



# Governing Body

317th Session, Geneva, 6–28 March 2013

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## Institutional Section

INS

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## DRAFT MINUTES

## Institutional Section

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1. The Institutional Section met on Monday 11, Wednesday 20, Thursday 21, Tuesday 26 and Wednesday 27 March 2013. The Chairperson of the Governing Body, Mr de Robien (Government, France), chaired the Section. In the absence, until Friday, 22 March, of Mr Funes de Rioja, the Employers' group nominated Ms Goldberg (United States) as Employer coordinator. The Officers of the Governing Body had approved this nomination. Mr Cortebeeck (Belgium), Worker Vice-Chairperson of the Governing Body, was the Worker spokesperson.

## **First item on the agenda**

### **Approval of the minutes of the 316th Session of the Governing Body (GB.317/INS/1)**

#### ***Decision***

2. *The Governing Body approved the minutes of its 316th Session, as amended.*

(GB.317/INS/1, paragraph 2.)

## **Second item on the agenda**

### **Agenda of the International Labour Conference**

#### **Proposals for the agenda of the 103rd Session (2014) and beyond of the Conference (GB.317/INS/2(Rev.))**

#### **Proposals to complete the agenda of the 103rd Session (2014) of the Conference**

3. *The Worker Vice-Chairperson* said that his group supported the proposal to supplement the Forced Labour Convention, 1930 (No. 29). The standard setting should take the form of a Protocol to Convention No. 29, complemented by a Recommendation, and be examined under the single discussion procedure. As a result, the group approved the programmes of reduced intervals for reports for the preparatory stages of a single discussion in Appendix III to the document. The group also supported the item on facilitating transitions from the informal economy to the formal economy, with a view to standard setting taking the form of a Recommendation, under the double discussion procedure. The group, therefore, also approved the programme for reduced intervals for reports for the preparatory stages of a double discussion. Those working in the informal economy were not covered by labour legislation, did not have social security and worked in unhealthy and unsafe conditions. The ILO should provide policy guidance to member States in this respect. An informal economy was the result of underdevelopment. Therefore, it was important to encourage formal and productive manufacturing and service activities. The Workers supported the proposed tripartite meeting of experts on the informal economy to be held in September 2013.

4. *A Worker member from France* said that the Forced Labour Convention, 1930 (No. 29), which had been ratified by 185 member States, was a universally recognized and critical instrument. Still, today, people were in forced labour situations, especially women. Forced labour was the negation of all the ILO stood for. This was why the Governing Body had called for the Tripartite Meeting of Experts on Forced Labour and Trafficking for Labour Exploitation (Geneva, 11–15 February 2013), to review the potential need for a standard-setting instrument to complement existing Conventions. A Recommendation supported by a Protocol was needed to complete the Forced Labour Convention, 1930 (No. 29). The Protocol would invite governments to systematically implement prevention, protection and compensation measures for forced labour victims, with a view to ending forced labour. It would show that member States and the ILO were committed to ending forced labour, and that the ILO was prepared to modernize and update one of its most important Conventions.
5. *The Employer coordinator* agreed with the Workers in supporting the items on supplementing the Forced Labour Convention, 1930 (No. 29), and facilitating transitions from the informal to the formal economy. She said that the Employers believed the issue of the form of the instrument to supplement Convention No. 29 should be deferred until the response to the questionnaires, accompanying the preliminary report for the preparation of the Conference discussion, had come in, rather than deciding immediately that it should be a Recommendation supported by a Protocol. The instrument on the informal economy should be a Recommendation.
6. *Speaking on behalf of the member States of the Africa group represented on the Governing Body*,<sup>1</sup> a Government representative of Kenya said that, to complete the agenda of the 103rd Session (2014) of the Conference, the group supported the selection of the proposal regarding facilitating transitions from the informal to the formal economy with a view to standards setting and the proposal regarding supplementing Convention No. 29, that should take the form of a Recommendation rather than a Protocol. More specifically, it supported the informal economy proposal because it would greatly benefit workers in the region. The group also supported the proposed tripartite meeting of experts to be held in September 2013.
7. *Speaking on behalf of the member States of the Nordic countries represented on the Governing Body*,<sup>2</sup> a Government representative of Denmark reiterated the countries' disappointment at the Conference agenda-setting process, which lacked transparency and did not ensure full participation of governments. A standard review mechanism should be adopted in the near future. Further, the double discussion procedure should remain the rule. Thus, he was reluctant to favour a single discussion for the item on a supplementing standard to Convention No. 29. He supported the proposal for a general discussion on facilitating transitions from the informal economy to the formal economy. The 2015 Conference agenda should be dealt with by a subsequent Governing Body session.
8. *A Government representative of Japan* said that he appreciated the proposal entitled "Decent work for peace, security and disaster resilience: Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71)", referencing the tsunami that hit Japan two years ago. Decent employment was a key factor in faster recovery from natural disasters. A symposium was held in Morioka, Japan, in March 2013, on the Framework for Cooperation by ILO/Japan Fund for Dissemination of Employment and

<sup>1</sup> Algeria, Angola, Botswana, Congo, Egypt, Ghana, Kenya, Niger, Sudan, United Republic of Tanzania, Togo, Zambia and Zimbabwe.

<sup>2</sup> Denmark, Finland, Iceland, Norway and Sweden.

Labour Measures for Recovering from the Great East Japan Earthquake, which would run until March 2014. Another symposium would be held next year.

9. *A Government representative of Italy* said that no more than one standard-setting item should be discussed each year. For the 103rd Session (2014) of the Conference, Italy supported the proposal for a Protocol or resolution to supplement Convention No. 29 and a general discussion on an effective ILO technical cooperation in a changing global context. It also supported holding a general discussion on facilitating transitions from the informal economy to the formal economy, as well as a standard-setting item on violence against women and men in the world of work at the 2015 Conference.
10. *A Government representative of Switzerland* supported the item on supplementing Convention No. 29, as set out in paragraph 12(a) of the report, and the item on “Effective ILO technical cooperation in a changing global context”. A general discussion was more appropriate in respect of the item on facilitating transitions from the informal to the formal economy, and her Government supported the statement made by the Nordic countries.
11. *A Government representative of the United States* supported supplementing Convention No. 29. A standard-setting item taking the form of a Protocol and/or Recommendation would be important and useful. She agreed with the Workers and Employers on the importance of the item on transitions from the informal to the formal economy, but had concerns about the usefulness of a standard-setting item, as opposed to a general discussion on this issue.
12. *A Government member of Argentina* agreed that Convention No. 29 needed to be updated. Trafficking in persons was a major concern. He highlighted several steps that Argentina had taken to address this issue, including Law No. 26394 on the Prevention of and Sanctions for Trafficking and Assistance to Victims. Further resolutions provided protection for victims of trafficking and the MERCOSUR countries were putting common policies in place to combat it. He agreed that standard setting was needed regarding facilitating transitions from the informal to the formal economy and should take the form of a Recommendation.
13. *A Government representative of Germany* supported the item on supplementing Convention No. 29, in the form of a Protocol and/or Recommendation. He also supported a general discussion on the informal economy.
14. *A Government representative of Canada* said that the process for choosing agenda items was of concern and hoped a more transparent and inclusive method would be adopted under the reform of the International Labour Conference (ILC). She agreed with the Government of Italy that having two standard-setting items in one Conference was not ideal, either for participants or the Office. She supported the item on supplementing Convention No. 29, on condition that the new instrument was not a Convention, as recommended by the Tripartite Meeting of Experts held in February 2013. The item on facilitating transitions from the informal to formal economy should not be included on the agenda until after the proposed tripartite meeting of experts in September 2013 had made its Recommendations, as it was essential that before placing a standard setting item on the agenda of the Conference, there was a clear understanding of the scope of the issue to be addressed. It should, otherwise, feature as a general discussion item. Canada supported the proposal on violence against women and men in the world of work, with a view to standard setting set out in paragraph 12(c), as well as general discussions on technical cooperation in a changing global context, set out in paragraph 12(e), and on building a diverse and inclusive world of work, set out in paragraph 12(f) of the report. Any of these items not placed on the agenda for 2014 should be retained for future consideration.

15. *A Government representative of India* strongly supported the item on transitions from the informal to the formal economy. The subject was critical in developing and the least developed countries: the ILO should allocate more resources to promoting the Decent Work Agenda in the informal sector. Because conditions in each country varied, the item should perhaps be considered for general discussion. The proposal on violence against women and men in the world of work, as a standard-setting item for a double discussion, should be retained for a future agenda.
16. *A Government representative of China* agreed with the item on supplementing Convention No. 29, in the form of a Recommendation. For general discussion, he supported the technical cooperation proposal set out in paragraph 12(e). For the 2015 Conference, he favoured the question regarding facilitating transitions from the informal to the formal economy.
17. *A Government representative of Lebanon* supported the item on supplementing Convention No. 29 set out in paragraph 12(a), and that on transitions from the informal to the formal economy, set out in paragraph 12(b). The world had changed, and the instrument must cover new forms of forced labour. He underlined that international standards had to apply to all types of group contracts as some put forced labour workers at risk. Lebanon had taken a number of steps to address the problems of the informal economy, including a draft law concerning rural work.
18. *A Government representative of France* supported the item on supplementing Convention No. 29, with a view to standard setting taking the form of a Protocol supplemented by a Recommendation, as suggested by the Workers. That would result in a robust and relevant instrument, capable of dealing with the new forms of forced labour, such as trafficking in persons, which would send a strong message underlining the commitment of the ILO and its constituents for a modern, consistent and effective approach to the issue. Regarding the second item, he was in favour of a general discussion on effective ILO technical cooperation in a changing global context, as it was relevant to the ILO's changing role in development policy post-2015. However, taking into account views of other speakers, he was willing to join a consensus on facilitating transitions from the informal to the formal economy as a general discussion item.
19. *A Government representative of Australia* supported the inclusion of an item on supplementing Convention No. 29, with a view to standard setting that would take the form of a Protocol. The Government had taken recent measures to stamp out slavery and trafficking in persons in Australia and to protect the victims, and the issue was serious worldwide. For the second item for 2014, he favoured either an item on facilitating transitions from the informal to the formal economy, or one on violence against women and men in the world of work.
20. *A Government representative of Brazil* supported the proposal for an item on supplementing Convention No. 29, endorsing the statement of the Government representative of Argentina in respect of trafficking in persons. He also supported the item on facilitating transitions from the informal to the formal economy, as a double discussion, potentially resulting in a Recommendation. He also lent support to the Africa group for the inclusion, in the near future, of an agenda item on the revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71), particularly since it had relevance to the origins of the ILO. Furthermore, he would like to see, on a future agenda, an item on building a diverse and inclusive world of work.
21. *A Government representative of Mexico* supported the item on facilitating transitions from the informal to the formal economy, as set out in paragraph 12(b), as well as the item on



violence against women and men in the world of work, referred to in paragraph 12(c). In both cases, he favoured drawing up a Recommendation.

22. *A representative of the Director-General* (Deputy Director-General, Management and Reform (DDG/MR)) considered that consensus had been reached for including an item on supplementing Convention No. 29 on the agenda of the 2014 Conference. There was broad support for an item on facilitating transitions from the informal to the formal economy, but with differing opinions as to whether a standard-setting or general discussion should be held. Those member States that were in favour of holding a general discussion had agreed not to oppose the item, as outlined in paragraph 12(b). He, therefore, proposed that the item should be included on the agenda for standard setting, under the double discussion procedure. However, noting the reservations expressed by several speakers, the Office would provide more information to governments over the coming months to alleviate their concerns.
23. *The Worker Vice-Chairperson* expressed his gratitude to certain governments for their help in reaching a solution for the item on facilitating transitions from the informal to the formal economy.
24. *The Employer coordinator* thanked those governments who had enabled a consensus to be reached and noted that all constituents shared the objective of helping governments to deal with the problems presented by the informal economy.

## **Decisions**

### **25. *The Governing Body:***

- (a) *decided to complete the agenda of the 103rd Session (2014) of the International Labour Conference by selecting the following two items:*
  - (i) *supplementing the Forced Labour Convention, 1930 (No. 29), to address implementation gaps to advance prevention, protection and compensation measures, to effectively achieve the elimination of forced labour (standard setting, single discussion);*
  - (ii) *facilitating transitions from the informal to the formal economy (standard setting, double discussion);*
- (b) *approved the programmes of reduced intervals for the preparatory stages of a single discussion and of a double discussion, as set out in the Appendix to document GB.317/INS/2(Rev.).*

(GB.317/INS/2(Rev.), paragraph 12, as amended.)

