



**PREPARATORY MEETING FOR THE
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FINAL REPORT OF WORKING GROUP 2
 OF THE
 INTER-AMERICAN CONFERENCE OF MINISTRIES OF LABOR (IACML)

"INSTITUTIONAL STRENGTHENING TO PROMOTE AND PROTECT WORKERS' AND
 EMPLOYERS' RIGHTS AND FOSTER COOPERATION"

Presented by the Ministries of Labor of Argentina (Chair of WG2), Canada and Costa Rica (Vice-Chairs of WG2)

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I. INTRODUCTION

The Plan of Action of Bridgetown, approved by the XX IACML in December of 2017, established two Working Groups "in order to advise the IACML regarding the objectives of the Declaration of Bridgetown. As such, the Working Groups will examine in greater depth the topics identified in this Plan of Action, facilitate exchange of experiences, provide pertinent information and studies, and follow up on related hemispheric initiatives."

Working Group 2 is titled "Institutional strengthening to promote and protect workers' and employer's rights and foster cooperation," and was mandated by the Plan of Action of Bridgetown to follow up on the Declaration in the following areas:

- Promoting awareness of the rights of all workers, including migrant workers;
- Strengthening enforcement of labor legislation and regulations, and effective exercise of fundamental principles and rights at work;
- Strengthening of social dialogue
- Freedom of association and collective bargaining mechanisms;
- Regular, safe, and orderly labor mobility;
- Prevention and eradication of child labor;
- Social protection;
- Occupational health and safety;

- Hemispheric cooperation on labor matters; and
- Strengthening the Inter-American Network for Labor Administration (RIAL).

Between 2018 and 2021, these issues were addressed in two meetings of Working Group 2, held on December 4, 2019 in Quito, Ecuador, and virtually on September 15, 2020. The latter addressed the topics considering the effects of the COVID-19 pandemic in the world of work. Additionally, a RIAL Workshop on “Strategies to Improve Compliance with Labor Legislation” was held on December 6 and 7, 2018 in San José, Costa Rica.

The meetings were attended by officials from at least 20 Ministries of Labor –the presence of 27 Ministries in the virtual meeting is noteworthy-, representatives of the Business Technical Advisory Committee on Labor Matters (CEATAL), the Trade Union Technical Advisory Council (COSATE), and experts from the following international organizations: the International Labor Organization (ILO), the Pan American Health Organization (PAHO), the International Organization for Migration (IOM), the Ibero-American Social Security Organization (OISS), the Inter-American Development Bank (IDB), the World Bank, and the OAS.

The RIAL Workshop on Compliance with Labor Legislation was co-organized by the OAS and the ILO, under the auspices of the Ministry of Labor and Social Security of Costa Rica, and financed by the Canadian Labor Program with resources granted to the RIAL. The workshop allowed for an active and enriching exchange among labor inspectors from 20 Ministries of Labor, as well as COSATE and CEATAL, on the initiatives they are carrying out to improve compliance with labor legislation, including strengthening inspection with innovative tools and respect for fundamental rights; alternative resolution of individual and collective conflicts; and coordination with other institutions. At the end of the event and as a result of a participatory exercise in subgroups, lessons learned, and policy recommendations were identified.

In this context of broad and productive debate, as well as analysis and exchange of experiences, this report summarizes the most relevant issues discussed by Working Group 2 since the XX IACML in Bridgetown, Barbados, both at its meetings and at the RIAL Workshop . Section II of this document presents a summary of the topics discussed; section III highlights the main consensus reached and the issues that require further work. Finally, section IV contains the recommendations proposed by Working Group 2 as inputs for the Plan of Action that will be adopted at the next IACML.

II. SUMMARY OF TOPICS THAT EMERGED FROM OUR DELIBERATIONS

Working Group 2 defined what would be its topics of emphasis at the IACML Planning Meeting in April 2018, focusing on compliance with labor legislation and fundamental principles and rights at work and emphasizing labor inspection, the strengthening of social dialogue, the eradication of child labor and attention to the growing phenomenon of labor mobility in the region. At that time, only one meeting of Working Groups was contemplated, to be held in 2019, and the holding of the XXI IACML in 2020.

