of relevant international policy frameworks and arrangements.

46. The ILO should play a key role in assisting Members to provide crisis responses based on employment and decent work and focusing on the promotion of employment, integration into the labor market or access to it, as appropriate, capacity and institutional development, in close cooperation with regional and international institutions.

47. Members should strengthen international cooperation, including through the voluntary and systematic exchange of information, knowledge, best practices and technologies to promote peace, prevent and mitigate crises, enable recovery and build resilience.

48. Close coordination and complementarity of crisis responses should be ensured, as appropriate, in particular between humanitarian assistance and development assistance, to promote full, productive and freely chosen employment, and decent work for peace and resilience.

XIV. Disposition finale

49. This Recommendation replaces the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71).





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C190 - Violence and Harassment Convention, 2019 (No. 190)

Preamble

The General Conference of the International Labor Organization,

Convened at Geneva by the Governing Body of the International Labor Office, and having met there on 10 June 2019, in its Hundred and Eighth Session (Centenary Session);

Recalling that the Declaration of Philadelphia affirms that all human beings, regardless of race, creed or sex, have the right to pursue their material progress and spiritual development in freedom and dignity, in economic security and with equal opportunity;

Reaffirming the relevance of the fundamental conventions of the International Labor Organization;

Recalling other relevant international instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All forms of racial discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights people with disabilities;

Recognizing the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment;

Recognizing that violence and harassment in the world of work can violate or violate human rights, and that violence and harassment jeopardize equal opportunities and are unacceptable and incompatible with decent work ;

Recognizing the importance of a work culture based on mutual respect and human dignity for the prevention of violence and harassment;

Recalling that Members have an important responsibility to promote a general environment of zero tolerance towards violence and harassment to facilitate the prevention of such behaviors and practices, and that all actors in the world of work must abstain to use, prevent and combat violence and harassment;

Recognizing that violence and harassment in the world of work are harmful to the psychological, physical and sexual health, to the dignity and to the family and social environment of the person;

Recognizing that violence and harassment also undermine the quality of public and private services and can prevent people, especially women, from entering, remaining and progressing in the labor market;

Noting that violence and harassment are incompatible with the promotion of sustainable enterprises and have a negative impact on work organization, workplace relations, worker motivation, company reputation and productivity ;





Recognizing that gender-based violence and harassment disproportionately affects women and girls, and also recognizing that an inclusive, integrated and gender-responsive approach that addresses the underlying causes and risk factors, including gender stereotypes, multiple and intersectional forms of discrimination and unequal gender-based power relations, is essential to ending violence and harassment in the world of work;

Noting that domestic violence can affect employment, productivity and health and safety, and that governments, employers' and workers' organizations and labor market institutions can contribute, within the framework of other measures, to recognize, respond to and remedy the impact of domestic violence;

Having decided to adopt various proposals concerning violence and harassment in the world of work, a matter which constitutes the fifth item on the agenda of the session;

Having decided that these proposals would take the form of an international convention,

adopts this twenty-first day of June two thousand and nineteen the following convention, which may be cited as the Violence and Harassment Convention, 2019:

I. DEFINITIONS

Section 1

1. For the purposes of this Convention:

(a) "violence and harassment" in the world of work means a pattern of unacceptable behaviors and practices, or threats of such behaviors and practices, whether they occur on a single occasion or in a repeated, which are intended to cause, are causing or are likely to cause physical, psychological, sexual or economic harm, and includes gender-based violence and harassment;

(b) the term "gender-based violence and harassment" means violence and harassment directed against a person because of their sex or gender or having a disproportionate effect on persons of one sex or gender, a given gender, and includes sexual harassment.

2. Without prejudice to the provisions of sub-paragraphs (a) and (b) of paragraph 1 of this article, definitions in national legislation may set out a single concept or separate concepts.

II. SCOPE

Section 2

1. This Convention protects workers and other persons in the world of work, including employees as defined by national law and practice, as well as persons who work, whatever their contractual status, persons in training, including trainees and apprentices, laid-off workers, volunteers, job seekers, applicants for employment and individuals exercising the authority, duties or responsibilities of an employer.

2. This Convention applies to all sectors, public or private, in the formal or informal economy, in urban or rural areas.