## **Proposals for the agenda of the 104th Session (2015) and subsequent sessions of the Conference**

26. *The Worker Vice-Chairperson* agreed with the selection of the recurrent discussion item on the strategic objective of social protection (labour protection) and declared a preference for the item on violence against women and men in the world of work, as a double discussion leading to a Convention and a Recommendation, noting that the item had been modified since November 2012 to include violence against men and women. He accepted this

change, but underlined the need to address gender-based violence and sexual harassment in the world of work, as that issue was often omitted from national labour legislation. He noted that the 57th Session of the United Nations Commission on the Status of Women had highlighted the need for governments to address the issue of violence against women. He was also in favour of including an item on revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71), which would have relevance to the United Nations (UN) policy for post-conflict employment creation. The Workers also supported a general discussion on decent work in global supply chains, including export processing zones (EPZs) at a future Conference. The ILO needed to take account of developments and formulate appropriate strategies to ensure that global supply chains and EPZs promoted decent work, especially considering that no tripartite discussion on the subject had taken place since 1998. Furthermore, he requested that the Office include, in the document for the October 2013 session of the Governing Body, the proposal for standard setting on the transition of the world of work towards a low-carbon economy, which had been included in the document on November 2012. It would need to be adapted to the outcome of the general discussion on sustainable development, decent work and green jobs to be held at the 102nd Session (2013) of the Conference. Finally, he stressed the need for the Office to continue to develop proposals for Conference agenda setting.

27. *The Employer coordinator* approved the choice of the recurrent discussion item on the strategic objective of social protection (labour protection). It would be prudent to postpone the selection of further items until the deliberations on reforms of the Conference had been concluded. A number of countries, including the Nordic countries, had expressed dissatisfaction with the agenda-setting process. To signal some of the issues that might be useful for future work, she referenced the proposals on “Decent work for peace, security and disaster resilience: Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71)”, on “Effective ILO technical cooperation in a changing global context”, and possibly on “Building a diverse and inclusive world of work” on the agenda of future sessions.
28. *Speaking on behalf of the member States of the Africa group represented on the Governing Body*, a Government representative of Kenya supported the inclusion of the item on decent work in global supply chains for general discussion, as well as the proposed topic on the revision of Recommendation No. 71 on the agenda of the 104th Session (2015) of the Conference. For future Conferences, the group favoured the items on the resolution of labour disputes, and on building a diverse and inclusive world of work.
29. *A Government representative of Brazil* was in favour of the proposals on the revision of Recommendation No. 71, and on building a diverse and inclusive world of work.
30. *A Government representative of Denmark* approved the choice of the recurrent discussion item and was in favour of postponing the selection of further items, although there was merit in the item on decent work in global supply chains.
31. *A Government representative of China* supported the items on effective ILO technical cooperation in a changing global context and on building a diverse and inclusive world of work, both for general discussion.
32. *A Government representative of the United States* said that, although it would be wise to postpone a decision on the selection of items for the 104th Session (2015) of the Conference, it might ultimately be advisable to consider decent work in global supply chains, long-term unemployment and technical cooperation.

33. *A Government representative of Japan* supported the item on the revision of Recommendation No. 71.
34. *A Government representative of India* said that he would prefer to postpone the selection of additional items for the completion of the agenda of the 2015 Conference, but, if an immediate decision had to be taken, he would opt for the items on violence against women and men and on effective ILO technical cooperation in a changing global context.
35. *A Government representative of Germany* said that, while he was inclined to choose the item on decent work in global supply chains, he would rather postpone the selection of items for the 2015 Conference until the matter could be discussed in groups.
36. *A Government representative of Italy* said that, if an immediate selection had to be made for the 2015 Conference, she would support the inclusion of the items on violence against women and men in the world of work and on effective ILO technical cooperation in a changing global context. The Conference in 2015 should not be burdened with the discussion of two standard-setting instruments.
37. *The representative of the Director-General (DDG/MR)* said that it would be best to defer the selection of further items for the 2015 Conference. He referred to the comments made by the Employers' group regarding the need for a clearer picture of the direction which would be taken by reforms of the Conference.

## **Decisions**

38. *As a result of the decision adopted by the Governing Body at its present session to include an item on the agenda of the 103rd Session (2014) of the International Labour Conference on "facilitating transitions from the informal to the formal economy" with a view to standard setting under the double discussion procedure, this item is also included on the agenda of the 104th Session (2015) of the Conference for a second discussion. It joins the recurrent discussion on the strategic objective of social protection (labour protection) which is already on the agenda under the recurrent discussion cycle.*
39. *The Governing Body decided to defer to its 319th Session (October 2013) the adoption of a decision completing the agenda of the 104th Session (2015) of the Conference.*

(GB.317/INS/2(Rev.), paragraph 17, as amended.)

## **Third item on the agenda**

### **Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.317/INS/3)**

40. *The Employer coordinator* said that a 100 per cent reporting rate indicated a commitment by non-ratifying member States to realize fundamental principles and rights at work. He wondered, however, whether existing financial resources would be sufficient to respond to

all the requests for technical assistance listed in the document. While the paper lacked factual information and recorded views as if they were facts, for example with regard to the allegations of the Lao Federation of Trade Unions, its identification of challenges to each of the four fundamental principles would help the Office to target assistance more accurately. The Employers were in favour of the Office providing assistance to member States when requested to do so, but would like to know how that would be done. The information in country baselines should refer to national practice and not be confined to existing legislation. The Office should then use that information to ensure effective technical assistance and to provide member States with the guidance to which the draft decision referred.

41. The Employer coordinator observed that the annual report was not a campaign for ratification of fundamental Conventions, which was a separate process. In that connection, it was necessary to bear in mind the technical and legal circumstances of individual countries. While ratification was an important means of demonstrating commitment to the ILO's core values, even those countries which had not ratified those Conventions respected the principles underlying them and workers were not necessarily deprived of their rights. The slow progress in ratification showed that it took time to change age-old cultural and religious attitudes towards rights, but that advances were being made. National social dialogue was of value in that respect and, for that reason, member States should be encouraged to initiate and conduct such discussions. It was also sensible to develop mature industrial relations and ensure legal compatibility before ratification. It seemed that some employers' organizations were hesitant about the ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), owing to the questionable manner in which it was interpreted by certain ILO supervisory bodies; the statement by Business New Zealand, recorded in the report, was an example. The definition of the mandate of the Committee of Experts on the Application of Conventions and Recommendations was an ongoing concern in that connection.
42. The Employer coordinator encouraged the Office to proceed along the lines mapped out in paragraph 126 of the document and hoped that future reports would contain guidance and information regarding the implementation of the fundamental principles and rights at work and would focus less on advocating ratification of fundamental Conventions.
43. *The Worker Vice-Chairperson* welcomed the fact that the rate of ratification of the fundamental Conventions had been higher than in the previous year, but regretted the many violations of fundamental rights and principles at work recorded in the report. Governments should be reminded of their duty to realize those rights, whether or not they had ratified the Convention in question. He noted that several members of the Governing Body had failed to ratify all the fundamental Conventions and called on all member States to stop the race to the bottom by establishing a minimum floor of civilized labour relations and building a legal safety net in the global economy.
44. He urged the Office to provide technical assistance to the 48 countries which had not yet ratified the core Conventions and to set up a body to coordinate such assistance. Noting the poor rate of ratification of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), he pointed out that freedom of association and collective bargaining were rights that enabled sustained social and economic progress. More resources should be channelled to the Programme for the Promotion of the Fundamental Principles and Rights at Work, which had proved an effective tool. Its statistical work on forced labour and on racial discrimination was very important.
45. *Speaking on behalf of the member States of the Africa group represented on the Governing Body*, a Government representative of Kenya urged member States to address the

ratification deficit in order to meet the objective of universal ratification of the fundamental Conventions and called on the ILO to offer more technical assistance to member States that were experiencing difficulty in ratifying those Conventions, especially Conventions Nos 87 and 98. The Africa group supported the draft decision.

46. *A Government representative of the Republic of Korea*, referring to paragraph 43 of the document, said that workers employed by employment agencies were not supposed to be regarded as self-employed. Her Government would submit observations and supplementary information on that matter.
47. *A Government representative of Pakistan* stated that his country had ratified the eight core Conventions and had passed laws to implement the principles and rights embodied therein. It supported the draft decision.
48. *A Government representative of Canada* said that ratification of the Minimum Age Convention, 1973 (No. 138), and Convention No. 98 was under review in her country. Canada had ratified Convention No. 29.
49. *A Government representative of India* said that the adverse impact of the global financial crisis on job security meant that more proactive mechanisms were needed to protect fundamental principles and rights at work. Similarly, when the grounds for the non-ratification of core Conventions were genuine, the Office should display flexibility in order to ensure progressive ratification. The ratification of those Conventions should be promoted by creating awareness, building constituents' capacity, advocacy, training and technical cooperation. As most underdeveloped countries were lacking in resources, a transfer of resources and technical expertise from the developed countries was needed. ILO technical cooperation and assistance should take account of the diverse socio-economic conditions pertaining in different member States. He therefore encouraged the ILO to engage in country-specific activities as a means of achieving universal ratification of the fundamental Conventions. His Government supported the draft decision.
50. *A representative of the Director-General* (Director, International Labour Standards Department (NORMES)) informed the Governing Body that the Government of the Republic of Maldives had recently ratified all eight core Conventions, reducing the number of member States still to ratify all eight to 47. In response to the Employers' comments concerning promotion of ratification, the text of the 1998 Declaration, paragraph 3, specifically required the ILO to offer technical cooperation and advisory services to promote the ratification and implementation of the fundamental Conventions. She agreed with the Government representative of India that innovative approaches were required to achieve the goal of universal ratification, and the Office would be in contact with the tripartite constituents to see what these approaches might be.

## **Decision**

51. ***The Governing Body took note of the information presented in the review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work and invited the Director-General to take into account its guidance on key issues and priorities with regard to assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work.***

(GB.317/INS/3, paragraph 127.)

## Fourth item on the agenda

### Matters arising out of the work of the International Labour Conference

#### Follow-up to the decision adopted by the International Labour Conference on certain matters arising out of the report of the Committee on the Application of Standards

#### Summary report concerning the informal tripartite consultations held on 19–20 February 2013 (GB.317/INS/4/1)

52. *The Chairperson* recalled that, pursuant to decisions taken by the ILC at its 101st Session (June 2012) and by the Governing Body at its 315th and 316th Sessions (June and November 2012), informal tripartite consultations had been organized in September 2012 and February 2013 with the involvement of the Officers of the Governing Body and the support of the Director-General. At no point during those consultations, which he had chaired, had the fundamental mandate of the ILO as regards its standards-setting function, including the supervisory system, been challenged. Despite the concerns that had been raised about the length of the process and the uncertain nature of the outcome, he was confident that, if the spirit of openness, pragmatism and responsibility that had marked the consultations continued, a lasting solution would be found to the current difficulties surrounding the ILO's supervisory system. While much remained to be done, significant progress had been made in understanding the positions of the different parties through dialogue, which had for the first time involved the Committee of Experts on the Application of Conventions and Recommendations (CEACR). Further tripartite consultations would be held in due course.
53. *Speaking for the Chairperson of the Government group*, a Government representative of Brazil stressed the gravity and urgency for the ILO of the matters which had arisen since June 2012 and said that it was the responsibility of the constituents to identify viable ways forward. She reiterated the full commitment of the group to ensuring the credibility, authority and effectiveness of the ILO's supervisory system and expressed the hope that an inclusive tripartite and constituent-led process would be pursued in order to overcome the existing challenges. Her group fully supported the holding of tripartite consultations that reflected the plurality of views and would continue to play a constructive role in efforts to resolve the current impasse. Noting the importance attached by the CEACR to its independence, objectivity and impartiality, in particular with regard to the preparation of its reports, she thanked the members of that Committee for their willingness to participate in the consultations. A viable solution would be found through collective and cooperative efforts.
54. *Speaking on behalf of the member States of the group of industrialized market economy countries (IMEC) represented on the Governing Body*,<sup>3</sup> a Government representative of

<sup>3</sup> Australia, Bulgaria, Canada, Cyprus, Denmark, France, Germany, Hungary, Italy, Japan, Republic of Korea, Lithuania, Malta, Netherlands, Romania, Switzerland, United Kingdom and United States.

Australia said that he supported the Government group statement. IMEC Governments placed a high level of importance on the supervisory system of the International Labour Office, given its key role in the implementation of international labour standards and consequently the improvement of working conditions. IMEC welcomed the assurances received from the social partners regarding the establishment of a list of individual cases and was confident that they fully appreciated their responsibilities in that regard. IMEC appreciated that there could be, at times, different opinions on the way forward, notably with respect to the views expressed by the Committee of Experts on the Application of Conventions and Recommendations. There was a difference between disagreeing with the Committee's views and questioning whether it had exceeded its mandate. IMEC appreciated the work of the Committee and its willingness to engage in the discussions under way. It welcomed the detailed information provided on the discussions of the CEACR with the Employer Vice-Chairperson and Worker Vice-Chairperson of the Commission on the Application of Standards, presented in its general report. That information, along with the foreword to the General Survey to be submitted to the Conference in June 2013, would provide a better understanding of the methods of operation of the CEACR, whose opinions, it should be noted, were not binding.

