Adopted Resolutions/Guidelines on Labor Standards and Labor Relations During the 20th International Conference of Labor Statisticians (ICLS)

The International Conference of Labour Statisticians (ICLS) is a meeting of experts on labor statistics spearheaded by the International Labour Organization (ILO). Statisticians/experts mostly coming from labour and national statistical offices, including employer's and worker's organizations, were invited to make recommendations on selected topics of labor statistics in the form of resolutions and guidelines. The resolutions and guidelines are then approved by the Governing Body of the ILO before becoming part of the set of international standards on labor statistics for adoption. These standards usually relate to concepts, definitions, classifications and other methodological procedures which are agreed as representing the "best practice" in the respective areas, and which, when used by national producers, will increase the likelihood of having an internationally comparable labor statistics as well as comparability across time within a country.

The conference is usually held every five (5) years and to date 20 conferences had already been conducted so far. The 1st conference was held in 1923 with the latest ICLS conducted last October 10-19, 2018. The 20th ICLS addressed, among other topics, two (2) global Sustainable Development Goal (SDG) indicators from SDG 8 (Decent Work and Economic Growth) that are classified as Tier III indicators. This means that while the internationally established methodology or standards for these indicators are not yet available, the methodology/standards are being (or will be) developed or tested in order to come up with an international methodology as requested by the United Nations – Interagency and Expert Group (UN-IAEG) on SDG Indicators. Specifically, these indicators include SDG 8.8.2 on labour rights and 8.b.1 on youth employment.

This issue of LABSTAT Updates discusses the adopted resolutions and guidelines pertaining to labor standards and labor relations during the conduct of the 20th ICLS. Specifically, the following will be presented: (1) Resolution Concerning the Methodology of the SDG indicator 8.8.2 on Labour Rights; (2) Resolution to Amend the 18th ICLS Resolution Concerning Statistics of Child Labour; and (3) Guidelines Concerning the Measurement of Forced Labour. Included also as Annex on the last page of this issue is the Framework for Statistical Identification of Child Labour.

Salient Features of the Resolution Concerning the Methodology of the SDG Indicator 8.8.2 on Labour Rights

- The process of developing SDG indicators for the *Sustainable Development Goals (SDGs)* of the 2030 Agenda for Sustainable Development was led by the UN Statistical Commission, through the *Interagency Expert Group on SDG (IAEG-SDG)*, a body of 28 member States.

- The *Sustainable Development Goal (SDG)* Indicator 8.8.2 refers to the "level of national compliance of labor rights as *freedom of association and collective bargaining (FACB)* based on ILO textual sources and national legislation, by sex and migrant status". While this indicator is listed in the global SDG framework, this indicator has not yet been included in

the list of Philippine SDG Indicators for initial monitoring since this indicator is still classified under Tier III indicator, pending the endorsement by the ICLS of its new methodology based on the 20th ICLS.

- The *20th International Conference of Labour Statisticians (ICLS)* conducted last 10-19 Oct. 2018 recommended for adoption the reviewed and internationally agreed methodology as amended to measure the indicator on SDG 8.8.2 on labor rights (FACB). The endorsement of this amended methodology needs to be communicated by the ICLS to the IAEG-SDG for its consideration and action.

- The FACB rights as defined by the ILO, are considered as "enabling rights" which is necessary to promote and realize other rights at work. Specifically, they provide an essential foundation for social dialogue, effective labor market governance and realization of decent work.

Measuring FACB Rights

- The ILO utilizes the *Kucera and Sari* method to measure compliance with FACB rights which uses a coding scheme for violations in various textual sources. There are separate evaluation criteria for workers and workers' organizations and employers and employers' organizations.