At the beginning of 2020, with the outbreak of the COVID-19 pandemic, the IACML authorities decided to postpone the XXI IACML to 2021 and to hold an additional meeting of the Working Groups to analyze and exchange experiences on the most pressing issues for the Ministries in their response to the pandemic. These discussions reaffirmed the urgency of addressing informality, as the crisis disproportionately affected workers in this situation. Within the framework of Working Group 2, the

priority issues were occupational health and safety and social protection systems, areas that revealed more clearly their weaknesses, strengths and pending challenges with the onset of the pandemic. These issues were addressed with inputs from PAHO, ILO and the ISSO, and the discussions reaffirmed the importance of revitalizing Occupational Health and Safety from a preventive approach and strengthening intersectoral coordination, as well as the need to reconfigure social security systems to increase their coverage.

Social dialogue was a central theme during this period. In the context of the COVID-19 pandemic, the relevance that social actors had in the design, implementation, and dissemination of the Ministries' responses to the crisis was recognized, and therefore the importance of promoting an institutionalized and cross-cutting social dialogue in the new normal was emphasized.

WG2 has been tasked with following up on the actions of the Inter-American Network for Labor Administration (RIAL), created within the IACML to strengthen the Ministries of Labor through cooperation. The Technical Secretariat presented RIAL's activity and financial reports, and the Ministries, COSATE and CEATAL were able to make comments and recommendations, which are included in this Report, to continue strengthening this Network. Within the framework of the COVID-19 pandemic, the Secretariat developed two new RIAL products: the "Portfolio of responses from Ministries of Labor to COVID-19" and the "Repository of Guidelines and protocols for Deconfinement and Return to Work", both available online.

III. AREAS OF CONSENSUS AND ISSUES FOR FURTHER WORK

1. Social dialogue played a priority and fundamental role in the design and implementation of government responses to the economic and health crisis caused by the pandemic, through the creation of new tripartite mechanisms and the consolidation of existing ones. The need to strengthen institutionalized social dialogue for a recovery that builds fairer and more equitable societies was recognized.
2. In overcoming the crisis, States must have permanent tripartite structure to allow the debate of public policies, since social actors play a crucial role in their implementation. Cross-cutting social dialogue mechanisms are an effective tool for safeguarding workers' rights, the financial security of companies, and legitimizing the measures agreed upon.
3. The current context revitalized the debate around occupational health and safety. In the immediate response to the health crisis, governments took measures to safeguard workers' health and contain transmission of the virus, including the development of sectoral biosafety protocols and the designation of COVID-19 as an occupational illness.
4. The current reality made it clear that occupational health and safety must be addressed from all sectors. It was recognized that in the context of the pandemic, intersectoral coordination was strengthened, especially between Ministries of Labor and Health, to address critical sectors and vulnerable populations. Among the main results of this coordination are the preparation of joint guidelines and protocols both during confinement and for a healthy return to work; interagency working groups to determine critical sectors; and in some Caribbean countries, the development of joint inspections.

5. In this regard, it was agreed that the current interagency coordination is a window of opportunity for "the new normal to be a better normal" and that occupational health and safety should be addressed from a preventive approach that takes into account the social determinants of health, huge inequalities, and the fact that the region is imminently urban. Strategic alliances must be designed and implemented to advance in this direction.
6. Labor inspection is the central institution to safeguard the health and safety of workers, and the urgent need to strengthen it in the recovery stage is recognized. There is broad consensus that the greatest challenges lie in the high levels of informality, including in domestic work; the insufficient resources to guarantee an adequate number of inspectors and their training; and the absence of translation and interpretation tools, which are increasingly necessary with the increase in labor migration. All these challenges are at risk of being exacerbated by the effects of the pandemic.
7. In the context of the COVID-19 pandemic, the digitization of the services offered by the Ministries of Labor has been a clear trend in the hemisphere. Special emphasis was placed on the acceleration of existing efforts to implement the use of new technologies in labor inspection, although it was recognized that progress is uneven among countries, since there are initiatives to implement electronic case-tracking systems and even one hundred percent virtual inspections. One of the great advances in this regard has been the online complaint systems, which were especially useful in the context of the pandemic. A call was made to continue adapting and adjusting the services of the Ministries to these tools.
8. It was recognized that the heterogeneity of inspection services between rural and urban areas continues to be a major challenge. To address it, initiatives such as heat maps, geo-referencing of alerts, inspection plans focused on specific rights, as well as continuing to strengthen the use of new technologies, were highlighted.
9. There is broad consensus on strengthening the preventive role of labor inspection to complement the punitive and sanctioning role.
10. The pandemic found the region with important inequality gaps that were already urgent to address, and which now are at risk of deepening, such as income inequality, unequal access to social protection, and the deficit of decent work.
11. Prior to the pandemic, important progress had been achieved in terms of both contributory and non-contributory social protection coverage, the first one, increasing its coverage by up to 10 percentage points from 2005 to 2019, and the latter one covering 40% of the region's population. However, these advances, although significant, were not sufficient to address the needs for social protection coverage in the current situation.
12. The Ministries of Labor implemented actions to address social protection challenges, including the development of guaranteed basic income programs or social protection floors, the horizontal expansion of existing programs, the expansion or creation of unemployment insurance, the expansion of contributory or non-contributory pension system benefits, and the implementation of new programs that will improve care systems. The extension of these programs brought the opportunity for social protection benefits to reach people who had not been reached before, and the necessity to take advantage of this opportunity to move towards universal social protection in the new normal was recognized.