55. Concerning the draft decision, IMEC reiterated its willingness to engage in further discussions, including consideration of any other options that the social partners might wish to put forward, and encouraged them to engage constructively. IMEC was committed to working to ensure the continued integrity of the supervisory system.
56. *Speaking on behalf of the member States of the European Union (EU) represented on the Governing Body,*<sup>4</sup> a Government representative of Lithuania supported the IMEC statement and added that the EU attached great importance to the functioning of the Committee on the Application of Standards (CAS) as it contributed not only to the implementation of international labour standards, but also to the promotion of human rights. Moreover, EU policies and law made reference to ILO standards and their supervision. The EU was committed to ensuring respect for human rights, including fundamental principles and rights at work. The EU was the group that had ratified the highest number of ILO Conventions, including the eight fundamental Conventions, and its commitment in that area was reflected in the Charter of Fundamental Rights of the European Union and in its EU Action Plan on Human Rights and Democracy. The speaker expressed the EU's serious concern about the deepening dispute observed regarding the standards supervisory system, which it considered to be a risk for the ILO's unique tripartite setting, and its cornerstone activity of standards supervision. There was also the risk of a potential proliferation of complaints if the CAS could not perform its functions properly. The EU called on all constituents, including the social partners, to actively contribute to a long-term and durable solution that would ensure that the supervisory system could work and that the CAS could perform its functions properly.
57. *Speaking on behalf of the member States of the Africa group represented on the Governing Body,* a Government representative of Sudan said that the group he represented supported the statement by the Government group and reiterated its commitment to an efficient supervisory system for the application of standards. He welcomed the commitment of the social partners to agree on a list of individual cases for the following session of the Conference. He asked for clarification regarding the options proposed in paragraphs 116–118 of the information document prepared by the Office in the framework of the February 2013 consultations. While approving the draft decision contained in paragraph 33 of the document under examination, the Africa group also invited the Office

<sup>4</sup> Bulgaria, Cyprus, Denmark, France, Germany, Hungary, Italy, Lithuania, Malta, Netherlands, Romania and United Kingdom.

to organize other informal tripartite meetings prior to the 319th Session of the Governing Body and to submit a document on the results of the discussions held at the current session to the first of those information meetings. The group also invited all the parties involved to hold in-depth consultations in order to come up with useful suggestions.

- 58.** *Speaking on behalf of the member States of the Group of Latin American and Caribbean Countries (GRULAC) represented on the Governing Body,*<sup>5</sup> a Government representative of Colombia supported the statement made by the Government group. First of all, she wished to make some remarks about paragraphs 24 and 25 of the summary report concerning the informal tripartite consultations held on 19–20 February 2013, which almost literally reflected all of GRULAC's positions regarding each point of the consultations that had been scheduled for examination, but which had not been examined, and on which, consequently, the group had not communicated its views. The reproduction of those views must have been due to the fact that the text of the written statement had been submitted to the Office, but only with the objective of facilitating the work of the interpreters. Nevertheless, those were certainly the views that the group would have expressed if the questions had been raised. In addition, she referred to an imprecision in paragraph 29 of the report, saying that the issue of the definition of the list for the CAS had been addressed as if it were an item on the agenda of the consultations, which had not been the case, and which had been why GRULAC had not provided its views on the issue on that occasion. As the group had stated on a number of occasions, the list should be prepared using objective, transparent, fair and predictable mechanisms.
- 59.** With regard to paragraphs 32 and 33 of the report, the speaker said that GRULAC would be attentive to the analysis that the Office would submit on the options contained in the information document and other options.
- 60.** The group's commitment to the ILO's supervisory system remained intact, despite the group having been indicating for a time the need to improve the functioning of the CAS. In a spirit of constructive dialogue, the group thought that proposals should be made with a view to strengthening the supervisory system, providing it with clear and transparent tripartite tools and mechanisms. The preparation of the list of individual cases must not rest solely with the social partners. The selection criteria for individual cases should reflect all the tripartite points of view, a geographical balance, a balance in terms of Conventions, and a balance between developed and developing countries. As well as serious and urgent cases, cases of good practices should also be examined. Countries should seek solutions at the national level and avoid excessive use of international mechanisms and, in that regard, ILO technical assistance was very important. To conclude, GRULAC reaffirmed its position, clearly expressed during the February 2013 informal consultations and in paragraphs 24 and 25 of the report, expressing the hope that the additional guidance it had just provided on that fundamental issue would be taken into consideration in the following stages of the discussion.
- 61.** *Speaking on behalf of the member States of the Western Europe group represented on the Governing Body,*<sup>6</sup> the regional coordinator of that group said that the Western Europe group aligned itself with the statement of the Government group and fully supported the views expressed by the IMEC group and the EU.

<sup>5</sup> Argentina, Brazil, Colombia, Costa Rica, Cuba, El Salvador, Mexico, Panama, Trinidad and Tobago, Uruguay and Bolivarian Republic of Venezuela.

<sup>6</sup> Cyprus, Denmark, France, Germany, Italy, Malta, Netherlands, Switzerland and United Kingdom.



62. *Speaking on behalf of the member States of the Asia and Pacific group (ASPAG) represented on the Governing Body,*<sup>7</sup> a Government representative of the Islamic Republic of Iran said that ASPAG endorsed the statement made by the Government group. He reiterated the support of his group for a robust and effective ILO supervisory system, in particular the important role played by the CAS. ASPAG valued the commitment of the social partners to agree on a list of individual cases for the June 2013 Conference. It noted the willingness of the CEACR to engage openly with constituents. It also noted the foreword to the General Survey that would be discussed at the Conference, indicating that the opinions and recommendations of the CEACR were not binding and the importance that the CEACR attached to its independence, impartiality and objectivity. He highlighted ASPAG's resolve to ensure the supervisory system was operating effectively and trusted in the ability of all the tripartite actors to achieve consensus.
63. *A Government representative of the United States* fully endorsed the statement of the IMEC group and shared its concerns regarding the implications of the controversy for the ILO's supervisory system for the application of standards, as well as for the Organization as a whole. It was urgent that the problem be resolved. The ILO supervisory system was a unique and essential element of the Organization's mandate and mission. The constituents must keep in mind their collective responsibility to ensure that their efforts strengthened rather than diminished the credibility and prestige of the system, which had made a concrete difference in member States through the application of standards. The speaker welcomed the commitment of the social partners to establishing a list of individual cases to be examined at the following session of the ILC. She added that both the CAS and the CEACR were important. She welcomed the clarifications provided in the General Survey regarding the legal status of the experts' opinions and recommendations and their willingness to engage in the discussions under way. The Government of the United States was confident that a viable resolution could be achieved through collective and cooperative efforts, grounded on good will, understanding and compromise. The Government of the United States looked forward to contributing to those efforts.
64. *A Government representative of France* endorsed the statements made by IMEC and the EU. She thanked the Officers of the Governing Body and the secretariat for the efforts made to resolve the crisis that had affected the supervisory system for the application of standards for several months. The informal consultations held in February 2013 had resulted in constructive dialogue, particularly regarding the mandate of the CEACR. That dialogue must be strengthened between the constituents and the supervisory system stakeholders in order to achieve operational and lasting solutions. In that connection, the analysis of the strengths and weaknesses of the three options proposed by the Office appeared to be a prerequisite for an informed decision. The speaker reiterated how much France hoped that the ILO would take up its rightful place in global governance, which implied having a solid supervisory system accepted by all and which ensured the application of standards based on universally recognized values foster social harmony. She welcomed the commitment made by the social partners to submit a list of individual cases to the following session of the Conference, and was confident that that commitment, which she viewed as a gesture of responsibility, would be respected.
65. The list of cases for June 2013 was an interim step. Substantive issues must be dealt with, and in particular the matter of interpretation. On that point, the speaker stressed that one could not on the one hand contest the value of the interpretations provided by the experts and on the other refuse the establishment of a body responsible for questions of interpretation. Refusing any possibility of interpretation was tantamount to compromising

<sup>7</sup> Australia, Cambodia, China, India, Indonesia, Islamic Republic of Iran, Japan, Republic of Korea, Lebanon, Pakistan, Qatar, Sri Lanka, Thailand, United Arab Emirates and Viet Nam.

the relevant application of the standard and consequently the essence and credibility of the Organization. The ILO must build on the crisis that had occurred to renew its supervisory system in full respect of the Constitution.

66. Of the three proposals made by the Office during the most recent consultations, it was the implementation of a mechanism in the spirit of article 37, paragraph 2, of the Constitution that appeared most promising to the Government of France. That proposal should be examined further in respect of the modalities of referral, the composition, the effect of decisions handed down and the cost of such a mechanism. At stake were the legal certainty and the credibility of the Organization at a time when reference was increasingly being made to international labour standards in commercial agreements, codes of conduct and international framework agreements.
67. In conclusion, the speaker reiterated her support for the efforts of the Officers of the Governing Body, of the Office, under the impetus of the Director-General, and of the constituents, to produce concrete and lasting proposals. The French delegation would participate actively in discussions on the options to be submitted, particularly the possibility of setting up a specific mechanism for questions of interpretation of standards in respect of the Constitution.
68. *A Government representative of Japan* said that the Government of Japan appreciated the efforts of the Office to prepare a concise document. Her Government supported the statements made by the Government group, IMEC and ASPAG. The supervisory system for the application of standards was a key measure to contribute to the advancement of working conditions and social justice. Consequently, it was a matter for concern that the system had not been functioning as it should for several months. The Government of Japan commended the CEACR for its efforts to contribute to a solution to the current problem and appreciated the commitment shown by the social partners to provide a list of individual cases for the following session of the Conference. In view of the importance of the CAS, which was at the centre of the ILO's supervisory system, the Government of Japan hoped that both the Workers and the Employers would be satisfied with the list.
69. *A Government representative of India* suggested that greater account should be taken of the specific economic and social needs of developing countries in the strengthening of the ILO supervisory system. For that purpose, the number of experts should be increased and there should be a more equitable geographical representation, which would mean that greater attention could be paid to addressing the economic and cultural aspirations of developing countries, as well as the needs of vulnerable population groups, such as migrant workers, domestic workers and informal sector workers.
70. *Speaking on behalf of the member States of the Africa group represented on the Governing Body*, a Government representative of Sudan said that his group supported the draft decision contained in paragraph 33 of the document under consideration. His group requested the Office to organize informal tripartite consultations before the following session of the Governing Body and to produce a report reflecting those discussions, in order to examine the issue at the following session of the Governing Body.
71. *The Employer coordinator*, referring to all the statements made by the Governments, expressed his group's gratitude for the positive and constructive comments and reaffirmed its willingness to take account of the Governments' opinion in resolving the matter under consideration. The Employers recognized that significant progress had been made in clarifying the history and development of the mandate of the CEACR, which had not been modified by either the Conference or the Governing Body since 1947. His group acknowledged that the work of the CEACR necessarily involved a degree of interpretation

of the Conventions. However, the experts themselves had recognized that they did not have the authority to give definitive interpretations of those instruments, since competence to do so lay with the International Court of Justice (ICJ), under the terms of article 37 of the ILO Constitution. Furthermore, the experts had confirmed the non-binding status of their opinions and recommendations and responded favourably to the Employers' request for clarification of their mandate. The Employers considered that the language used in the foreword to the General Survey to be discussed by the Conference in June 2013 should be the subject of tripartite analysis, in line with suggestions from the experts during the consultations in February, as indicated in paragraph 9 of the summary report on the consultations. In its current formulation the foreword did not supply all the clarification needed regarding the mandate of the CEACR. The Employers thought, however, that despite the constructive dialogue the issues had not been resolved, since the Committee of Experts continued to formulate extensive interpretations with respect to Convention No. 87 and the right to strike, and that might create problems for the negotiation of the list of cases for the forthcoming session of the Conference. Nevertheless, the Employers would do their utmost to ensure that a list of cases could be discussed, as agreed, at the June 2013 session of the Conference. They looked forward to discussing the 25 cases and expected that their views and those of the Workers, even if their respective views were different, would be duly taken into account in the conclusions of the CAS. The time had come for the Governing Body to exercise its governance powers and do everything possible to resolve the regular crisis caused by the failure to draw up the list of cases during the first week of the Conference. The Employers would never agree to the list being created by anyone other than the social partners. They thought that in future the list should be negotiated and agreed during the March session of the Governing Body, which would remove uncertainty with regard to discussions at the Conference. The current problem pointed to a systemic and political crisis concerning the CEACR and the Employers could not agree to the status quo. With regard to the draft decision, the Employers reiterated their willingness to discuss the matter further, including proper consideration of other options, and to decide at the next session of the Governing Body whether new informal tripartite discussions were needed.