- Specifically, the evaluation criteria for workers and their organizations are categorized as follows:
  1. Fundamental civil liberties in law;
  2. Fundamental civil liberties in practice;

  3. Right of workers to establish and join organizations in law;
  4. Rights of workers to establish and join organizations in practice;
  5. Other union activities in law;
  6. Other union activities in practice;
  7. Right to collective bargaining in law;
  8. Right to collective bargaining in practice;
  9. Right to strike in law; and
  10. Right to strike in practice

Improvements in the New Methodology

- The new ICLS resolution discussed improvements of the new methodology over the previous method particularly on the following areas:

  1. Coding 7 rather than 3 textual sources and thus making full use of textual sources available through ILO's supervisory system, as well as coding national legislation;
  2. Categorization of violation whether in law (*de jure*) and/or in practice (*de facto);*
  3. Greater emphasis on violations of FACB rights regarding due process;
  4. Greater emphasis on violations of FACB rights committed against officials of workers' and employers' organizations;
  5. Eliminating catch-all evaluation criteria;
  6. Coding violations against both workers and workers' organizations and employer and employers' organizations;
  7. Increase in the number of evaluation criteria from 37 to 180 (103 evaluation criteria for

workers' organizations and 77 for employers' organizations);

8. Comprehensive definitions of what constitutes a violation of each criteria;

9. Use of *Delphi method* of expert consultation to derive weights for each criterion; and

10. Whereas the previous method was the work of an economist, the new method was developed in equal measure by a labor lawyer and an economist working in close collaboration, with coding done by labor lawyers rather than economist.
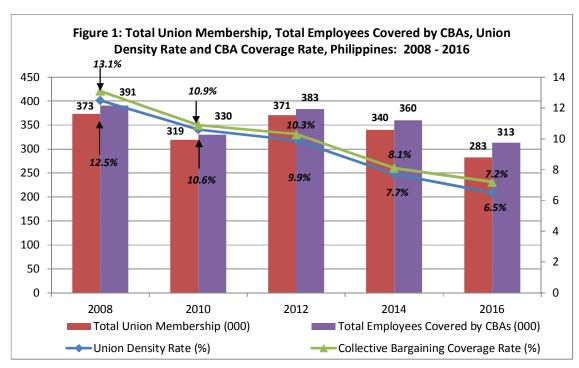
Key Premises

The key premises on which the indicators are based are:

1. Definitional validity – the extent to which the evaluation criteria and their corresponding definitions accurately reflect the phenomena they are meant to measure;

2. Transparency – how readily a coded violation can be traced back to any given textual source; and

3. Inter-coder reliability – the extent to which different evaluators working independently are able to consistently arrive at the same results.

I. STATISTICS ON UNIONISM AND COLLECTIVE BARGAINING: 2008-2016

Unionism and collective bargaining continues to decline over time

- Statistics showed that total union membership dropped by 24.1 percent from 373 thousand in 2008 to 283 thousand in 2016. The same generally decreasing trend is likewise observed in terms of CBA coverage during the period. From 391 thousand in 2008, CBA coverage fell by 19.9 percent to 313 thousand in 2016. On the average, CBA coverage is higher by 5.6 percent than union membership since CBA coverage includes non-union members paying agency fees. *(Figure 1)*
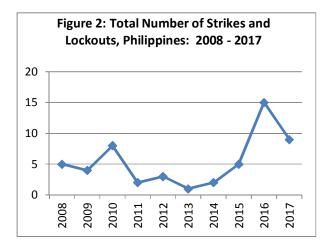

Figure 1: Total Union Membership, Total Employees Covered by CBAs, Union Density Rate and CBA Coverage Rate, Philippines: 2008 - 2016

Source: Philippine Statistics Authority, BLES Integrated Survey/Integrated Survey on Labor and Employment.

- The union density rate or the proportion of union membership to total employees declined by almost half over the last eight (8) years from 12.5 percent in 2008 to 6.5 percent in 2016. Similarly, the CBA coverage rate during the period exhibited the same declining behavior from 13.1 percent in 2008 to 7.2 percent in 2016.

II. STATISTICS ON STRIKES/ LOCKOUTS: 2008-2017

- In terms of strikes/lockouts staged from 2008 to 2017, the average number of strikes and lockouts declared during the period was computed at 5.4 incidences per year. *(Figure 2)*

- Specifically, the decade-long data on strikes showed an increasing to decreasing trend with the peak reported in 2016 posting 15 incidences of strikes/lockouts during the year.

