

Proposal to Tier II
SDG 8.8.2
Labour Rights Indicator

“Level of national compliance with labour rights (freedom of association and collective bargaining) based on International Labour Organization (ILO) textual sources and national legislation, by sex and migrant status”



Background

- Evolved from ILO's earlier country-level indicators of Freedom of Association and Collective Bargaining (FACB) rights (Kucera, 2002, 2007) and Penn State University methodology
- FACB are based on ILO conventions 87 and 98 plus ILO jurisprudence.
- Assessments from two independent surveys of literature:

“From this overview, we conclude that so far the Kucera dataset on FACB rights is the best option if one wants to measure the policy involvement of trade unions. The main reasons are its extensive country coverage, its focus on FACB rights and more in particular on de facto FACB rights, and the high transparency in methodology.” – *Social Indicators Research*, 2009

“Kucera's methodology stands as the leading effort to measure compliance with freedom of association and collective bargaining rights...in light of social scientists' use of the methodology.” – Study commissioned by U.S. Dept. of Labor, 2010

- 20th ICLS Resolution II- October 2018



Elements of the method

1. Coding sources
2. Key premises
3. Evaluation criteria
4. Coding rules
5. Converting coding to country scores



Textual ILO sources

- a. Reports of the Committee of Experts on the Application of Conventions and Recommendations
- b. Reports of the Conference Committee on the Application of Standards
- c. Country baselines under the Declaration Annual Review
- d. Representations under Article 24 of the ILO Constitution
- e. Complaints under Article 26 of the ILO Constitution
- f. Reports of the Committee on Freedom of Association
- g. National legislation



Key premises

- **Definitional validity**
 - The definitions accurately reflect underlying ILO Conventions and principles of application
- **Reproducibility/Inter-coder reliability**
 - Different coders are able to consistently arrive at the same results
- **Transparency**
 - Coded non-compliance can be readily traced back to individual ILO textual sources

Key premises

- The coding is done with reference to individual ILO textual sources, with letters “a” to “g” indicating each of the different textual sources

	IIb. Right of workers to establish and join organizations in practice	2012	2015
35	General prohibition of the development of independent workers' organizations		
36	Exclusion of workers from the right to establish and join organizations	a	
37	Previous authorization requirements	abf	abf
38	Restrictions on the freedom of choice of trade union structure and composition		
39	Imposed trade union unity		
40	Dissolution/suspension of legally functioning organizations	ab	

Evaluation criteria

Evaluation criteria (≠ indicators)

- 180 evaluation criteria
 - 103 for workers and their organizations
 - 77 for employers and their organizations
- Evaluation criteria are split
 - In law and In practice
- Greater emphasis on:
 - Violations committed against officials of workers' and employers' organizations
 - Violations relating to due process
- Additional information by sex and migrant status

Coding rules

- General coding rules
 - Rules applicable to the coding of all textual sources
- Source-specific coding rules
 - Rules applicable to the coding of the specific textual source
- Definitions constructed for each evaluation criterion



Codable and non-codable evidence

1. Only information *recorded explicitly* by the selected sources is coded
2. Only non-compliance that is considered as such by ILO standards and principles of application is coded
3. Comments on draft legislation and comments requesting further information/clarification are not coded
4. Coding is based on the comments, recommendations and conclusions made by the ILO supervisory bodies

Converting coding to scores

- **Dummy variable:** “1”: observed non-compliance, “0” no observed non-compliance
- **Raw scores:** Equivalent to number of evaluation criteria for which non-compliance is observed (weighted and unweighted)
- **Weighting:** *Delphi method* – survey-based expert consultations
- **Normalization of scores:** Range from 0-10
- **General prohibitions:** Score of 10 assigned to countries with all-encompassing prohibition of FACB rights

IIb. Right of workers to establish and join organizations in practice		2012	2015	2012	2015
35	General prohibition of the development of independent workers' organizations			0	0
36	Exclusion of workers from the right to establish and join organizations	a		1	0
37	Previous authorization requirements	abf	abf	1	1
38	Restrictions on the freedom of choice of trade union structure and composition			0	0
39	Imposed trade union unity			0	0
40	Dissolution/suspension of legally functioning organizations	ab		1	0



Transparency and documentation

- Transparency:
 - The coding is done with reference to individual ILO textual sources, with letters “a” to “g” indicating each of the different textual sources
- Documentation
 - Systematic and accurate documentation
 - Based on strict and standardized rules
 - Allows for easy and reliable identification of the underlying coding through the use of letter-based and numerical identification
 - Coding and data is stored electronically providing the basis for the overall database



20th. ICLS Resolution II

- Method is designed to meet the requirement of annual coding and updating
- Reporting to ratifying and non-ratifying countries in order to make the distinction.
- Piloting has been done for years 2000, 2005, 2009 and 2012, as well as SDG baseline year 2015 and 2016 covering 176 ILO member states. However, 20th. ICLS has refined the method and therefore coding has to be reviewed along the lines of its Resolution II (to include violations to employers' rights).
- Consultative Tripartite mechanism (governments, workers and employers in the ILO) to overlook outcomes and suggest further refinements was established by Res. II of ICLS.