72. *The Worker Vice-Chairperson* recalled that the Employers and the Workers had publicly reaffirmed their commitment to establishing the list of individual cases relating to the application of ratified Conventions for discussion in the CAS in June 2013. Consultations were ongoing but the parties needed more time to reach a conclusion, which, it was hoped, would enable a way to be found out of the impasse facing the ILO supervisory system. Responding to the Employers' proposals, he was surprised that the Employers' group seemed determined to establish a list of cases without necessarily wanting to reach conclusions on them. The Workers, aware that the issue played a central role in the supervisory system, intended to continue deliberations with a view to reaching satisfactory conclusions for all parties. His group did not think that the Employers' proposal to draw up a list of cases in future at the March session of the Governing Body was realistic: the Workers needed to consult the key players in the labour movement and so it would be difficult for them to draw up the list of cases immediately after the publication of the CEACR report.
73. With regard to the right to strike, he recalled that in the CEACR report the International Organisation of Employers (IOE) had made a number of observations on certain countries with regard to the right to strike. He fully approved of that way of operating, which allowed the experts to make informed observations on the application of Convention No. 87.
74. The issue of the experts' mandate, and especially the issue of the degree of interpretation authorized by their mandate, was fundamental and needed to be resolved as soon as

possible. Otherwise there would certainly be serious and lasting implications for all other matters taken up by the ILO. However, the Workers had been disappointed by the attitude of the Employers, who in February had rejected all possibilities provided for in the Constitution for addressing the issue. However, during the November 2012 session of the Governing Body, the Employer spokesperson had expressed his group's willingness to have recourse to the mechanisms established by article 37 of the Constitution for resolving the divergence of views between the Workers and the Employers regarding interpretation of the Conventions. The Employers seemed to have changed their minds in the meantime, no longer wishing to make use of those mechanisms and simply saying that the system was in crisis. The Workers did not agree with the Employers in that regard; they still believed that an outcome was possible. The issue of the disclaimer – for inclusion in the CEACR reports – stating that the Committee of Experts' interpretations were not binding had been widely discussed. The lack of consensus on that question was, in the opinion of the CEACR, sufficient justification for not pursuing it, as indicated in paragraph 9 of the summary report on the consultations. The Workers emphasized that both the general report of the Committee of Experts adopted at its 83rd Session and the foreword to the General Survey provided detailed explanations of the scope of the CEACR mandate and they saw no reason why the Employers should ask for further information. Nevertheless, they welcomed the Employers' recognition that the work of the CEACR necessarily entailed a degree of interpretation and they called on all parties to work together to find a solution consistent with the ILO Constitution, which would require real political will on all sides.

75. *The Director-General*, noting the statements from the different speakers, focused his remarks on how it was necessary to proceed in the run-up to the June 2013 session of the Conference and beyond. Some important issues needed to be resolved immediately, in advance of the Conference. Other questions could only be resolved in the medium and long term, though if the situation were allowed to continue for too long it could undermine the authority of the ILO and in particular its standards system. Many positive conclusions could be drawn from the discussion, particularly the fact that it had highlighted the urgency of the need for solutions to the issues, which everyone agreed were of vital importance to the Organization. It was absolutely essential that the ILO should have an authoritative and credible system which enjoyed the support of all parties. The discussion had shown the commitment of all groups to ensuring that the standards system was not just preserved but also reinforced. It was a joint endeavour which called for responsibility and commitment from all sides. The consultations held in February 2013, including the exchange of views between the constituents and the members of the CEACR, had not been a waste of time: they had made it possible to clarify the respective positions and shed light on certain issues, even if they had not led to specific results. In view of its long-term commitments with regard to standards, including the establishment of a standards review mechanism, the ILO had to move quickly in its quest for results, starting with establishing a list of cases to be discussed at the Conference in June, failing which the supervisory system would suffer irreparable damage. The Director-General said that his own services were at the disposal of the joint effort to ensure that the commitment which had been made and reaffirmed was respected. The matter could perhaps be taken up again at the Governing Body session following the Conference in June, in order to establish the timetable for further consultations between June and October with a view to achieving the further progress that was needed on the medium- and long-term issues. The process would therefore unfold in two phases; at present it was important to focus on the urgent matters to be discussed at the forthcoming session of the Conference, in particular the list of cases. Recognizing the particular responsibility of the social partners in that regard, the Director-General emphasized that finding the way forward from the current impasse was very much a tripartite process. He urged all the parties to move forward and work together in order to resolve the pending issues. If the direction that he had just outlined was sufficiently clear, it could provide the basis on which to proceed.

76. *A Government representative of Lebanon, the Employer coordinator, the Worker Vice-Chairperson, a Government representative of Niger speaking on behalf of member States of the Africa group represented on the Governing Body and a Government representative of Australia speaking on behalf of member States of IMEC represented on the Governing Body*, explicitly endorsed the Director-General's statement as providing a sufficient basis to proceed.

**Follow-up to the resolution concerning the measures on the subject of Myanmar adopted under article 33 of the ILO Constitution by the Conference at its 101st Session (2012)**  
(GB.317/INS/4/2)

77. *A representative of the Director-General (DDG/MR)* said that amendments had been proposed to the draft decision contained in the document. Specifically, the Employers' group and ASPAG proposed deleting subparagraph (b)(i). ASPAG had also proposed deleting the words "modified or" from subparagraph (b)(ii). As a result, the Office had reformulated subparagraph (b) of the draft decision to the effect that consideration of the question by the Conference would go ahead in the following way: the Governing Body would recommend that, at the opening sitting of its 102nd Session, the Conference would suspend the operation of paragraph 1(a) of the 2000 resolution, pending consideration of the overall question of Myanmar by the Selection Committee later in the session. That would avoid the need for a special sitting of the Committee on the Application of Standards (CAS) as provided for in paragraph 1(a) of the 2000 resolution. Following the consultations held, he understood that the Workers, the Employers and the regional groups supported the new draft decision.
78. *The Worker Vice-Chairperson* called for the measures adopted with regard to Myanmar under article 33 of the ILO Constitution to be lifted at the June 2013 session of the Conference and saw no further need for a special sitting of the CAS. However, she expected that periodic reports would be submitted to the Governing Body until completion of the forced labour action plan in 2015. Regarding the elimination of forced labour, even though progress had been made, much remained to be done in relation to the recommendations made by the Commission of Inquiry in 1998. Firstly, no steps had been taken to amend article 359 of the Constitution, which exempted duties assigned in the public interest from the prohibition on forced labour. That exception might be used to justify the exaction of forced labour. Secondly, the practice of forced labour still existed, especially in conflict areas. Thirdly, the penalties imposed on the perpetrators of forced labour were not always effectively implemented, and most were disciplinary rather than criminal penalties. She therefore asked the Liaison Officer to clarify which types of penalties were imposed and on whom. With regard to freedom of association, she took note of the developments reported by the Office. However, she considered that the Labour Organization Law was not in conformity with Conventions Nos 87 and 98. In particular, she was concerned at the lack of protection for unionized workers from dismissal, discrimination, anti-union initiatives and retaliation, and even from arrest reportedly for strike action and peaceful protest, in addition to the fact that arbitration awards or court orders for the reinstatement of workers were not effectively enforced. She regretted that the Committee of Experts' report had failed to mention those shortcomings and urged the ILO to work with the Government to bring the law and its implementation into conformity with Conventions Nos 87 and 98. In addition, the Federation of Trade Unions of Burma (FTUB) had still not been registered as a trade union organization in the country and it appeared not always to receive due recognition by the ILO Liaison Office. She urged the Liaison Office

to promote dialogue and interaction between the FTUB, the Government of Myanmar and the employers' organizations in the country. Regarding the impact of foreign direct investment on the exercise of fundamental rights in the country, she asked for more comprehensive information. Finally, she supported the new draft decision and called for the examination of issues relating to forced labour and freedom of association in Myanmar to be pursued through the normal supervisory mechanisms.

79. *The Employer coordinator* expected the Government of Myanmar to make use of the new phase that was about to begin to intensify dialogue and make further progress. Even though certain issues were still unresolved, he trusted that the work done to date would enable the situation in the country to be normalized. His group supported the draft decision in its revised form.
80. *The Ambassador of Myanmar* endorsed the statements that would be made subsequently by the Association of Southeast Asian Nations (ASEAN) and ASPAG, and expressed his appreciation for the ILO Liaison Officer's report. He referred to various measures taken by his Government to implement the recommendations made by the Commission of Inquiry in 1998. With regard to bringing the national legislation into line with the Forced Labour Convention, 1930 (No. 29), he emphasized the enactment in 2012 of the Ward or Village Tract Administration Law, in which forced labour was defined in accordance with the provisions of the Convention. Concerning the elimination of forced labour by the authorities, he referred to the statement made by President U Thein Sein calling for the total elimination of all forms of forced labour in Myanmar. Regarding the penalties provided for under section 374 of the Penal Code for the perpetrators of forced labour offences, those penalties were being strictly enforced and were also applicable to military personnel who violated the new laws. Moreover, since 2007, a total of 235 complaints submitted under the Supplementary Understanding had been settled. With regard to the progress made in the country since the 101st Session of the Conference, he emphasized the approval by the Government of an action plan concerning the elimination of forced labour by 2015; the launch in June 2012 of a joint action plan by the Government and the United Nations to prevent the recruitment and use of under-age soldiers; and the enactment in 2012 of the Labour Organization Law and the Settlement of Labour Disputes Law. Furthermore, it was planned to amend the Unlawful Associations Act of 1908 and to repeal Order No. 1/2006 concerning the classification of terrorist organizations. Moreover, exiled trade unionists had returned to the country and were participating in trade union activities.
81. In January 2013, an ILO delegation had participated in the first Myanmar Development Cooperation Forum, held a meeting with the Strategic Working Group for the Elimination of Forced Labour and undertaken a review of progress on the agreed action plan. On 8 February, his Government and the ILO had signed the agreement reached on the further 12-month extension of the Supplementary Understanding and the complaints mechanism contained therein. The Government had enacted the Labour Organization Law, the Settlement of Labour Disputes Law, the Social Security Law and the Minimum Wage Law, and the bill on employment and skills development had been approved by the lower house of Parliament. Bills on foreign workers and occupational safety and health were currently being drafted. The relevant Government ministries planned to hold consultations with employers' and workers' organizations in preparation for Myanmar's ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), and the Government had deposited the Instrument of Ratification for the Amendment of the ILO Constitution in February. Myanmar already complied with the recommendations of the Commission of Inquiry on forced labour, as indicated in the report of the Liaison Officer. Given the progress his country had made in that regard and in the promotion and protection of labour rights in general, his Government urged the Governing Body to recommend that the 2013 ILC should discontinue the remaining restrictions imposed under article 33 of the ILO

Constitution. He supported the amendment to the draft decision that had been proposed by the Office.

82. *Speaking on behalf of the member States of ASPAG represented on the Governing Body*, a Government representative of the Islamic Republic of Iran welcomed Myanmar's continued cooperation with the ILO and the positive developments that had been made in relation to labour issues. In the light of that tangible progress and the Government's strong commitment to the elimination of forced labour and the promotion and protection of labour rights, he supported the draft decision, as amended.
83. *Speaking on behalf of the member States of the EU represented on the Governing Body*, a Government representative of Lithuania said that the EU was actively cooperating with the Government of Myanmar and supported its commitment to political reform, democratization, national reconciliation and the promotion and protection of human rights. She requested an update, particularly on progress towards the elimination of all forms of forced labour, prior to the 2013 ILC. While the EU would have preferred the original draft decision, she called on the Office to modify paragraph (b) of the amended draft decision, inserting the words "suspended or" before "discontinued".
84. *Speaking on behalf of the member States of ASEAN represented on the Governing Body*,<sup>8</sup> a Government representative of Viet Nam commended the Government of Myanmar for the progress it had made, especially on labour rights, and urged it to continue its efforts, with the support of the international community. Myanmar's long-standing cooperation with the ILO and the Office's technical assistance were praiseworthy, as were the joint implementation of the action plans on the elimination of forced labour and the prevention of under-age recruitment. He called for the remaining ILO restrictions to be lifted without delay.
85. *Speaking on behalf of the member States of the Africa group represented on the Governing Body*, a Government representative of Kenya noted with satisfaction the progress that had been made in Myanmar, including efforts to eliminate forced labour. He urged the Government to implement the remaining measures necessary for full compliance with Convention No. 29. He commended the ILO for its efforts to provide adequate support to Myanmar to achieve the total elimination of forced labour. The Africa group supported the draft decision.
86. *A Government representative of Cambodia* welcomed Myanmar's efforts to comply with Commission of Inquiry recommendations, eliminate forced labour, promote and protect freedom of association and achieve meaningful social dialogue. Despite the remaining challenges, there was a clear commitment to decent work. He supported the draft decision.
87. *A Government representative of Thailand* commended the Government of Myanmar for the significant progress it had made to eliminate forced labour and protect the right to freedom of association and urged it to make the necessary amendments to its labour laws. Thailand supported the lifting of the remaining measures under article 33 of the ILO Constitution.
88. *A Government representative of Australia* applauded the Government's progress on eliminating forced labour, upholding freedom of association and promoting and protecting labour rights. Australia remained committed to providing assistance for Myanmar's economic, political and social development, and supported the amended draft decision.

<sup>8</sup> Cambodia, Indonesia, Thailand and Viet Nam.