- Meanwhile, lower incidences of strikes/lockouts were recorded during the period 2011-2014.

Figure 2: Total Number of Strikes and Lockouts, Philippines: 2008 - 2017

Source: National Conciliation and Mediation Board.

Salient Features of the
Resolution to Amend the 18th ICLS Resolution
Concerning Statistics of Child Labour

- Another resolution adopted during the 20th ICLS involves the amendment of the 18th ICLS resolution concerning statistics of child labor.

- During the 19th ICLS (2013), the resolution concerning <u>statistics of work, employment and labor underutilization</u> was adopted. In order to harmonize the international statistical standards in the identification and classification of <u>children in productive activities</u> and <u>child labor</u> adopted during the 18th ICLS (2008) with those on <u>work and employment</u> adopted by the 19th ICLS, some amendments in the 18th ICLS were adopted.

Objectives and Scope of the Resolution

1. To set standards for the collection, compilation and analysis of child labor statistics;
2. To develop an adequate system of child labor statistics as an integral part of the country's statistical programs, depending on national circumstances;
3. To provide reliable, comprehensive and timely data to serve as basis for determining priorities for national action for the elimination of child labor, in particular its worst forms;
4. Overall, to fulfill the above objectives, child labor statistics

should, in principle, cover all activities in which children are engaged, distinguishing among those activities that are permissible and those that fall within the different categories of child labor.

Concepts and Definitions Used

- The following concepts and terms were enumerated and defined in the resolution:

  1. Age of child
  2. Working children
  3. Child labor
  4. Worst forms of child labor
  5. Worst forms of child labour other than hazardous work
  6. Hazardous work by children
  7. Long hours of work and night work
  8. [Employment or work] Exceptions for children aged 16 to 17 years
  9. Work within SNA production boundary below the minimum age
  10. Hazardous unpaid household services by children

Elements of Statistical Measurement for Child Labor

1. **Age of the child** – comprises all persons in the age group 5-17 years. The broadest concept relating to the measurement of child labor is working children, or children engaged in any activity falling within the general production boundary as defined in the 2008 System of National Accounts (SNA) referred to as "general production boundary".

2. **Work activities of the child** –

   includes the nature and the conditions under which these are performed, and the duration of engagement by the child in such activities. The different forms of work by children are distributed as follows:

   2.1 Own-use production work by children for own final use;
   2.2 Employment work by children in exchange for pay or profit;
   2.3 Unpaid trainee work by children to acquire workplace experience or skills;
   2.4 Volunteer work by children; and
   2.5 Other work activities by children, not presently defined.

Child Labor Defined

- Child labor reflects the engagement of children in prohibited work and, more generally, in types of work to be eliminated as socially and morally undesirable as guided by national legislation.

- Child labor statistics should cover all work activities in which children are engaged, distinguishing among those activities that are permissible and those that fall within the different categories of child labor.[1]

Statistical Measurement of Child Labor

Children engaged in child labor include all persons aged 5-17 years old who, during the specified time period, were engaged in one or more of the following categories of activities:

1. Worst forms of child labor as follows:
   1.1 All forms of slavery or practices similar to slavery;
   1.2 The use, procuring or offering of a child for prostitution, and for pornography purpose;

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[1] https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_667558.pdf

1.3 The use, procuring or offering of a child for illicit activities;

1.4 Work which, by its nature or circumstances is likely to harm the health, safety or morals of children.

2. Work within the SNA production boundary performed by children below the minimum age; and

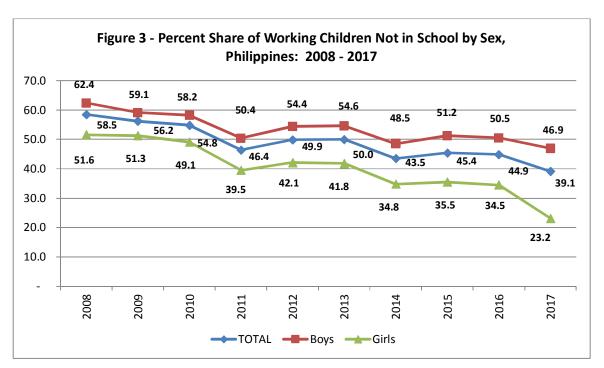3. Hazardous unpaid household services.

