

## Goal 8

**Target number:** 8.8

**Indicator Number and Name:** 8.8.2 Level of national compliance of labour rights (freedom of association and collective bargaining) based on International Labour Organization (ILO) textual sources and national legislation, by sex and migrant status

**Agency:** International Labour Organization (ILO)

**Has work for the development of this indicator begun?** Yes.

**3.1: Definition:** The indicator is defined according to ILO Conventions 87 on Freedom of Association and Protection of the Right to Organize and 98 on Right to Organize and Collective Bargaining and related ILO jurisprudence. This indicator is based on coding the findings of selected sources and compiling this information in a readily accessible and concise manner. It builds on five basic elements: the premises of definitional validity, reproducibility and transparency; the 108 evaluation criteria used to code violations in law and practice (each with their own specific detailed definitions); the textual sources selected for coding; the general and source-specific coding rules; and the rules to convert the coded information into normalized indicators.

**3.2: Concepts:** Freedom of association represents the right of workers and employers to form and join organizations of their own choosing, an integral part of a free and open society. In many cases, these organizations have played a significant role in their countries' democratic transformation. Collective bargaining refers to all negotiations which take place between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more workers' organisations, on the other, for: (a) determining working conditions and terms of employment; and/or (b) regulating relations between employers and workers; and/or (c) regulating relations between employers or their organisations and a workers' organisation or workers' organisations.

**3.3: Method of computation:** Scores are assigned based on coding of freedom of association and collective bargaining rights violations in ILO textual sources according to the a predefined set of evaluation criteria. Weights for these evaluation criteria are assigned based on the use of the Delphi survey method of expert consultation. Indicator are normalized to range zero to 10 (best to worst possible score) with breakdowns for overall freedom of association and collective bargaining rights as well as these rights in law and in practice. The database for the indicators is constructed such that coding of any given violations can be quickly traced back to the full text on which the coding is based, for each of the individual textual sources. The rules used for coding and the underlying methodology can be found at <http://labour-rights-indicators.la.psu.edu/about> but this methodology is being revised in view of various technical tripartite meetings with Ministries of Labour and National Statistical Offices. A preliminary methodological paper is currently available in the IAEG-SDG metadata already submitted. However, in November 2017 session of the IAEG on SDG it was decided that the methodology should be discussed and recommended by the forthcoming International Conference of Labour Statisticians (ICLS) in October 2018.

**Who are the entities, including national and international experts, directly involved and consulted in developing the methodology/and or data collection tools?**

Governments, workers and employers organizations members of the ILO using the ILO mechanisms are being consulted. Four technical meetings were held to prepare a revised methodology to be discussed by the 20<sup>th</sup>. ICLS in October 2018.

**What is the involvement of or how do you plan to involve National Statistical Systems in the development of the methodology?**

The proposed methodology derived from the consultations will be presented and discussed by the 20<sup>th</sup>. International Conference of Labour Statisticians in October 2018 where all national statistical offices and ministries of labour, as well as workers' and employers' organizations are invited. Before, in April 2018, a tripartite expert group was convened to discuss the methodology in preparation to the ICLS. National statistical offices and ministries of Labour actively participated in the meeting and kept a continuous participation through virtual consultations.

**Please briefly describe the process of developing the methodology for the indicator**

A draft methodology is already developed and used in the Academia by the Penn State University with the support of the ILO. Initially, only ILO sources (which are official) will be used, which is different from the original methodology which uses other sources to complement the indicator. The original methodology has been amended by the expert meetings held during 2017 and 2018.

Apart from this, the methodology should start incorporating the desired disaggregation by sex and migrant status and include the compliance of the selected labour rights both applicable to workers and employers.

**Please indicate new international standards that will need to be proposed and approved by an intergovernmental process (such as UNSC) for this methodology.**

Yes, it is expected to be endorsed by the 20<sup>th</sup>. ICLS which is an intergovernmental process which afterwards turns into a decision of the ILO Governing Body and it is communicated to the UNSC. The ICLS decision will be immediately communicated to the IAEG on SDG for its November 2018 Session.