89. *A Government representative of Indonesia* appreciated the progress made in Myanmar to uphold workers' rights and urged the international community to support all efforts to continue improving the situation. Given the achievements made towards eliminating forced labour, the remaining restrictions should be lifted. He supported the amended draft decision.
90. *A Government representative of Sri Lanka* said that, in the light of Myanmar's cooperation with the ILO on implementing the recommendations of the Commission of Inquiry and the Government's commitment to eliminating forced labour, he supported the call to discontinue the remaining measures adopted under article 33 of the ILO Constitution.
91. *A Government representative of the United States* welcomed the Government's initiatives to eliminate forced labour, raise awareness of rights and responsibilities under the law, release under-age recruits from military service and build its capacity to enforce the law. He urged the ILO to continue assessing progress. He supported the amended draft decision.
92. *A Government representative of Cuba* commended the Government of Myanmar for its commitment to political, economic and social transformation and the progress it had made on improving labour rights in cooperation with the ILO, particularly to eliminate forced labour and acknowledge freedom of association. She supported the amended draft decision.
93. *A Government representative of the Bolivarian Republic of Venezuela* applauded the Government of Myanmar for the progress made towards eliminating forced labour and the plan to totally eliminate it by 2015. He urged Myanmar and the ILO to continue their efforts to improve the situation in that country. He supported the draft decision in paragraph 9.
94. *A Government representative of Switzerland* praised Myanmar for its efforts, particularly to eliminate forced labour and establish social dialogue. Swiss support would focus on employment and the creation of socially responsible enterprises in the garment and tourist industries. She supported the draft decision, as amended by the Office and the EU.
95. *A Government representative of Japan* welcomed Myanmar's efforts to eliminate forced labour, which were vital to reform and development. Japan provided assistance for technical cooperation activities in Myanmar and called on the ILO to strengthen the capacity of the Liaison Office in Yangon. He supported the amended draft decision.
96. *A Government representative of India* saluted the Government's efforts to eliminate forced labour and implement socio-economic and legal reforms to improve labour conditions. He welcomed the ILO mission to Myanmar and the agreement reached on the 12-month extension of the Supplementary Understanding. He supported the amended draft decision.
97. *A Government representative of the Russian Federation* commended the ILO's efforts to maintain dialogue with Myanmar and welcomed the progress made towards eliminating forced labour and ensuring freedom of association. In the light of the Government's clear commitment to totally eliminate forced labour, he supported the amended draft decision.
98. *A Government representative of China* took note of the effective cooperation that had taken place between Myanmar and the ILO since 2002 to eliminate forced labour. His Government welcomed the efforts of the Government of Myanmar to eliminate that scourge totally and to promote and protect labour rights. He supported the amended draft decision.



99. *A representative of the Director-General (Liaison Officer) took note of the comments that had been made. In response to the questions raised by the Workers, he said that the Government of Myanmar had consulted the social partners, with technical assistance from the ILO, on potential amendments to the legislation on freedom of association, particularly regarding the enforcement mechanisms. The Commander-in-Chief of the Myanmar armed forces had agreed in 2012 that military personnel could be prosecuted under the Criminal Code, rather than military regulations. Since then, four members of the military forces had been prosecuted under that Code and imprisoned, two of whom were multiple offenders under the complaints mechanism. Turning to the discrepancy between the prosecution figures, he explained that the ILO could report only verified prosecutions in response to complaints under the complaints mechanism. It would appear that the Government's report included other prosecutions. His Office would investigate and report back to the Governing Body. Subject to the decision of the Governing Body, there would be a full, detailed report on the situation in Myanmar for the consideration of all the constituents at its forthcoming deliberations.*

## **Decision**

100. *In light of the 2012 resolution of the Conference and taking note of the situation reported by the Liaison Officer, the Governing Body:*
- (a) placed an item on the agenda of the 102nd Session (2013) of the International Labour Conference enabling a further review of remaining measures previously adopted by the Conference under article 33 of the ILO Constitution to secure compliance by Myanmar with the recommendations of the Commission of Inquiry on forced labour;*
  - (b) recommended that the 102nd Conference arrangements include a suspension by the Conference on its opening day of paragraph 1(a) of its 2000 resolution pending a review, through the Selection Committee as decided by the Conference at its 101st Session, or by such other means as the Conference may decide, in order to consider whether the remaining measures adopted under article 33 of the ILO Constitution, as found in paragraph 1(a) and (b) of the 2000 resolution of the Conference, should be suspended or discontinued in the light of the information available to it;*
  - (c) requested the Director-General to report to the Conference on all relevant issues involving an update to the situation in Myanmar as available, and on ILO activities in the country, with a view to assisting the Conference's consideration of this item on the agenda; and*
  - (d) requested the Director-General to provide a report from the Liaison Officer on ILO activities in Myanmar to March meetings of the Governing Body.*

(GB.317/INS/4/2, paragraph 9, as amended.)

## **Fifth item on the agenda**

### **A new ILO strategy for public–private partnerships (PPPs)**

101. The discussion of this item was deferred until the 319th Session (October 2013) of the Governing Body.

## **Sixth item on the agenda**

### **Complaint concerning non-observance by Guatemala of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by delegates to the 101st Session (2012) of the International Labour Conference under article 26 of the ILO Constitution (GB.317/INS/6)**

102. *The Chairperson*, introducing the report contained in document GB.317/INS/6, drew attention to the draft decision contained in paragraph 7 thereof. He added that an agreement had been signed the previous day between the Government of Guatemala and the Workers' group of the Governing Body.
103. *A Government representative of Guatemala*, recalling the climate of non-compliance and impunity under the previous Government that had led to the submission of a complaint under article 26 of the ILO Constitution by Guatemala's workers, highlighted some of the main problems that had been faced: widespread informality; precarious benefits coverage; serious delays in registering trade unions; and a total lack of social dialogue, leading to public sector industrial action and numerous complaints to the ILO supervisory bodies and the country's trading partners. On taking office in January 2012, the new Government had introduced a labour and social protection policy aimed at building a culture of compliance with labour laws, promoting decent work and encouraging social dialogue. Its immediate priority had been to strengthen labour inspection and labour market monitoring and to build capacity to manage the labour market. A dedicated office for international labour issues had been created within the Ministry of Labour and Social Welfare to monitor compliance with international obligations and commitments relating to the protection of workers' rights. A number of specific steps had been taken to implement the Government's policy, including increasing the budget of the Ministry of Labour and Social Welfare, appointing new labour inspectors and reviewing procedures for registering trade unions. The improvements already made had left the Ministry able to fulfil its constitutional functions. It was now strenuously promoting both tripartite and bipartite social dialogue, resulting in new collective agreements being negotiated and signed to cover many thousands of workers. A tripartite committee on international labour matters had also been appointed. Social dialogue had led to the first increase in the minimum wage for 20 years, approved by consensus in the National Wages Commission on 10 December 2012. The Government had been able to pursue its policies effectively thanks to the political will of the President to improve working conditions and promote respect for freedom of association and ILO fundamental Conventions. It was hoped that the agreement signed

between the Government and the Workers' group, building on political will and social dialogue, would achieve significant results, particularly in terms of preventing violence against trade unionists so as to allow trade unions to pursue their activities in peace and safety and ensuring that such crimes were investigated and the perpetrators prosecuted. It was also hoped that the agreement would result in an improved justice system, new legislation and a national culture of respect for freedom of association and collective bargaining. Technical assistance from the Office, including through a high-level tripartite mission, would be needed to achieve those results.

104. *The Worker spokesperson*, recalling the history of the item's inclusion on the agenda, welcomed both the Government's acceptance of ILO assistance to investigate crimes against trade unionists and other serious violations of labour rights and its willingness to negotiate a specific programme of action with the social partners. He hoped a detailed progress report could be made to the Governing Body in October 2013. Expressing support for the draft decision, he suggested that "the ITUC" be changed to "the Workers' group of the Governing Body".
105. *The Employer coordinator* said that the Latin American region in general needed more social dialogue. Welcoming the agreement reached between the Guatemalan Government and the Workers' group, which must now be implemented effectively, he expressed the hope that it would serve as a benchmark for other countries in the region that lacked or had insufficient social dialogue. He supported the draft decision, with the amendment proposed by the Worker spokesperson.
106. *Speaking on behalf of the member States of GRULAC represented on the Governing Body*, a Government representative of Colombia expressed satisfaction at recent events in Guatemala, culminating in the signing of an agreement with the Workers' group as a basis for tripartite activities aimed at ensuring full compliance with Convention No. 87. The Government had shown its willingness to work with the ILO in promoting social dialogue and deserved the support it had requested. She therefore supported the draft decision and the proposed amendment.

## **Decision**

107. *In the light of the information contained in document GB.317/INS/6, the Governing Body, on the recommendation of its Officers, decided to:*
  - (a) *defer the decision on the appointment of a Commission of Inquiry to its 319th Session (October 2013), taking into account the agreement between the Government of Guatemala and the Workers' group of the Governing Body;*
  - (b) *place this item on the agenda of its 319th Session (October 2013); and*
  - (c) *request the Office to provide to the Officers of the Governing Body, at its 318th Session (June 2013), an update on the status of progress made in the light of paragraph 6 of document GB.317/INS/6, and to include information provided by the Government and employers' and workers' organizations of Guatemala.*

(GB.317/INS/6, paragraph 7, as amended.)

## Seventh item on the agenda

### Latest developments in Fiji in light of the resolution of the 15th Asia–Pacific Regional Meeting (GB.317/INS/7)

108. *The Employer Vice-Chairperson* expressed support for the draft decision.
109. *The Worker Vice-Chairperson* said that his group was extremely concerned about the situation in Fiji, because the Government of that country had failed to take any of the action required of it under the resolution adopted at the previous session of the Governing Body. Trade union leaders had been subjected to harassment, intimidation and physical attacks which had not been investigated. Three of them who had been engaging in legitimate trade union activities had been arbitrarily arrested and imprisoned. Restrictions were still being placed on freedom of assembly and freedom of expression. The Essential National Industries (Employment) Decree, 2011, was continuing to have a devastating impact. In October 2012, the police had forcibly entered a boardroom where workers and their employer were holding negotiations. In March 2013, the Prime Minister had issued a new draft constitution, articles 19 and 20 of which permitted broad exceptions to be made to the right to associate, to join a union, to bargain collectively and to strike. His group therefore supported the draft decision.
110. *Speaking on behalf of the member States of the EU represented on the Governing Body*, a Government representative of Lithuania said that, since the EU attached great importance to freedom of association and recognized the important role played by the ILO in promoting and protecting international labour standards, it supported the draft decision. It also strongly encouraged the Government of Fiji to accept a direct contacts mission prior to the ILC in June 2013.
111. *A Government representative of Japan* said that it was to be hoped that the Government of Fiji would accept the ILO direct contacts mission, because continuous dialogue would further democratization in that country.
112. *A Government representative of Australia* expressed serious concern over the labour and human rights situation in Fiji. Unfortunately, little progress had been made towards the restoration of democracy and the rule of law since the previous Governing Body session. The new Political Parties Decree was particularly worrying, as it restricted the ability of union leaders and members of employers' organizations to found political parties. It was disappointing that the direct contacts mission had been unable to return to Fiji. He urged the Government of Fiji to respond to the Director-General's letter of 21 December 2012. Full engagement with the ILO mission on its return to Fiji would demonstrate its Government's recognition of the need to bring the country's law and practice into conformity with Conventions Nos 87 and 98 and to return core labour rights to its people. He supported the draft decision and hoped that progress would be made on the matter before June that year.
113. *A Government representative of the United States* said that the situation regarding human and labour rights of workers in Fiji was a matter of deep concern. It was regrettable that no progress had been made in rescheduling the direct contacts mission. He urged the Government of Fiji to cooperate with the ILO and its procedures in the future and he therefore supported the draft decision.

114. A Government representative of India said that constructive dialogue and cooperation with the ILO would help Fiji to resolve all the outstanding issues.

### **Decision**

115. *In light of the absence of cooperation on the part of the Government of Fiji, the Governing Body:*

- (a) *expressed its strong disappointment at the failure of the Government of Fiji to respond to the Director-General's letter of 21 December 2012;*
- (b) *urged the Government to be cooperative with the ILO and its procedures in the future and, in particular, as regards the Governing Body's previous request that, together with the social partners, it find appropriate solutions to bring the law and practice into conformity with freedom of association principles;*
- (c) *urged the Government of Fiji to accept the direct contacts mission, as set out in the resolution adopted by the Governing Body in 2012, so that it might take place prior to the June 2013 International Labour Conference; and*
- (d) *decided to include this item on the agenda of the 318th Session of the Governing Body in June 2013.*

(GB.317/INS/7, paragraph 5.)