Amendments in the Resolution

In summary, some of the amendments made in the resolution are as follows:

1) The term "*productive*" activities was changed to "<u>*work*</u>" activities; "*children in productive activities*" was modified to "<u>*working children*</u>";

2) Distingushing the different forms of work by children;

3) Extension of coverage of child labor from SNA production boundary to non-SNA (general) production boundary;.

4) One indicator identified under *Worst forms of child labour other than hazardous work* is forced labor of children;

5) The concept of *unpaid household services* was further clarified as household chores and volunteer work for other households;

6) Time-use survey was added as another technique to measure child labor; and

7) The ILO was tasked to develop new reporting templates and mechanisms to facilitate the analysis and reporting of child labor survey results. They will also develop appropriate guidelines for the measurement of child labour and, in particular, hazardous work of children by form of work.

III. STATISTICS ON WORKING CHILDREN NOT ATTENDING SCHOOL: 2008 - 2016

Working children not in school declines over the past decade

Figure 3 - Percent Share of Working Children Not in School by Sex, Philippines: 2008 - 2017

Year	TOTAL	Boys	Girls
2008	58.5	62.4	51.6
2009	56.2	59.1	51.3
2010	54.8	58.2	49.1
2011	46.4	50.4	39.5
2012	49.9	54.4	42.1
2013	50.0	54.6	41.8
2014	43.5	48.5	34.8
2015	45.4	51.2	35.5
2016	44.9	50.5	34.5
2017	39.1	46.9	23.2

Source: Philippine Statistics Authority, Labor Force Survey.

- "School participation is an indirect indicator of the inroads and deficits in the elimination of child labor".[2] Relating to the local situation in the country, the proportion of working children not attending school decreased from 58.5 percent in 2008 to 39.1 percent in 2017. Non-attendance in school of working children is higher among boys than girls with an average gap of 13.3 percent.

Salient Features of the Guidelines on the Measurement of Forced Labour

- The interest in forced labor statistics came from the demand to address SDG Target 8.7 *Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms*.

Forced Labor Defined

- Forced labor is defined as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" (ILO Forced Labour Convention, 1930 (No. 29 Art. 2).

- For statistical purposes, a person is classified as being in forced labor if engaged during a specified reference period in any work that is both under the threat of menace of a penalty and involuntary. Both conditions must exist for this to be statistically regarded as forced labor.[3] The purpose of the guidelines is to facilitate the process of testing the measurement of forced labor indifferent national circumstances and under different measurement objectives.[3]

Concepts and Definitions Used

- To ensure uniformity and comparability across countries the concepts and definitions of the following items were identified in the guidelines:

  1) Forced labor which includes forced labor of children;

  2) Types of forced labor;
     a. State-imposed
     b. Privately-imposed

  3) Forms of forced labor;
     a. Bonded labor
     b. Trafficking for forced labor
     c. Forced commercial sexual exploitation

- The guidelines provide information on possible data sources and data collection strategy; ideal survey design; important items of inquiry; ethical considerations; and data analysis and reporting.

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[2] https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-manila/documents/publication/wcms_588875.pdf

[3] https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_648619.pdf

FUTURE WORK

- The ILO will work on crafting technical manuals for measuring and analyzing forced labor. Technical assistance through training and capacity building shall be provided to the member countries to enhance their capacities.

IV. STATISTICS ON ANTI-TRAFFICKING (FORCE LABOR) IN THE PHILIPPINES

- As defined in the Anti-Trafficking of Persons Act of 2003 (RA 9208), forced labor and slavery refer to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception.