Section 3

This Convention applies to violence and harassment in the world of work occurring in the course of, in connection with or because of work:

(a) in the workplace, including public spaces and private spaces when used as a workplace;

(b) on the premises where the worker is paid, takes his breaks or his meals or uses sanitary facilities, washrooms or changing rooms;

(c) during travel, travel, training, work-related events or social activities;





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- (d) in the context of work-related communications, including those carried out by means of information and communication technologies;
- (e) in accommodation provided by the employer;
- f) while traveling between home and work.

III. FUNDAMENTAL PRINCIPLES

Section 4

1. Each Member which ratifies this Convention shall respect, promote and fulfill the right of everyone to a world of work free from violence and harassment.
2. Each Member shall adopt, in accordance with national law and circumstances and in consultation with representative organizations of employers and workers, an inclusive, integrated and gender-sensitive approach, which aims to prevent and eliminate violence and harassment in the world of work. This approach should take into account violence and harassment involving third parties, where appropriate, and includes:
 - (a) legally prohibit violence and harassment;
 - b) ensure that relevant policies address violence and harassment;
 - c) adopt a comprehensive strategy to implement measures to prevent and combat violence and harassment;
 - (d) establishing enforcement and monitoring mechanisms or strengthening existing mechanisms;
 - (e) guaranteeing access to remedies and reparation and to support for victims;
 - (f) provide for penalties;
 - (g) develop tools, guidelines and activities for education and training and raise awareness, in accessible forms as appropriate;
 - (h) ensure the existence of effective means of inspection and investigation for cases of violence and harassment, including through the labor inspectorate or other competent bodies.
3. In adopting and implementing the approach referred to in paragraph 2 of this Article, each Member shall recognize the different and complementary functions and roles of governments, and of employers and workers and their respective organizations, taking into account the varying nature and extent of their respective responsibilities.

Section 5

With a view to preventing and eliminating violence and harassment in the world of work, each Member shall respect, promote and realize the fundamental principles and rights at work, namely freedom of association and the effective recognition of the right to bargain collective labor, the elimination of all forms of forced or compulsory labour, the effective abolition of child labor and the elimination of discrimination in respect of employment and occupation, and also to promote decent work.

Section 6

Each Member shall adopt legislation and policies guaranteeing the right to equality and non-discrimination in employment and occupation, in particular to women workers, as well as to workers and other persons belonging to one or more vulnerable groups or groups in vulnerable situations who are disproportionately affected by violence and harassment in the world of work.

IV. PROTECTION AND PREVENTION

Section 7

Without prejudice to and consistent with the provisions of Article 1, each Member shall adopt legislation defining and prohibiting violence and harassment in the world of work, including gender-based violence and harassment.





Section 8

Each Member must take appropriate measures to prevent violence and harassment in the world of work, including:

- (a) recognize the important role of public authorities with regard to workers in the informal economy;*
- (b) identify, in consultation with relevant employers' and workers' organizations and through other means, sectors or occupations and working arrangements which place workers and other affected persons at greater risk of violence and harassment;*
- (c) take measures to protect such persons effectively.*

Section 9

Each Member shall adopt legislation requiring employers to take appropriate measures commensurate with their degree of control to prevent violence and harassment in the world of work, including gender-based violence and harassment, and in particular, in as far as is reasonable and practicable:

- (a) to adopt and implement, in consultation with workers and their representatives, a workplace policy on violence and harassment;*
- (b) take into account violence and harassment, and the psychosocial risks associated with it, in the management of occupational safety and health;*
- (c) identify the dangers and assess the risks of violence and harassment, involving the workers and their representatives, and take measures to prevent and control these dangers and risks;*
- (d) provide workers and other affected persons, in accessible forms as appropriate, with information and training on the dangers and risks of violence and harassment identified and on the corresponding prevention and protection measures, including on the rights and responsibilities of workers and other affected persons in relation to the policy referred to in subparagraph (a) of this article.*

V. ENFORCEMENT AND MEANS OF REMEDY AND REDRESS

Section 10

Each Member must take appropriate measures to:

- (a) monitor and enforce national legislation relating to violence and harassment in the world of work;*
- (b) ensure easy access to appropriate and effective remedies and redress and to safe, fair and fair reporting and dispute resolution mechanisms and procedures for violence and harassment in the world of work and effective, such as:*
 - (i) complaint and investigation procedures and, where appropriate, dispute resolution mechanisms at the workplace level;*
 - (ii) dispute resolution mechanisms outside the workplace;*
 - (iii) courts and other jurisdictions;*
 - (iv) measures to protect complainants, victims, witnesses and whistleblowers against victimization and retaliation;*
 - (v) legal, social, medical or administrative assistance measures for complainants and victims;*
- (c) protect data subjects' privacy and confidentiality, to the extent possible and as appropriate, and ensure that such requirements are not misapplied;*
- (d) provide for sanctions, where appropriate, in cases of violence and harassment in the world of work;*
- (e) provide that victims of gender-based violence and harassment in the world of work will have effective access to complaint and dispute resolution mechanisms, support, services and means of redress and redress gender-responsive, safe and effective;*
- (f) recognize the effects of domestic violence and, to the extent reasonable and practicable, mitigate its impact in the world of work;*
- (g) guarantee that every worker has the right to remove himself from a work situation which he has reasonable grounds to believe presents an imminent and serious danger to his life, health or safety, due*





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to violence and harassment, without suffering retaliation or other undue consequences, and the duty to inform management;

(h) ensure that the labor inspectorate and other competent authorities, where appropriate, are empowered to address the issue of violence and harassment in the world of work, including by ordering immediately binding measures or the stoppage of work when there is an imminent danger to life, health or safety, subject to any right of judicial or administrative appeal which may be provided by law.

VI. ORIENTATIONS, TRAINING AND AWARENESS

Section 11

Each Member shall, in consultation with representative organizations of employers and workers, endeavor to ensure that:

- (a) the issue of violence and harassment in the world of work is addressed in relevant national policies, such as those on occupational safety and health, equality and non-discrimination and migration;
- (b) guidance, resources, training or other tools regarding violence and harassment in the world of work, including gender-based violence and harassment, are made available to employers and workers and their organizations as well as competent authorities, in accessible forms as appropriate;
- (c) initiatives are taken in this area, including awareness-raising campaigns.

VII. APPLICATION METHODS

Section 12

The provisions of this Convention shall be implemented by means of national legislation as well as collective agreements or other measures in accordance with national practice, including by extending or adapting existing measures for occupational safety and health to the issue of violence and harassment and developing specific measures if necessary.

VIII. FINAL PROVISIONS

Section 13

Formal ratifications of this Convention shall be communicated to the Director-General of the International Labor Office for registration.

Section 14

1. This Convention binds only those Members of the International Labor Organization whose ratifications have been registered with the Director-General of the International Labor Office.
2. It shall enter into force twelve months after the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date of the registration of its ratification.

Section 15

1. Any Member which has ratified this Convention may denounce it on the expiration of a period of ten years after the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labor Office for the purposes recording. The denunciation takes effect one year after being registered.
2. Any Member having ratified this Convention which, within one year after the expiry of the period of ten years mentioned in the preceding paragraph, does not avail itself of the option of denunciation provided for in this article shall be bound for a further period of ten years and, thereafter, may denounce this agreement in the first year of each new period of ten years under the conditions provided for in this article.





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Section 16

1. The Director-General of the International Labor Office shall notify all Members of the International Labor Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated, the Director-General shall draw the attention of the Members of the Organization to the date on which this Convention will come into force.

Section 17

The Director-General of the International Labor Office shall communicate to the Secretary-General of the United Nations, for the purpose of registration, in accordance with Article 102 of the Charter of the United Nations, full particulars respecting all ratifications and denunciations registered in accordance with the preceding articles. .

Section 18

Whenever it deems it necessary, the Governing Body of the International Labor Office shall present to the General Conference a report on the application of this Convention and examine whether there is reason to place it on the agenda of the day of the Conference the question of its total or partial revision.

Section 19

1. In the event that the Conference adopts a new convention revising this convention, and unless the new convention provides otherwise:

a) the ratification by a Member of the new revising agreement automatically entails, notwithstanding Article 15 above, the immediate denunciation of this agreement, provided that the new revising agreement has entered into force;

(b) from the date of entry into force of the new revising Convention, this Convention ceases to be open to ratification by Members.

2. This Convention shall in any case remain in force in its form and content for the Members which have ratified it and which have not ratified the revising Convention.

Section 20

The French and English versions of the text of this agreement are equally authentic.