### **Eighth item on the agenda**

#### **367th Report of the Committee on Freedom of Association (GB.317/INS/8)**

116. *The Chairperson* of the Committee said that, of the 178 pending cases before the Committee, 49 had been examined on their merits. In Cases Nos 2318 (Cambodia), 2936 (Chile), 2712 and 2714 (Democratic Republic of the Congo), 2786 (Dominican Republic), 2928 (Ecuador), 2909, 2923 and 2930 (El Salvador), 2914 (Gabon), 2203 and 2948 (Guatemala), 2913 (Guinea), 2740 (Iraq), 2508 (Islamic Republic of Iran), 2945 (Lebanon), 2694 (Mexico), 2855 (Pakistan), 2937 (Paraguay), and 2745 (Philippines), the Committee had observed that, despite the time which had elapsed since the submission of the complaints, it had not yet received the complete observations of the Governments concerned, and he requested them to submit their observations as a matter of urgency.
117. Concerning the follow-up to its recommendations, the Committee had noted with satisfaction 23 cases in which Governments had kept it informed of the measures taken to give effect to its recommendations. He drew the attention of the Governing Body to positive developments in two cases: Cases Nos 2469 (Colombia) and 2695 (Peru). In the case concerning Colombia, the Committee noted with satisfaction that, under the framework of the Special Committee on the Handling of Conflicts referred to the ILO (CETCOIT) and with the assistance of the Office, the parties had reached an agreement, which included their commitment to continue to give effect to the recommendations of the Committee and to the collective agreement, and the importance accorded by the parties to

fully respecting the Conventions on freedom of association and collective bargaining. The Committee had also noted with satisfaction the adoption of a decree concerning the procedures for negotiation and resolution of disputes with public employee organizations. In the case concerning Peru, the Committee welcomed the reinstatement of a municipal trade union official following its conclusions and recommendations. It was of particular importance to highlight those two cases of progress as they came from a region that submitted a significant number of complaints to the Committee.

- 118.** The Committee had seen on several occasions how national machinery established to review freedom of association complaints could facilitate and expedite the resolution of matters at the national level, and it encouraged other countries to draw on those examples for their inspiration. He emphasized that the number of complaints in itself was not an indicator of the degree of freedom of association in a given country. The Committee planned to review its procedures so as to ensure that its work was not impaired by excessive recourse to international mechanisms, and it would continue to inform the Governing Body in that regard. The Committee had further encouraged the use of ILO assistance with a view to rapidly reaching solutions in conformity with freedom of association principles.
- 119.** The Committee wished to draw the special attention of the Governing Body to three cases that it considered serious and urgent: Cases Nos 2761 (Colombia), 2923 (El Salvador) and 2706 (Panama). The Colombian case concerned allegations of violence, murders, attempted murders and death threats against union leaders and members. The Committee had noted with interest a policy of the Office of the Public Prosecutor to prioritize the murder cases of the trade unionists cited in the case, in order to combat impunity effectively, as well as the tripartite mechanism set up to discuss trade union concerns and observations with respect to handling investigations into cases of anti-union violence. The Committee had also welcomed the Memorandum of Understanding between the Office of the Public Prosecutor and NORMES, and the follow-up activities undertaken to inform prosecutors of international labour standards and freedom of association principles to be taken into account in their investigations. The Committee had expected that those efforts would be conducive to the swift resolution of the cases denounced so that the perpetrators could be identified, prosecuted and convicted. It had further called on the complainant organization to provide the specific information requested by the Public Prosecutor with respect to the circumstances surrounding the murders of several trade unionists.
- 120.** In the second serious and urgent case, Case No. 2923 (El Salvador) concerning the murder, in January 2010, of the Secretary-General of the Union of Municipal Workers of Santa Ana (SITRAMSA), the Committee had noted with concern the allegation that he had previously received death threats and that his murder took place in a climate of anti-union persecution and harassment. The Government had been requested to provide information on the criminal proceedings that had been initiated and to take all measures at its disposal to ensure that investigations were intensified to clarify the facts, identify the guilty parties and impose severe punishment with a view to preventing such criminal offences.
- 121.** In the third serious and urgent case, Case No. 2706 (Panama), concerning allegations of murder, assault and acts of violence against trade union officials and members, and the detention of protesters, the Committee had deplored the murder and injury of trade union members, as well as of several police officers. It had requested the Government to send the relevant rulings issued in those cases in order to ensure that the facts had been clarified and that the guilty parties had been severely punished. The Committee had further requested the Government to organize tripartite dialogue in the construction sector in order to examine the problems raised and to take all the measures necessary to avoid a recurrence of such acts of violence.

122. *The Employer coordinator* said that the Committee had considered a record number of 52 cases, providing conclusions in 49 cases and deferring three. The objective of the report was to encourage, urge and, in many cases, expect governments to rectify practices or policy in their states that compromised the full and effective exercise of freedom of association. The current discussion concerning the mandate of other supervisory bodies had, so far, not prevented the Committee from carrying out that mandate. The Committee was an element in the ILO's wider supervisory and complaint system but it was important to recognize that it dealt with specific cases only. The mandate of the Committee, to be found in Annex I of the *Digest of decisions and principles of the Freedom of Association Committee*, clearly stated that its role was to deal with complaints from workers' and employers' organizations. The Committee was not an appropriate forum to discuss the mandate of the Committee of Experts, which fell outside matters related to freedom of association. An attempt to deal with that question would compromise the mandate, role and position of the Committee.
123. It was worth noting that, when dealing with complaints, the Committee regularly referred to the *Digest*, which contained more than 1,000 quotes from the Committee's opinions, some dating back more than 30 years. According to its mandate, the Committee should take account of national circumstances, such as the history of labour relations, and of the social and economic context. When quotes from the *Digest* were included in new cases, there was no reference to what the circumstances were at that time and to what extent the national context was similar to that surrounding the original case.
124. The Employer members were deeply concerned by the substantial imbalance in the number of cases received from Latin America. The current sitting might represent a "high-water mark", but the situation was not new and there was no single cause or solution. A current assessment suggested that the imbalance would continue in the near future, with about 65 per cent of cases outstanding coming from Latin America. The Employer members supported the discussion to find a solution to the problem and suggested that consideration should be given to the approach taken in Colombia by the Government and the social partners to establish a national mechanism to deal with cases before they were escalated to the international level, as in Case No. 2877 (Colombia).
125. He urged unions not to use the Committee as a court of appeal for domestic cases or as a forum to litigate on national human resources disputes. The number of minor or technical cases submitted could detract from the impact of serious cases from Latin America and could also weaken the standing and authority of the Committee. Moreover, too many of the cases dealt with in the current sitting came from the public sector. While the Employers did not dispute the rights of workers or unions in the public sector, it was of concern that the Committee had spent more than half its time in that sitting dealing with complaints by government employees against governments, or complaints by unions against government legislation.
126. Case No. 2931 (France) had given the Committee the opportunity to affirm the principle of respect for local courts and judicial authorities. Similar situations had arisen in Cases Nos 2907 (Lithuania) and 2814 (Chile), which had highlighted underlying issues of compliance with the principles of freedom of association in the national legislation. In both cases, the Governments had been invited to establish national processes to resolve the matters having regard to the freedom of association and collective bargaining principles of the ILO.
127. In Case No. 2706 (Panama) a reply from the Government, including feedback from the enterprise, had had the effect of providing substantial clarification. That should encourage governments and enterprises to cooperate, in view of the potential benefits of doing so.

128. Case No. 2930 (El Salvador) was an employer case submitted by the National Association of Private Enterprise (ANEP). The recommendations called on the Government to take steps to ensure that the employer, through its representative organization, was represented on a tripartite body on vocational training. Representation within institutional structures was key to giving effect to the freedom of association of collectively formed unions and employer bodies.
129. Case No. 2894 (Canada) was a legislative case raising concerns with regard to several legislative enactments. However, the Committee also recognized that a minimum service could be provided for non-essential services in order to protect public interests. That should, however, be carried out in full consultation with the social partners.
130. Case No. 2225 (Bosnia and Herzegovina) had raised an important issue about the right of employers to invoke the principle of freedom of association to assert their right to be consulted on setting thresholds for representativeness. That was not just a right applicable to trade unions.
131. Case No. 2860 (Sri Lanka) provided evidence of the balance in the Committee's report where essential services were concerned. In that case, the health sector was considered to be an essential service, thus allowing some restrictions on the right to strike if the health and safety of the community was at risk.
132. Case No. 2949 (Swaziland) highlighted the fundamental principle that freedom of association required a democratic framework if trade union rights were to be properly recognized and protected. While progress had been reported in cases such as Case No. 2925 (Democratic Republic of the Congo), the deterioration of the situation in Swaziland was worrying. In light of that, he called on Governments to respond to and take the necessary steps in respect of the serious and urgent cases set out in the report.
133. The Employer members acknowledged the many cases in which Governments had cooperated with the Committee by providing replies. The Committee still had a heavy backlog in its caseload and slowness to reply often meant that some cases were not dealt with for up to two years after the alleged events occurred. That situation was not in the interest of any of the parties involved, and he continued to urge early attention to the processes of the Committee, including sufficient detail from complainants, which would result in relevant and up-to-date government replies, and would enable the work of the Committee and its reports to the Governing Body to be conducive to discussions and implementation at the national level.
134. *The Worker spokesperson* indicated that the Worker members' commitment to the Committee on Freedom of Association and the overall ILO supervisory system was not in and of itself aimed at putting governments in the hot seat, but was intended to enforce the rights of workers and unionists, as recognized by the international community. Faster complaint processing and responses by governments would decrease the amount of time that they spent under scrutiny and would re-establish labour rights. It should be recalled that in some cases the integrity of men and women was brought into question owing to their trade union involvement.
135. He welcomed the news received during the session that Mr Urusov, Chairperson of the "Profsvoboda" trade union in Russia, had been freed after the Committee had called for his release in November 2012. He welcomed the positive developments observed in a number of cases included in the report, namely Case No. 2695 (Peru), where a trade union leader, who had been unjustly dismissed, had been reinstated and compensated; and Case No. 2677 (Colombia) where the parties had reached an agreement. He welcomed the



willingness expressed in Case No. 2952 (Lebanon) to ratify Convention No. 87, but called on the Government to fully respect the principles of freedom of association, in particular in the public, domestic work and agriculture sectors. He took note, in Case No. 2860 (Sri Lanka), of the annulment of anti-union sanctions.

- 136.** Such positive results should encourage governments to provide the information requested as quickly as possible. Currently there were too many delays: in Case No. 2702 (Argentina), information requested at the end of 2010 regarding an inquiry carried out in 2008 had only been received at the end of 2012. Vigilance was also needed in respect of governments that failed to provide replies, or that replied only partly, to the Committee's requests. In Case No. 2753 (Djibouti), the Committee had still not received a reply from the Government regarding a complaint that dated back to 2009 and which was part of a long conflict that had recurrently been brought up in the Credentials Committee of the Conference. In Case No. 2655 (Cambodia), which was being examined for the fourth time and where only one incomplete reply had been received since 2008, the Government had once again failed to provide information. He regretted the absence of a reply in Cases Nos 2869 (Guatemala), 2925 (Democratic Republic of the Congo), and 2913 (Guinea). In Case No. 2882 (Bahrain), the Government's reply had covered a number of the Committee's requests, but greater precision was needed, and government follow-up to the request for inquiries into the allegations concerning arrests, torture and mistreatment of trade union officials was a matter of urgency. The same was true of Case No. 2938 (Benin).
- 137.** Various cases concerned the refusal of, and obstacles to, the registration of trade unions. Such cases included Case No. 2944 (Algeria), despite progress recorded at the previous session, and Cases Nos 2620 (Republic of Korea), 2977 (Jordan) and 2949 (Swaziland). He wished to highlight a serious and urgent case, Case No. 2923 (El Salvador), concerning the murder of union official Mr Victoriano Abel Vega in relation to his involvement in the creation of a trade union; two other cases in that country also concerned difficulties over the registration of trade unions.
- 138.** Other serious and urgent cases were Cases Nos 2761 and 2853 (Colombia) and 2706 (Panama) concerning the murder of, and death threats against, union officials. Such situations should prompt governments to strengthen the protection of unions, unionists and trade union rights, and to expedite investigations with a view to arresting and condemning the perpetrators of such acts, thus manifesting their determination to combat impunity in all its forms.
- 139.** Various cases concerned the effective right to collective bargaining, as in Cases Nos 2907 (Lithuania), 2894 (Canada), 2814 and 2885 (Chile), and 2929 (Costa Rica).
- 140.** In Case No. 2763 (Bolivarian Republic of Venezuela), he noted that the Committee had deplored the arbitrary detention of union officials following demonstrations requesting the enforcement of collective agreements.
- 141.** The Worker members deplored that, in Cases Nos 2177 and 2183 (Japan), where the Government had provided a detailed reply, a long-standing situation regarding union rights in the public sector and wage bargaining, which had seemed to be reaching a solution, had once again been blocked. Case No. 2892 (Turkey) also called for the reform of legislation on freedom of association for public servants in the judiciary.
- 142.** In line with the Committee's willingness to address the increasing number of cases concerning one region, the Worker members were determined to strengthen the effectiveness and the role of the Committee. Complaints that should have been rapidly

resolved at the national level, and that had been referred to the Committee, reflected a lack of social dialogue at the national level. The problem concerned all three parties, but he called on Governments to increase their vigilance and assume their responsibility to apply the rule of law, in accordance with the fundamental principles of freedom of association and collective bargaining, as established in Conventions Nos 87 and 98. They should be assisted in such efforts by the ILO, through the Committee on Freedom of Association. It should be noted that the economic crisis had weakened workers' rights. Strengthening the work of the ILO towards achieving social coherence in the economic system from the national to the global level would, in turn, enhance the effectiveness of the action of the Committee on Freedom of Association and of the supervisory system in general.