**When do you expect the methodological work on this indicator to be completed?**

It is expected to be finished by the end of October 2018, once the ICLS adopts it as recommended methodology.

**Are data and metadata already being collected from the National Statistical System for one or more components of this indicator?**

Because of the nature of the target and indicator, the data and metadata is expected to be collected and coded by the ILO using its mechanisms of supervision and following the agreed methodology. There are no components which derive from national statistical systems at the national levels. However, a consultation mechanism has been introduced in its methodology, particularly with ministries of labour.

**If yes, please describe:**

**How do you plan to collect the data?**

The computation of this indicator has been done jointly by the ILO and the Penn State University, but it is envisaged that for SDG reporting it will be computed by the ILO once accepted by the ICLS. It is based on textual ILO sources containing reliable information on violations of freedom of association and collective bargaining. The main textual sources used are reports of the ILO Committee of Experts on the Application of Conventions and Recommendations, reports of the ILO Conference Committee on the Application of Standards, country baselines under the ILO Declaration Annual Review, representations under Article 24 of the ILO Constitution, complaints under Article 26 of the ILO Constitution, reports of the Committee on Freedom of Association, as well as national legislation. These sources are all ILO sources coming from the ILO supervisory mechanisms and their databases. The coding is being done by independent coders coordinated by the ILO. The indicator currently compiled by Penn State University include additional sources which will not be used for the SDG indicator. However, in the database it is now already possible only to use ILO sources. Due to the fact that the indicator will be based on ILO sources, the ILO will have the responsibility to follow the methodology and assure independence. However a consultative mechanism has been introduced in the methodology.

**If the indicator involves multiple components from different data sources, please describe how each individual component of the indicator will be collected here.**

NA

**With what frequency is data expected to be collected?**

This indicator, with its draft present methodology, has been computed for 2000, 2005, 2009, 2012, 2015 and 2016. It is planned to be computed annually as from its final adoption as an SDG indicator.

**Is there a process of data validation by countries in place or planned for this indicator?**

As the data is coming from the ILO supervisory mechanism, it can be checked with it which is publicly available and known to member states. Users of the database can easily access the original texts through the database platform in order to check the independent coding process.

**If yes, please briefly describe:**

The draft methodology is envisaging a consultative process with member states, workers and employers organizations.

**If you have any additional comments that you believe would be helpful to IAEG-SDG members in analysing the work plan and methodological development of the indicator, please provide them here:**

The methodology has been intensively discussed with member states, workers and employers organizations. In the case of member states, countries have been nominating their ministries of labour in charge of following the ILO supervisory body to take part in the discussions and some NSOs also joined these delegations. The amended methodology will be presented for discussion in a dedicated Committee in the 20<sup>th</sup>. ICLS which will meet 10-19 October 2018 seeking endorsement/approval of the methodology. During the tripartite meeting of experts it was clear that there is a majority of member states and social partners agreeing with the suggested methodology. It is expected that once the ICLS decides on it, the outcome will be

communicated to the IAEG on SDG for their consideration in its November session. From the ILO side, the outcome will be only official after the adoption of the report of the ICLS in March 2019 but for all practical reasons, the ICLS resolution will be valid for the IAEG-SDG upon its final session on the 19<sup>th</sup>. October 2018.

If the methodology is finally adopted, the availability of data points for 2015, 2016 for most of the countries of the world will be ready by mid-2019 and data for 2017 and possibly 2018 could be ready available by the end of 2019

#### References

ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87):

[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C087](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C087)

ILO C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98):

[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312243:NO](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312243:NO)

Decent Work Indicators Manual: [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms\\_223121.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms_223121.pdf)

Kucera and Sari, New “Labour Rights Indicators”: Method and Results: <http://labour-rights-indicators.la.psu.edu/docs/Method%20Paper.pdf>

Kucera and Sari, New “Labour Rights Indicators”: Coding Rules and Definitions: <http://labour-rights-indicators.la.psu.edu/docs/Coding%20Rules.pdf>

*(as of July/August 2018)*