

CEC Bulletin

(June, 2007)

2007 International Labour Conference in Geneva

Report from the CEC's Canadian Delegation

SILC Committee

prepared by Elizabeth Cameron (Nav Canada) and Andrew Finlay (Scotiabank)

In April 2007, the ILO issued a report titled "Strengthening the ILO's Capacity to Assist its Members' Efforts to Reach its Objectives in the Context of Globalization". The report was a result of a long series of consultations going back as far as September 2005, and covers issues including the ILO's mandate, mission, governance, structure and management.

It has been suggested that the work of the Committee reviewing this report would be the most significant subject on the Conference Agenda since the adoption of the Philadelphia Declaration.

The Director-General prepared a preface to the report and noted that he believed the 96th session of the ILC had "a unique opportunity to exercise institutional leadership in the governance of the ILO". It appeared that the Director-General's vision was that the report would form the basis of a discussion to make the ILO more efficient and effective in the way it served its constituents in the context of globalization.

The Employers Group reviewing this report is well represented. The IOE's support has been insightful and well recognized. The Employer's spokesperson, Ashraf Tabani (President of the Employer's Federation of Pakistan) listens to the employers' delegates and speaks eloquently on our behalf.

Generally speaking the Employers group does not see anything controversial in the renewed commitment by the ILO to implement by improved governance and reform. There are, however, a variety of issues on the roadmap to moving forward.

At the time of writing this update to the CEC, three of five chapters had been debated by the Tripartite Committee. Unfortunately the debate has fallen short of the Employers group expectations. In fact it is likely that it has fallen short of the expectations of the entire Tripartite group. The debate has been superficial and guarded in spite of the fact that the ILO is potentially becoming less relevant and needs a fundamental overhaul or at the very least, an updated vision.

Although concerns have been raised by government, worker and employer delegations about the way the ILO has been managed, the capacity and capability of staff, the responsiveness of the ILO office to its constituents, issues of governance and the way the ILO interacts with other organizations, no clear solutions have been offered. Fundamental questions directed to ILO staff intended to provide clarity, have gone unanswered.

It is clear that there are no simple solutions to these important issues and it is our expectation that our conclusions will include a recommendation to carry the debate forward to a future Conference.

The Employers group on this committee will continue to advocate that the ILO's impact should be to help to create work through encouraging investment to improve people's lives and promote decent work. Further, we will focus on how to connect a governance role, by the ILC, by the GB and by the Office in the working of the ILO as an organization. We are suggesting ways in which work and policy priorities are set and how these priorities should be resourced and evaluated. Finally, we are promoting the adoption of ways to effectively measure our impact and adjust our approaches on the basis of lessons learned. It is in these areas we believe we will make our most significant contributions and trust our points will be included in a set of final recommendations.

The final outcomes of the work of this committee will be included in future CEC bulletins. For questions or comments, please contact Andrew Finlay or Elizabeth Cameron.

Work in the Fishing Sector

prepared by Andrew Finlay (Scotiabank)

In a remarkable turn of events, the Fisheries Committee has almost completed a text of a Convention, Recommendation, Annexes and Resolutions.

This year's effort follows a failed attempt in 2004 and 2005 when a complex and non ratifiable set of instruments were rejected due to opposition from business and south-east Asian countries.

The Employer Group is lead by Bruce Chapman, a CEC member from the Fisheries Council of Canada. Bruce has been working since the 2005 failure to build bridges with the unions and governments. He is widely recognized by his colleagues here for his effective use of dialogue leading to constructive and ultimately successful negotiations. This Convention, if adopted next week, has within its scope 41 million workers world wide. It touches on a broad spectrum of important employment issues, from hours of rest to accommodation and health protection. One of the many achievements of the Employer Group was to keep out of the instruments an international minimum wage.

The most remarkable element of the Convention is that it will allow progressive implementation. Thus countries can ratify the Convention without have to have all standards met.

Final drafting is still required, and the instruments need to adopted by the Conference.

Today, Bruce received an ovation from the Employers' Group after presenting a detailed synopsis of what has been accomplished.

Promotion of Sustainable Enterprise

prepared by Pascale Gauthier (Conseil du patronat du Québec)

Canadian employers, through CEC, are well represented at the ILO's June 2007 Conference "General discussion on the Promotion of sustainable enterprise". Judith Andrew (CFIB) and Pascale Gauthier (CPQ), together with employers' representatives from more than a hundred countries, commenced the first week tackling a massive report from the ILO office on the subject. It was self-evident to the employer group that the goal of this discussion is to set out the conditions business need to sustain themselves, prosper and grow, benefiting jobs, the economy, and society without compromising other imperatives such as OHS and environment. Our labour colleagues, on the other hand, signalled by their interventions that their concerns were typically around union recognition, collective bargaining, labour standards, social dialogue, and insinuating those union goals and a multiple references to the "decent work theory", into the conclusions document, in order to enlarge their role everywhere.

The debate was founded on some key questions:

1. What constitutes an enabling environment to facilitate enterprises to start-up, grow and sustain themselves?
2. What is the role of business in society?
3. What can different actors (governments, employers and workers representatives, the ILO, etc.) do?

Following the tripartite committee debate, the ILO “office” produced some draft conclusions, that were further “tuned” by the drafting committee, to which Judith contributed as an alternate member. The next few days will see the committee proceed painstakingly with clause-by-clause amendments towards a final document. Pascale’s role as “whip” for the employer group will ensure that we’re at our full voting strength.

It is hoped that the work of the committee will result in a consensus conclusion that will be taken into account by the ILO in its practical plans for promoting sustainable enterprises. Stay tuned.

Committee on the Application of Standards

prepared by Sonia Regenbogen (Heenan Blaikie)

The Committee on the Application of Standards ("Applications Committee"), as part of the ILO's supervisory mechanism, supervises the application of international labour standards at the national level. At the outset, the workers and employers worked well into the first week to negotiate the list of country cases to be considered by Applications Committee. After the list of cases was negotiated, the general survey and working methods were discussed, the Applications Committee began to consider the individual country cases.

Acting on behalf of the Employer Spokesperson, I presented the employer members' submissions on the cases of Djibouti (violation of Convention 87 - freedom of association), Spain (a case of progress in relation to convention 155 - occupational health and safety), China (violation of Convention 182 - worst forms of child labour) and the Congo (violation of Convention 119 - guarding machinery, health and safety).

Notable cases also included a full discussion on the violation of the freedom of association of the employers organization, Fedecameras, in Venezuela, an analysis of Australia's new personal contracts regime and a full discussion of the violation of trade union's freedom of association in Belarus. In addition, there was a special sitting of the Applications Committee on the continued violation of Convention 29 (forced labour) in Myanmar (Burma).