- 143.** *A Government representative of El Salvador* said that his country deplored the events, reported under Case No. 2923, which had resulted in the murder of a union member. The Government had condemned the murder and had ordered an in-depth inquiry to identify the guilty parties. To that end, an investigation had been ordered by the Public Prosecutor's Office. The Government's influence in the proceedings was limited by the principle of the separation of powers, and it could not interfere in the work of the Public Prosecutor's Office by requesting it to expedite specific cases. Nevertheless, it hoped that the perpetrators would be swiftly identified and prosecuted. There was no lack of political will to resolve the case and the Government had a manifest interest in ensuring that such cases were not left unpunished. In that light, it would continue its efforts to implement the recommendations of the Committee in line with national law.
- 144.** *A Government representative of Panama*, regarding Case No. 2706, indicated that his Government had provided all the information requested by the Committee. The last communication had been sent in November 2011, as indicated in paragraph 8 of the 363rd Report of the Committee, March 2012. The Committee had requested the Government to communicate the rulings issued in respect of the appeal cases. The Government would do so as soon as the rulings were handed down by the Supreme Court. In its examination of the case and in its conclusions, the Committee had recognized the dialogue forums that had been established in Panama with the support of the ILO, on the recommendation of the Commission on the Application of Standards at the 100th Session of the ILC (2011). Those forums had been constituted to address cases related to freedom of association and collective bargaining through a rapid dispute resolution system.

## **Decision**

- 145.** *The Governing Body took note of the introduction to the report of the Committee, contained in paragraphs 1–112, and adopted the recommendations made in paragraphs: 142 (Case No. 2944: Algeria); 152 (Case No. 2702: Argentina); 162 (Case No. 2743: Argentina); 180 (Case No. 2817: Argentina); 212 (Case No. 2882: Bahrain); 231 (Case No. 2938: Benin); 260 (Case No. 2940: Bosnia and Herzegovina); 269 (Case No. 2655: Cambodia); 345 (Case No. 2894: Canada); 356 (Case No. 2814: Chile); 386 (Case No. 2885: Chile); 419 (Case No. 2904: Chile); 453 (Case No. 2761: Colombia); 483 (Case No. 2853: Colombia); 507 (Case No. 2877: Colombia); 531 (Case No. 2895: Colombia); 559 (Case No. 2620: Republic of Korea); 602 (Case No. 2778: Costa Rica); 641 (Case No. 2929: Costa Rica); 650 (Case No. 2753: Djibouti); 685 (Case No. 2896: El Salvador); 697 (Case No. 2909: El Salvador); 715 (Case No. 2923: El Salvador); 734 (Case No. 2930: El Salvador); 745 (Case No. 2684: Ecuador); 765 (Case No. 2931: France); 773 (Case No. 2708: Guatemala); 783 (Case No. 2869: Guatemala); 813 (Case No. 2913: Guinea); 850 (Cases Nos 2177 and*

*2183: Japan); 862 (Case No. 2977: Jordan); 880 (Case No. 2952: Lebanon); 900 (Case No. 2907: Lithuania); 949 (Case No. 2706: Panama); 959 (Case No. 2813: Peru); 1007 (Case No. 2816: Peru); 1020 (Case No. 2826: Peru); 1033 (Case No. 2874: Peru); 1074 (Case No. 2910: Peru); 1103 (Case No. 2911: Peru); 1126 (Case No. 2915: Peru); 1141 (Case No. 2925: Democratic Republic of the Congo); 1185 (Case No. 2860: Sri Lanka); 1225 (Case No. 2949: Swaziland); 1239 (Case No. 2892: Turkey); 1257 (Case No. 2890: Ukraine); 1294 (Case No. 2763: Bolivarian Republic of Venezuela); and 1309 (Case No. 2827: Bolivarian Republic of Venezuela); and approved in full the 367th Report of the Committee on Freedom of Association.*

(GB.317/INS/8.)

## **Ninth item on the agenda**

### **Report of the Board of the International Institute for Labour Studies**

(GB.317/INS/9)

146. *The Chairperson* introduced the report, which the Governing Body was invited to note.
147. *The Employer coordinator* expressed appreciation to the Director-General for his statement to the 55th Session of the Board of the International Institute for Labour Studies and welcomed the initiative of establishing a think tank to provide academic and technical guidance, thereby assisting the work of the Organization.
148. *Speaking on behalf of the member States of GRULAC represented on the Governing Body*, a Government representative of Colombia said that in supporting the Programme and Budget proposals for 2014–15, which included a role for the International Institute for Labour Studies, GRULAC had emphasized the need to revitalize the Institute and to ensure that the information it provided was more up to date, so that it could continue supporting the work of the ILO. The Institute's capacities should be strengthened and it should take a more regional approach. It could serve as a conduit for new ideas on economics, macroeconomics and the role of decent work, consolidating the ILO's role alongside traditional financial institutions in the development agenda beyond 2015. In that respect, the Institute was vital as an academically independent think tank and should retain that independence. Existing synergies, such as with the Turin Centre, should be enhanced and new ones sought with higher education establishments, so as to increase knowledge of specific problems in countries. Strengthening the ILO's analytical capacity was essential if it was to play a more central role in policy-making and ensure that sufficient attention was given to job creation in the wake of the economic crisis. The Institute could contribute in that regard and should have the tools to do so.
149. *A Government representative of France* stressed the need for the Institute to have sufficient resources to function as a centre of excellence. Fragmentation, including as a result of the reform process, should be avoided at all costs and resources should not be spread too thinly.

## **Outcome**

### **150. *The Governing Body took note of the report.***

(GB.317/INS/9.)

## **Tenth item on the agenda**

### **Report of the Working Party on the Functioning of the Governing Body and the International Labour Conference (GB.317/INS/10)**

- 151.** *Speaking on behalf of the member States of ASPAG represented on the Governing Body*, a Government representative of Australia supported the revised draft decision. She said that the Organization must demonstrate a greater commitment to positive change.
- 152.** *Speaking on behalf of the member States of IMEC represented on the Governing Body*, a Government representative of Canada said that she was disappointed with the results of the discussion of the Working Party on the Functioning of the Governing Body and the ILC. She underlined that by testing those proposals during the 102nd Session of the ILC (2013), the Working Party could decide if they should be fully implemented or not. She noted that many of the proposals had been expected for a long time, and that they would make the Conference more efficient and effective. IMEC supported the revised decision and looked forward to discussing the outcomes.
- 153.** *Speaking on behalf of the member States of the Africa group represented on the Governing Body*, a Government representative of Niger supported the draft decision.
- 154.** *Speaking also on behalf of the Governments of Denmark and Hungary*, a Government representative of the Netherlands aligned himself with the statement made by the IMEC countries. He was disappointed with the limited results of the Working Party on the Functioning of the Governing Body and the ILC and had expected more changes to be made considering the thorough reform that was under way. He encouraged more ambition in that undertaking in order to make the Conference more relevant in the future.

## **Decision**

- 155. *On the recommendation of the Working Party on the Functioning of the Governing Body and the International Labour Conference, the Governing Body decided:***
- (a) *to propose to the International Labour Conference to implement in June 2013, on a trial basis and subject to certain derogations of its Standing Orders, the changes on which a tripartite consensus had been reached, as listed in paragraph 10 of document GB.317/INS/10;***
  - (b) *to request the Office to prepare for its 319th Session (October 2013):***
    - (i) *a detailed analysis of the trial implementation of those reforms;***

- (ii) *a first set of proposed amendments to the Standing Orders of the International Labour Conference on the issues identified as those on which a tripartite consensus had been reached but which required, for their implementation, amendments to the Standing Orders at the 103rd Session of the International Labour Conference (2014); and*
- (iii) *additional information on pending issues requiring further consultations and discussion.*

(GB.317/INS/10, paragraph 11.)

## **Eleventh item on the agenda**

### **Report of the Working Party on the Social Dimension of Globalization**

#### **Chairperson's summary** (GB.317/INS/11)

- 156.** *The Chairperson* introduced the summary of the work of the Working Party on the Social Dimension of Globalization. Two questions were on the agenda for discussion: the first related to the post-2015 sustainable development agenda; and the second was concerned with tackling the global economic and employment crisis. The discussions had been enriching and he invited the participants to express their views on the subject.
- 157.** *The Employer coordinator* said that the points listed in paragraph 7 did not relate to policy decisions but were those that had been raised during the discussions. The Working Party was a forum for discussion which should deal with more specific subjects. The relevance and future direction of the Working Party should be analysed in the light of the dynamics of the Governing Body reform.

#### **Outcome**

- 158.** *The Governing Body took note of the report.*

(GB.317/INS/11.)

## Twelfth item on the agenda

### Report of the Director-General (GB.317/INS/12(&Corr.))

#### Obituaries

#### Decisions

- 159.** *The Governing Body paid tribute to the memory of Mr Abraham Katz, former Employer member of the Governing Body and former President of the International Organisation of Employers (IOE) and to the memory of Mr Rolf Thüsing, former Employer Vice-Chairperson of the Governing Body and Vice-Chairperson of the Executive Committee of the IOE, and invited the Director-General to convey its condolences to the Government of the United States, to the President of the IOE and to the family of Mr Abraham Katz, to the President of the IOE and to the family of Mr Rolf Thüsing.*
- 160.** *The Governing Body took note of the information contained in paragraphs 13 to 30 of the Report of the Director-General.*

(GB.317/INS/12(&Corr.), paragraphs 6 and 12.)

### First Supplementary Report: Measuring decent work (GB.317/INS/12/1)

- 161.** *A representative of the Director-General (Director, Department for Multilateral Cooperation) introduced the document, which reported on work undertaken by the Office since 2008 to measure decent work through country profiles, of which 12 had been completed. More profiles were under way and due to be completed before the end of the year, when the budgeted programme was due to end. The report also provided information on a separate pilot project undertaken to look into how achievement of legal commitments related to fundamental principles and rights at work might be measured, using information derived from the ILO's supervisory system. The mechanism arrived at for classifying available information proved to be a useful referencing tool, though not necessarily as a method of measurement. The Governing Body was invited to provide guidance, in particular from the member States for whom country profiles had been conducted.*
- 162.** *The Employer coordinator recalled that his group had supported the adoption of the ILO's knowledge management strategy. This support was geared primarily to the proposal to strengthen the value of the ILO's data, statistics, research and analysis, including the knowledge gateway focusing on the collection of country-level information. He welcomed the current Office-wide review of research, statistics and knowledge management functions, as there was a real need to focus the ILO's work on knowledge in a coherent way, citing LABORSTA, NORMLEX and NATLEX as examples of respected ILO databases. In his group's view, the work on decent work indicators, however, did not fall in that category. Decent work indicators were often subjective and undermined the ILO's*

fact-based strategy, and presupposed that decent work was something clearly defined and measurable, when it was not.

163. Furthermore, there was a lack of policy oversight on how this work had developed, and no unanimity amongst constituents for the work and its continuation. Recalling that decent work at its most fundamental was a concept based on national circumstances, using statistics that could be highly questionable across borders would go against that thinking and would be the antithesis of the idea behind Decent Work Country Programmes (DWCPs). He noted that even though the Office had said the data would not be used for the purposes of comparison between countries, other groups could be tempted to do this. Given the confusion and lack of consensus on what was being measured and for what purpose, his group proposed that, pending the Governing Body's approval of the Office's upcoming review of research, statistics and knowledge management functions, work on measuring decent work should cease. Any resumption of work should be subject to express approval by the Governing Body as part of the adoption of the ILO's new research statistics and knowledge strategy.
  
164. *The Worker Vice-Chairperson*, underlining his group's continued support for measuring decent work, deplored the lack of progress in that regard since a set of decent work indicators had been recommended by a tripartite meeting of experts in 2008. At that time, the Governing Body had agreed that the Office should develop quantitative indicators on freedom of association and collective bargaining; however, the transformation of that goal into the more modest aim of compiling existing information gave cause for concern. It sent the message that the Organization was unable to measure freedom of association, which lay at the core of its activities, and opened the way for other organizations to develop methodologies that ran counter to the principles of the ILO core Conventions, and this at a time when the realization of decent work should be included as one of the post-2015 sustainable development goals. Concerns with the approach taken by the Office should be discussed: he could not accept the Employers' proposal that the work should be shelved or replaced with something that undermined the agreement reached in 2008. The issue should not be linked to that of ILO research. The Office should apply its methodology to the application of freedom of association and collective bargaining rights, and a further meeting of experts should be convened to evaluate progress and discuss improvements to the methodology.
  
165. *Speaking on behalf of the member States of the Africa group represented on the Governing Body*, a Government representative of Ghana welcomed the measurement of how the Decent Work Agenda was performing, as part of the Office-wide review of research, statistics and knowledge management. Endorsing the development of decent work country profiles that took account of national needs and priorities, he asked what would happen to the project on Monitoring and Assessing Progress on Decent Work (MAP) once European Commission funding ceased. He urged the Office to disseminate the first version of the decent work indicators manual widely among constituents. Labour force surveys were vital for building credible decent work country profiles. Endorsing the proposed Information Gateway, he said that the ten thematic areas of decent work should be linked to the post-2015 development agenda.
  
