

22nd session of the Committee of Experts on Public Administration

Written statement by Sheffield University Management School

Agenda item 6: Application of the UN principles of effective governance for sustainable development for the achievement of the Sustainable Development Goals

The purpose of this input is to provide some considerations on the application of the UN principles of effective governance in labour administration.

Labour administration is defined here as public administration activities in the field of labour policy implemented by public administration bodies responsible for and/or engaged in labour administration. These bodies usually involve ministerial departments (ministries of labour or their functional equivalents) and public agencies (such as public employment services, labour inspection, social security administration, dispute resolution services etc) including regional or local agencies or any other form of decentralised administration as well as any institutional framework for the co-ordination of these bodies. Public bodies for consultation with employers and their organization are also included in this definition.

The effectiveness of national labour administration systems and their capacity to react to challenges and developments described in papers submitted to the 22nd session of the Committee of Experts on Public Administration is fundamentally dependent on how labour administration bodies are organised, resourced and managed. UN principles of effective governance are without doubt extremely relevant in this area of public administration and there is a strong interest in their being even more widely recognised and implemented at all governance levels.

Long before the governance principles were formalised at the UN level in 2018, numerous similar principles of good governance had been incorporated in the international labour administration instruments, especially in international conventions and recommendations of the International Labour Organisation. This international framework, through relevant supervisory mechanisms, technical cooperation and training activities, had a wide impact all over the world and contributed to better governance at the national level. For example, the ILO Labour Administration Convention, 1974 (No 150) has been ratified by 78 countries to this date. The Labour Inspection Convention, 1947 (No 81), ranked among ILO priority conventions, has been ratified by 149 countries.

A General Survey on the application and implementation of labour administration international standards (Convention No 150 and its accompanying Recommendation No 158) is being currently elaborated by the International Labour Office and its results, to be presented to the International Labour Conference in June 2024, should provide an up-to-date overview on general labour administration trends and more particularly on how governance principles, contained in these instruments, are implemented in national legislation and practice all over the world.

The above-mentioned Convention and its accompanying Recommendation both focus on the *effectiveness* of national labour administration systems through the implementation of governance principles such as *coordination* among various public bodies and *enhancing institutions' capacities*. Particularly relevant for the field of labour are principles of *inclusiveness* and *public participation* which are promoted through various forms of institutionalised collaboration between the State and organised employers and workers and, in some cases, by delegating some public functions to non-governmental organisations. An emphasis is also given to various aspects of the principle of *sound policy making*, especially by insisting on systematic studying and reviewing labour market developments and the collection and analysis of statistics.

The provisions on promotion of a *professional workforce* are particularly interesting as they insist on staff's professional qualifications, training and independence from external influences. According to the Labour Administration Convention Nr.150, staff should have the status, the material means and the financial resources for the effective performance of their duties. Provisions on the status of labour inspectors are even more protective: the Labour Inspection Convention Nr.81 (1947) requires that the inspection staff should be composed of public officials whose status and conditions of service are such that they are assured stability of employment and are independent of changes of government and of improper external influences.

Despite the existence of above-mentioned international standards containing various principles of effective governance (and a relatively high level of their ratification as well as existence of a sophisticated supervisory mechanisms promoting their implementation in practice), achieving effective governance in labour administration faces various challenges and obstacles. Some of them are relatively new, while others are long-standing.

Most importantly, labour administration bodies in many countries are under-staffed and under-resourced, especially if compared to some other branches of public administration. While this is particularly true for developing countries, recent developments have placed severe pressure on labour administration in developed economies as well. Cuts in public funding and other austerity measures following the economic crisis of 2008-2010 fell heavily on labour administration bodies, leading to job cuts and increased workloads for remaining staff. Many labour ministries and associated agencies have thus been confronted with the challenge of trying to achieve more for less, a challenge that is particularly difficult at a time when labour administration bodies are required to deal with social consequences of the Covid-19 pandemic and impacts of armed conflicts provoking large scale migration. For example, public employment services, some of which are already barely coping with their fundamental labour market tasks, have been recently burdened with extensive additional roles vis-à-vis war refugees without being properly reinforced in terms of staff and funding.

The issue of *public participation*, as discussed by experts in a paper submitted to this committee, is very relevant to the labour sector as well. It is an effort to facilitate the inclusion of individuals and of multiple interest groups in policy making and render governance more inclusive. Indeed, well-designed public participation can have considerable benefits and improve the quality of policy-making processes dealing with labour and social issues and – as the paper rightly suggests – reduce the risk of considering only the interests of selected or elite groups. This is particularly true for sensitive matters that require a long-standing agreement across political parties, for example decisions concerned with fundamental changes in old-age pension schemes and/or their funding. Obviously, such public participation can potentially enhance the trust of people in the State and allow governments to gain support for the

implementation of their policies, especially when these policies require adoption of otherwise unpopular measures, for example on taxes.

As discussed in Chapter IV of the expert paper, public authorities are responsible for creating an enabling environment for public participation. Indeed, such an enabling environment cannot be implemented without a strong political will at all levels of governance and without a supporting legal, administrative and financial framework. Processes of public consultation should be developed with respect to local conditions, traditions and cultures. It is also important to understand that the mere presence of national legislation and institutions cannot on its own affirm the value public participation and its impact on political decisions. What is also needed is trust in the value of public consultation as one of the elements of democracy.

While there is a need to develop innovative forms of public participation to ensure a very large involvement of all stakeholders (investment in new information and communication technologies is certainly an important enabling factor), attention should also be given to better use of more traditional mechanisms of civic and social dialogue. In the labour sector there has been a long tradition of dialogue between government authorities and organized workers and employers. Such a dialogue has many advantages: existing international and national legal and institutional frameworks, experience accumulated over long decades and representativeness of involved organizations. The existence of such a social dialogue is also a good indicator of social development as freedom of association among workers and employers is one of its preconditions.

In conclusion, the UN Principles of Effective Governance, as adopted by ECOSOC in 2018 and as further developed by the Committee of Experts on Public Administration, are very relevant for the labour sector. National labour administration systems all over the world would benefit from raising awareness of those principles among policy makers, administrators, employers, workers and other actors involved in employment relations.

Implementation of the governance principles would also benefit from further research focused on identification of strategies and policy measures relevant for the labour sector. This research could possibly inform further activities of the Committee of Experts as the labour sector has a long tradition of dealing with governance matters and it has also developed various specific implementation strategies and tools that cannot be found in other sectors of public administration.

Existing labour administration international instruments (dating mostly from the 1940s to 1970s) could also be revised to take the UN principles fully into account. That is why the Sheffield University Management School endorses the opinion of ECOSOC's recommendation that the Committee should continue to identify and review related technical guidelines and experiences to operationalize the principles at the national and subnational levels including from sectoral perspective and *to further engage the relevant United Nations organizations, regional organizations and professional and academic communities in this regard.*

We also find interesting ECOSOC's recommendation to associate a set of indicators with each of the principles and we think that this is precisely an area where a sectoral perspective is necessary. We share, however, the opinion of experts, expressed in a paper on item 3 (transforming institutions), that these indicators should be used carefully and certainly not to prescribe specific courses of action or provide comparable rankings which can be misleading, especially when used without considering regional and developmental contexts.