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R206 - Violence and Harassment Recommendation, 2019 (No. 206)

Preamble

The General Conference of the International Labor Organization,

Convened at Geneva by the Governing Body of the International Labor Office, and having met there on 10 June 2019, in its Hundred and Eighth Session (Centenary Session);

Having adopted the Violence and Harassment Convention, 2019;

Having decided to adopt various proposals concerning violence and harassment in the world of work, a matter which constitutes the fifth item on the agenda of the session;

Having decided that these proposals would take the form of a Recommendation supplementing the Violence and Harassment Convention, 2019,

adopts, on the twenty-first day of June two thousand and nineteen, the following recommendation, which may be cited as the Violence and Harassment Recommendation, 2019:

1. The provisions of this Recommendation supplement those of the Violence and Harassment Convention, 2019 (hereafter referred to as "the Convention"), and should be considered in conjunction with them.

I. FUNDAMENTAL PRINCIPLES

2. When adopting and implementing the inclusive, integrated and gender-responsive approach referred to in paragraph 2 of Article 4 of the Convention, Members should address the issue of violence and harassment in the world of work in labor and employment law, occupational safety and health, equality and non-discrimination, and in criminal law, where applicable.

3. Members should ensure that all workers and employers, including those in industries, occupations and working arrangements more prone to violence and harassment, fully enjoy freedom of association and effective recognition of the right to collective bargaining, in accordance with the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98).

4. Members should take appropriate measures to:

a) promote the effective recognition of the right to collective bargaining at all levels as a means of preventing and addressing violence and harassment and, where possible, mitigating the impact of domestic violence around the world work;

b) support this collective bargaining by collecting and disseminating information on trends and good practices concerning the bargaining process and the content of collective agreements.

5. Members should ensure that provisions on violence and harassment in national legislation and policies take into account International Labor Organization instruments relating to equality and non-discrimination, including Convention (No. 100) and the Equal Remuneration Recommendation, 1951 (No. 90), and the Discrimination (Employment and Occupation) Convention and Recommendation, 1958 (No. 111) and Recommendation (No. 111), and other instruments relevant.

II. PROTECTION AND PREVENTION

6. Occupational safety and health provisions addressing violence and harassment in national legislation and policies should take into account relevant International Labor Organization instruments





on occupational safety and health, such as the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

7. Members should, as appropriate, specify in legislation that workers and their representatives should take part in the design, implementation and monitoring of the workplace policy referred to in Article 9(a) of the convention, and this policy should:

- a) affirm that violence and harassment will not be tolerated;
- b) establish violence and harassment prevention programs, with measurable objectives where appropriate;
- c) specify the rights and obligations of the workers and the employer;
- d) include information on complaint and investigation procedures;
- e) provide that all internal and external communications regarding instances of violence and harassment will be given due consideration and dealt with as appropriate;
- f) clarify the right of individuals to privacy and confidentiality set out in Article 10(c) of the Convention, reconciling it with the right of workers to be informed of any danger;
- g) include measures to protect complainants, victims, witnesses and whistleblowers against victimization and retaliation.

8. The workplace risk assessment referred to in Article 9(c) of the Convention should take into account factors that increase the risk of violence and harassment, including psychosocial hazards and risks. Particular attention should be paid to hazards and risks which:

- a) arise from working conditions and methods, the organization of work or the management of human resources, as the case may be;
- b) involve third parties, such as customers, service providers, users, patients and members of the public;
- c) are due to discrimination, abuse of power relations, or gender or cultural and social norms that promote violence and harassment.

9. Members should adopt appropriate measures for sectors or occupations and work arrangements which may be more susceptible to exposure to violence and harassment, such as night work, lone work, the health sector, hotels and restaurants, social services, emergency services, domestic work, transport, education or the entertainment sector.

10. Members should take legislative or other measures to protect against violence and harassment in the world of work migrant workers, in particular women migrant workers, regardless of their migration status, in countries of origin, transit or destination as appropriate.

11. When facilitating the transition from the informal to the formal economy, Members should provide resources and assistance to informal economy workers and employers, and their associations, to prevent and act against violence and harassment in the informal economy.

12. Members should ensure that measures to prevent violence and harassment do not have the effect of restricting or excluding the activity of women and groups referred to in Article 6 of the Convention in specific jobs, sectors or professions.

13. The reference to vulnerable groups and groups in situations of vulnerability in Article 6 of the Convention should be interpreted in accordance with applicable international labor standards and applicable international human rights instruments.