13. Alternative conflict resolution, especially through mediation and conciliation, continues to contribute significantly to compliance with labor legislation, while at the same time it helps to decongest the judicial system. It is recognized that the professional and personal qualities of conciliators and mediators are fundamental to the effectiveness of these processes.
14. Among the major challenges facing the region in terms of alternative conflict resolution are deficit of properly trained mediators and conciliators, the duration of these processes, the lack of spaces to carry them out with due privacy, and the incorporation of arbitration clauses in labor contracts, which restricts workers' access to alternative procedures.
15. Child labor continues to represent a complex and urgent problem for the region. Although in the years prior to the pandemic it had been reduced considerably, this rate was not sufficient, even then, to achieve SDG Target 8.7 to end child labor in all its forms by 2025. On the contrary, it would have been achieved by 2040. The pandemic exacerbated the situation, as the economic crisis and school closures put hundreds of thousands of children at risk of entering child labor.
16. The ILO's Regional Initiative Latin America and the Caribbean free of Child Labor, and in particular its Child Labor Risk Identification Model, developed jointly with ECLAC, was recognized as a good practice in the hemisphere for addressing the problem with a life-cycle approach to interrupt the entry of girls and boys into child labor.
17. There is a pronounced tendency in the region to strengthen joint strategies with local authorities to address the problem of child labor, especially through permanent mechanisms for social and intersectoral dialogue such as committees or commissions in which national authorities, subnational governments, trade unions, business chambers and civil society organizations take part. In terms of intersectoral coordination, efforts by the Ministries of Labor to achieve synergies with information and statistics agencies in order to obtain reliable statistics for designing and implementing strategies to make the fight against child labor more effective are also recognized. This represents an important challenge.
18. Another of the most complex challenges that persist in the fight against child labor is the difficulty of guaranteeing value chains free of child labor, which is why the private sector is endorsed as a fundamental ally in efforts to eradicate this practice. The need to strengthen tripartite collaboration was endorsed, and the implementation of joint strategies between the government and the private sector, such as child labor-free business networks and child labor-free business labels, was highlighted. Given the current situation, these efforts are more urgent than ever.
19. Labor migration in the region increased considerably during the period covered by this report. The changes in the region's migratory flows stand out, particularly the decrease in emigration to North America or Europe, the increase in intra-regional migration, especially due to the massive emigration from Venezuela, and the caravans of migrants from Central America to North America. This scenario poses unprecedented challenges for the labor inclusion of people in a situation of labor mobility.
20. There was consensus in recognizing the positive effect of migrant workers in host communities as agents of growth and drivers of consumption. However, in the current situation, this group is in a degree of greater vulnerability, making it necessary to strengthen the design and implementation

of strategies for the effective enforcement of their labor rights.