- Based on administrative data from the *Inter-Agency Council Against Trafficking (IACAT)* under the Department of Justice (DOJ), documented trafficking cases filed grew from 182 cases in 2007 to 274 cases in 2015 *(Table 1)*. Among the types of cases filed in 2015, sexual exploitation accounted for the majority share of 96.4 percent (264), an increase of 88 cases from 2007. This was followed by labour trafficking cases (2.6%) and cybersex trafficking cases (1.1%).

- In terms of convictions, almost one-fifth (17.2%) of the total 274 filed cases in 2015 had convictions with 49 persons convicted of various trafficking cases during the year.

TABLE 1 - Statistics on Trafficking in Persons, Philippines: 2007 - 2015

INDICATOR	2007	2008	2009	2010	2011	2012	2013	2014	2015
TYPE OF CASES FILED	**182**	**276**	**285**	**315**	**388**	**261**	**308**	**326**	**274**
Sexual Exploitation	176	214	267	295	350	239	284	308	264
Cybersex Trafficking	1	4	4	2	13	1	6	6	3
Labor Trafficking	5	7	13	16	25	21	18	12	7
Organ Trafficking	-	51	1	2	-	-	-	-	-
CONVICTIONS	**3**	**6**	**10**	**18**	**25**	**27**	**27**	**55**	**47**
Sexual Exploitation	3	3	9	17	22	26	24	47	35
Cybersex Trafficking	-	-	1	-	1	-	1	5	10
Labor Trafficking	-	3	-	1	2	1	2	3	2
PERSONS CONVICTED	**4**	**5**	**11**	**16**	**32**	**32**	**37**	**57**	**49**
Sexual Exploitation	4	4	10	15	25	31	34	52	37
Labor Trafficking	-	-	1	-	5	-	1	3	9
Organ Trafficking	-	1	-	1	2	1	2	2	3

Source: Department of Justice, Inter-Agency Council Against Trafficking (IACAT).

ANNEX A
Framework for Statistical Identification of Child Labour

Age Group	General production boundary					
	SNA production				Non - SNA production	
	(1a) Light work in SNA production[1]	(1b) Regular work in SNA production[1]	Worst forms of child labour		(3a) Hazardous unpaid household services[2]	(3b) Other work in non-SNA production
			(2a) Hazardous Work in SNA production[1]	(2b) Worst forms of child labour other than hazardous work		
Children below the minimum age specified for light work (e.g., 5-11 years)[3]	Work in SNA production below the minimum age for light work	Work in SNA production below the general minimum working age	Work in industries and occupations designated as hazardous, or work for long hours[4] and/or at night in industries and occupations not designated as hazardous	Children trafficked for work; forced and bonded child labour; commercial sexual exploitation of children; use of children for illicit activities and armed conflict	Own-use production of services or volunteer work in household producing services for long hours[5]; involving unsafe equipment or heavy loads; in dangerous locations; etc.	
Children within the age range specified for light work (e.g., 12-14 years)[3]						
Children at or above the general minimum working age (e.g., 15-17 years)[3]						

[1] Work within SNA production boundary includes employment work, own-use production of goods, unpaid trainee work, volunteer work in market and non-market units and volunteer work in household producing of goods, in line with 19th ICLS Resolution concerning statistics of work, employment and labour underutilization, 2013.

[2] Category (3a) is applicable where the general production boundary is used as the measurement framework for child labour.

[3] Age-group limits may differ across countries depending upon the national circumstances.

[4] The threshold for long hours of work in SNA production should take into account the age of the child and the cumulative hours worked at employment and at other forms of work in SNA production.

[5] The threshold for long hours of work at unpaid household services should take into account the age of the child and the cumulative hours worked at employment and at other forms of work in SNA and non-SNA production.

▮ Denotes child labour as defined by the amended resolution
▮ Denotes activities not considered child labour

Source: International Labour Organization, 20th International Conference of Labor Statisticians (ICLS) Resolution IV.