II. ENFORCEMENT, REMEDIES AND ASSISTANCE

14. The remedies and redress referred to in Article 10(b) of the Convention could include:

- a) the right to resign with compensation;
- b) reintegration into employment;
- c) appropriate compensation for damage;





(d) orders requiring that immediate action be taken to ensure that certain behaviors are stopped or that policies or practices are changed;

(e) legal costs and expenses, in accordance with national law and practice.

15. Victims of violence and harassment in the world of work should be able to obtain compensation in the event of damage or illness of a psychosocial or physical nature, or of any other nature, resulting in incapacity for work.

16. Complaint and dispute resolution mechanisms for gender-based violence and harassment referred to in Article 10(e) of the convention should include measures such as:

(a) courts with expertise in cases of gender-based violence and harassment;

(b) efficient and timely processing of cases;

(c) legal advice and assistance for complainants and victims;

(d) guides and other means of information made available and accessible in the languages commonly spoken in the country;

(e) shifting the burden of proof, where appropriate, in non-criminal proceedings.

17. Support, services and remedies and redress for victims of gender-based violence and harassment referred to in Article 10(e) of the convention should include measures such as:

(a) assistance with the reintegration of victims into the labor market;

(b) advisory and information services provided, as appropriate, in a manner that is accessible;

(c) 24-hour hotlines;

(d) emergency services;

(e) medical care and treatment as well as psychological support;

(f) crisis centres, including shelters;

(g) specialized police units or specially trained officers to support victims.

18. Appropriate measures to mitigate the impact of domestic violence in the world of work mentioned in Article 10(f) of the Convention could include:

(a) leave for victims of domestic violence;

(b) flexible working arrangements and protection for victims of domestic violence;

(c) temporary protection for victims of domestic violence against dismissal, as appropriate, except for reasons unrelated to domestic violence and its consequences;

(d) consideration of domestic violence in workplace risk assessment;

(e) a referral system to public facilities aimed at mitigating domestic violence, where such facilities exist;

(f) raising awareness of the effects of domestic violence.

19. Perpetrators of violence and harassment in the world of work should be held accountable for their actions and provided with counseling or other measures, where appropriate, to prevent recurrence and facilitate their reintegration into work, as appropriate.

20. Labor inspectors and officials from other competent authorities, as appropriate, should receive gender-responsive training to be able to detect and act against violence and harassment in the world of work, including the dangers and psychosocial risks, gender-based violence and harassment and discrimination against certain groups of workers.

21. The mandate of national bodies responsible for labor inspection, occupational safety and health, and equality and non-discrimination, including gender equality, should include violence and harassment in the world of work.

22. Members should endeavor to collect data and publish statistics on violence and harassment in the world of work, disaggregated by sex, form of violence and harassment and sector of economic activity, including s with regard to the groups referred to in Article 6 of the Convention.





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IV. ORIENTATIONS, TRAINING AND AWARENESS

23. Members should fund, design, implement and disseminate, as appropriate:

a) programs aimed at addressing the factors that increase the risk of violence and harassment in the world of work, including discrimination, abuses linked to power relations and gender norms and cultural and social norms that promote violence and harassment;

b) gender-sensitive guidelines and training programs to, on the one hand, help judges, labor inspectors, police officers, prosecutors and other public officials to carry out their mandate with regard to violence and harassment in the world of work and, on the other hand, to help employers and workers in the public and private sectors and their organizations to prevent and act against violence and harassment in the world of work;

c) model codes of practice and risk assessment tools on violence and harassment in the world of work, general or sector-specific and taking into account the specific situation of workers and other persons belonging to the groups referred to in Article 6 of the Convention;

d) public awareness campaigns in the various languages of the country, including those of migrant workers residing in the country, which draw attention to the unacceptability of violence and harassment, in particular violence and harassment based on gender, address discriminatory behavior and prevent stigmatization of victims, complainants, witnesses and whistleblowers;

e) gender-sensitive curricula and teaching materials addressing violence and harassment, including gender-based violence and harassment, at all levels of the education system and vocational training, in accordance with national legislation and circumstances;

f) tools for journalists and other media professionals on gender-based violence and harassment, including their underlying causes and risk factors, with due respect for their independence and freedom of expression;

g) public campaigns to promote safe, healthy, harmonious workplaces free from violence and harassment.



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