21. Informality is one of the factors that most hinders the labor, social and economic integration of the migrant population in host communities, since the larger the informal sector, the greater the risk that the migrant population will substitute the native population in the workplace.
22. It is imperative to move towards a regional mechanism for the recognition of skills, certification of competencies, and validation of qualifications for the adequate insertion of migrant workers into the labor market in host countries in order to advance the socioeconomic integration of the migrant population.
23. Public employment services play a fundamental role in the effective integration of migrant workers into the labor market. There is a tendency in the region, both in host and return countries, to specialize these services specifically for the attention of the migrant population.
24. The Portfolio of responses from Ministries of Labor to COVID-19 and the Repository of Guidelines and Protocols for Deconfinement and Return to Work, developed by the Inter-American Network for Labor Administration (RIAL) and available on its website, were recognized as useful tools that provided input and ideas on the way forward to formulate policies to respond to the crisis.
25. There is broad consensus that the current situation has given even more relevance to hemispheric cooperation on labor issues, which is why a call was made to strengthen the Inter-American Network for Labor Administration (RIAL) as a permanent cooperation forum to advance regional priorities in labor issues. It was emphasized that the challenges in making contributions to the RIAL's Voluntary Contribution Fund stem from budgetary and administrative obstacles, and a call was made to explore additional forms of contributions.

IV. RECOMMENDATIONS

Based on the work carried out on the various topics and so that the Member States can continue to benefit from these exchanges and discussions, Working Group 2 respectfully recommends that the Ministers of Labor take the following recommendations into consideration in preparing the Plan of Action of the next IACML:

1. Strengthen mechanisms and instances to achieve an institutionalized and transversal social dialogue in the process of policy formulation for the construction of a new normality that builds fairer, more equitable, and resilient societies.
2. Develop and implement, in a tripartite manner and with social dialogue, strategies that revitalize occupational health and safety management and the right to occupational health as fundamental axes of the new normality, and promote a preventive approach that includes awareness and education campaigns.
3. Consolidate and develop permanent intersectoral communication and coordination mechanisms that continue to address the most pressing labor issues in the new normal, such as occupational health and safety, labor inspection, child labor, and labor migration.
4. Strengthen labor inspection as one of the central institutions to safeguard the health and safety of

workers and guarantee compliance with labor legislation in both urban and rural areas. To this end, provide the necessary training and resources to inspectors, accelerate the implementation of technological tools to streamline and make their work more effective, provide the necessary tools to address the most vulnerable populations, such as translation tools to assist territories with high rates of migrant workers, among others. Design inspection supporting programs with a preventive approach, through information campaigns and innovative strategies.

5. Continue to develop and promote alternative dispute resolution mechanisms, especially mediation and conciliation, as an effective method for achieving compliance with labor legislation, ensuring respect for workers' rights, discouraging recidivism of labor infractions, and decongesting the judicial system.
6. Accelerate and deepen the efforts made during the pandemic to increase both contributory and non-contributory social protection coverage, and move towards universal social protection, recognizing that it is an integral strategy to combat inequality and build fairer, more equitable, and resilient societies.
7. Continue the development of programs and strategies that address the problem of child labor from an intersectoral approach, both horizontally among the Ministries involved, as well as vertically with local authorities. Strengthen and adapt existing programs to prevent children and adolescents from entering child labor due to the pandemic. Continue and strengthen the implementation of programs with the private sector and workers' organizations to guarantee value chains free from child labor, and develop initiatives or alliances to provide accurate qualitative and quantitative information on the presence or risk of child labor in order to redirect efforts to the areas of greatest risk.
8. Ensure, in conjunction with migration authorities, workers' and employers' organizations, compliance with the rights of migrant workers in the region, through information strategies on their labor rights, the strengthening of labor inspection to provide comprehensive care to this population, the development of targeted inspections and campaigns focused on combating discrimination and xenophobia. Continue the development of programs aimed at the labor inclusion of migrant workers, including formalization strategies and the adaptation of employment services to serve them.
9. Promote the process of digital transformation of the Ministries of Labor and continue deepening the efforts made to digitize their services as an axis of institutional strengthening that allows to better serve workers, workers' and employers' organizations, and the general public.
10. Continue strengthening the Inter-American Network for Labor Administration (RIAL) and use its tools, such as virtual meetings, portfolio of programs and calls for bilateral cooperation, as a means to strengthen the human and institutional capacities of the Ministries of Labor and contribute to the recovery process and the creation of a new and better normality. To make a call for contributions to the Voluntary Contribution Fund that will allow the Network to function, as well as to explore new forms of contribution.