166. *A Government representative of Zambia*, endorsing the statement made on behalf of the Africa group, said that his country was taking steps to improve the collection and analysis of labour market data. It had launched its decent work country profile in January 2013, and was grateful for the ILO's support. Under the Industrialization and Job Creation Strategy, Zambia had identified priority sectors with the greatest potential for job creation. Statistics in these sectors were thus vital to the Government and he expressed support for the Information Gateway initiative, which would provide one-stop access to statistics.

167. *Speaking on behalf of the member States of ASPAG represented on the Governing Body*, a Government representative of China welcomed the Office's efforts to measure decent work through country profiles, which could help to identify gaps in designing and developing DWCPs. This was in line with the ILO Declaration on Social Justice for a Fair Globalization. With regard to the pilot project to measure freedom of association and collective bargaining rights, he sought guidance as to how the methodology developed would be used in the future. In informal consultations, various countries had expressed the view that the system for coding the findings of the ILO supervisory system was too complicated and that evaluation was premature. He asked whether the results of coding would be used to rank member States' compliance. It was for individual States to decide whether and how to define indicators, but the Office could provide technical assistance.
168. *Speaking on behalf of the member States of GRULAC represented on the Governing Body*, a Government representative of Colombia drew attention to the worrying fact that, despite concerns previously expressed by constituents, the Office had continued its activities on measuring decent work and had not sought decisions from the Governing Body, instead submitting documents for information or discussion only. The focus on coding the findings of the ILO supervisory system would lead to inherent weaknesses on account of the prioritization of ratified instruments over non-ratified ones and the regional imbalance in the activities of bodies such as the Committee on Freedom of Association and the Conference Committee on the Application of Standards. GRULAC countries in particular were over-represented. Despite Office assurances to the contrary, comparisons between countries and regions were inevitable. The development of decent work indicators by countries should be voluntary and should take account of national circumstances, priorities and needs, so as to improve conditions at national level, as had been the case in the decent work country profiles carried out. In view of its methodological and substantive objections to the current approach to measuring decent work, GRULAC supported the proposal made by the Employers' group.
169. *A Government representative of Brazil* fully supported the GRULAC statement. He said that, in his country, two evaluations of progress made on decent work had already been carried out, within the framework of the National Decent Work Agenda. The results thereof were reflected in the National Plan for Employment and Decent Work. Furthermore, the first National Conference on Employment and Decent Work had been held in August 2012. Its conclusions would serve as a basis for formulating a national employment and decent work policy. Lastly, he underlined the fact that the measurement process should take account of each country's specific circumstances and that participation in the process should be voluntary.
170. *A Government representative of China* supported the ASPAG statement. He said that, given that countries had different levels of economic and social development, applying a single set of indicators to all of them could have many limitations. The scarce resources available should not be channelled into measuring but into helping constituents tackle challenges in the world of work.
171. *A Government representative of Germany* said that many European countries did not agree with ending the Office's work on decent work indicators. His Government and those of France, Netherlands, Italy, Denmark, Finland and Sweden considered it fundamental to have appropriate indicators on full and productive employment and decent work, with a view to including a decent work objective in the post-2015 development agenda. Moreover, he said that particular attention should be given to lessons learned about how effective indicators were in improving results in the areas of employment and social protection.



172. A *Government representative of Canada* took note of the fact that work on measuring decent work was being reviewed as part of the Office-wide process under way to examine research, statistical and knowledge-management functions. She expressed appreciation for the work done on decent work country profiles and the proposals to create electronic profiles and an information gateway. With regard to the pilot project on measuring fundamental principles and rights at work, she pointed out that, in previous discussions, reservations had been expressed about the project's viability. It was therefore welcome that the Office was re-examining what could be done in that sphere, in line with guidance from the Governing Body. Lastly, the Organization should direct its resources to those areas in which it could make a significant contribution, such as developing relevant indicators in the context of the post-2015 development agenda.
173. A *Government representative of India* expressed concern at the development of decent work indicators by the ILO, the focus of which was too prescriptive. Although ensuring decent work was one of the main priorities for all member States, it was for each country to design its own strategy and indicators freely. Every country had a different level of development, so it made no sense to apply the same set of indicators to all countries. The ILO should restrict itself to providing technical assistance to countries that requested it. Furthermore, the report mentioned a European Commission project (MAP) on which the ILO's entire strategy on the issue was based. The Government of India was not familiar with the project and he requested the Office to provide constituents with information about it before the document was discussed further. He said that, in his country, the vast majority worked in the informal sector, and he questioned how useful the project on measuring decent work could be to such workers. The ILO must tackle the informal economy in greater depth before it could prescribe indicators for it.
174. A *Government representative of the United States* said, with regard to decent work country profiles, that her Government welcomed the emphasis on developing indicators that were appropriate to national contexts. Nevertheless, she expressed the concern that the indicators would be difficult to manage and that countries would not have sufficient capacity to collect the necessary data. She requested the Office to clarify the methodology and resources used to develop indicators. She added that, if the objective of decent work was included in the post-2015 development agenda, it would be necessary to identify targets and associated indicators, which would need to be specific, practical, measureable and not unduly complicated. She considered that the ILO was the appropriate body to develop such indicators.
175. A *Government representative of Niger* expressed support for the statement made by Ghana on behalf of the Africa group. In Niger, which had been one of the countries to benefit from the pilot phase of the programme, the process had taken place in an inter-African context with participation by the social partners. In that regard, she expressed regret that EU funding would soon cease and added that her Government wished to continue receiving assistance.
176. A *Government representative of the Republic of Korea* supported the ASPAG statement. She welcomed the fact that tripartite participation in the preparation of decent work country profiles was being encouraged, which would assist greatly in making the results acceptable to constituents. With regard to the pilot project, she requested the Office to clarify the 168 criteria and the methodology used for coding, pointing out that the criteria should be practical and concise. Lastly, she stressed that member State participation in initiatives to measure decent work must be voluntary.
177. The *Employer coordinator* said that some governments, especially in Africa, had appreciated the ILO's work to develop decent work profiles at national level, while others

had expressed concern. The Employers' group had prepared a new draft decision that aimed to reflect both positions. In accordance with that draft, the Governing Body would take note of the fact that the pilot project had been suspended so that possible ways of measuring progress made in ensuring respect for fundamental principles and rights at work could be investigated; it would take note of the fact that the existing projects on decent work country profiles would come to a close at the end of the current biennium; it would take note of the fact that, at the end of the biennium, those projects would be evaluated; and it would request that, before the Office continued its work on decent work country profiles, the Director-General should seek guidance from the Governing Body.

178. *The Worker Vice-Chairperson* said that his group had not been consulted about the draft decision and therefore could not support it. The Office should submit a proposal if the discussion were to continue.
179. *Speaking on behalf of the member States of GRULAC represented on the Governing Body*, a Government representative of Colombia said that she could not support the new draft decision. The report being considered did not provide for any decision to be taken. The important thing was for the Office to prepare a paper reflecting all views expressed and submit it to the Governing Body so that a decision could be adopted on the matter at its October session. Lastly, she reiterated the statement she had made during the morning meeting.
180. *A Government representative of Kenya* supported the statement made by Ghana on behalf of the Africa group and said that decent work country profiles could help countries to measure their progress, detect weaknesses and identify technical cooperation needs.
181. *A representative of the Director-General* (Deputy Director-General for Policy (DDG/P)) clarified two terms used in the report that appeared to have generated confusion. The term "decent work" referred to a shared vision and goal that included the four strategic objectives and the 2008 Declaration on Social Justice for a Fair Globalization. The term "indicators" also seemed problematic, although these were a means of measuring progress recommended in the 2008 Declaration, as well as for the Millennium Development Goals. Very likely, they would also be used for the post-2015 development framework. The confusion generated by these two terms carried risks for the upgrading and improvements to ILO statistics and research that was central to the reform of the Organization launched by the new Director-General and widely supported by the Governing Body. The decent work indicators referred to in the report devolved from solid statistical measures based on agreed international labour statistical standards which the ILO had helped to set. Some work had been done, on the recommendation of the 2008 meeting of experts, to attempt to capture other dimensions of decent work, including progress towards effect given to fundamental principles and rights at work, with freedom of association and the right to collective bargaining as a starting point. This had proved complicated, and it was subsequently stopped.
182. The decent work country profiles, generously funded by the EU, were a means of providing the Office with solid data and an analytical basis for designing DWCPs. Feedback from the countries in question had been positive, and other countries wished to have their decent work profiles drawn up. Besides this, the Governing Body, in November, had given strong support to the goal of including employment as a key and central aspect of the post-2015 development framework, and the Office had already devoted much energy to this goal. In this connection, the ILO would certainly be asked, and rightly so, how to measure the scale of the problem and how specific and measurable targets and indicators could be proposed to countries. Work on this was well in progress, and its results would shortly be shared with the Governing Body.

183. *The Chairperson* drew attention to a draft decision proposed by the Workers' and the Employers' groups.
184. *Speaking on behalf of the member States of GRULAC represented on the Governing Body*, a Government representative of Colombia said that, in the interest of reaching a consensus, her group would not object to the adoption of the proposed draft decision. However, the text did not reflect certain aspects of the group's position, as set out in its previous statement on the item. GRULAC would follow closely the issue of measuring decent work and expected that its views and concerns would be taken into account in future Office papers.
185. *A Government representative of India*, emphasizing that the question of decent work indicators was highly sensitive, asked who would be preparing the evaluation reports mentioned in the draft decision. Furthermore, the report on the pilot project measuring progress towards effect given to the fundamental principles and rights at work should be circulated to the Governing Body prior to the adoption of any decision on the matter.
186. *A representative of the Director-General* (Director, Department for Multilateral Cooperation) recalled that the Governing Body was being asked only to "note" the report on the pilot project and that several reports on the progress towards giving effect given to the fundamental principles and rights at work had been presented since 2008, most recently in March 2011. The evaluation would be undertaken by the ILO's Evaluation Unit (EVAL). He would be happy to provide further clarifications if required.
187. *The Employer coordinator* said that the draft decision reflected the rich debate that had taken place on the item and that his group fully supported the text.
188. *The Worker Vice-Chairperson* reiterated his group's support for the draft decision.
189. *A Government representative of China* reiterated his Government's concerns with regard to the draft decision and expressed the hope that the Office would take the views of member States into account when undertaking the evaluations.

## **Decision**

### **190. The Governing Body:**

- (a) *noted the extensive discussion of the issues and various views raised by the Office report; that the current project on decent work country profiles would conclude at the end of the current biennium; the report on the pilot project measuring progress towards effect given to the fundamental principles and rights at work, which had not been taken further since the Governing Body discussion in March 2011; that evaluations of the work would be undertaken; and*
- (b) *looked forward to receiving the evaluation reports.*

(GB.317/INS/12/1.)

## Second Supplementary Report: Progress on the internal reform (GB.317/INS/12/2)

191. *The Employer coordinator* stressed her group's continuing support for the internal reform process. The group was mindful that the restructuring of an organization, while in many ways being cause for optimism, could also give rise to uncertainty. It looked forward to working with its partners in the ILO to take advantage of the opportunities that would be generated. While her group supported the priorities identified in the document, its own priorities included promoting the ILO as a globally recognized knowledge centre; improving the Organization's "DNA" by encouraging job applicants from the business world; and promoting tripartite engagement in technical cooperation design and delivery. She reiterated the importance of having a consolidated Human Resources Strategy that would address the ILO's demographic challenge. The Employers welcomed the appointment of Mr Hounbo as Deputy Director-General for Field Operations and Partnerships and would welcome further clarification about the reporting structures for the Deputy Directors-General. It would also be interesting to know how the issue of public-private partnerships would fit into the reporting structure; the outcome of the review of the ILO's capacities in the areas of research, statistics and publications; and whether there had been any efficiency savings as a result of the reform. The Employers looked forward to working with the Director-General in achieving the goals he had set out.
192. *The Worker Vice-Chairperson*, reiterating his group's support for the reform agenda, spoke in favour of making the ILO a centre of excellence for the world of work. The Workers' group expected the creation of the new management structure to lead to a more focused delivery of services to constituents and to improve ILO advocacy. In that regard, it would like further information on the terms of reference and composition of the various management teams. The involvement of the Bureau for Workers' Activities (ACTRAV) and the Bureau for Employers' Activities (ACT/EMP) in the work of those teams and consultations with the Staff Union were key to the reform's success. It was essential to ensure a strong human resources management and communication structure, both at headquarters and in the field. The integration of social dialogue remained very important. The Workers would welcome further information about what concrete steps would be taken next.
193. *Speaking on behalf of the member States of GRULAC represented on the Governing Body*, a Government representative of Colombia expressed her group's support for the internal reform process. The fact that transparency and accountability were among the goals of the reform plan was an indication of the Office's desire to enhance its credibility and make better use of available resources. In that regard, there was a need to identify priorities among the ILO's objectives. Her group noted with satisfaction that all concerned parties, both at headquarters and in the field, had been involved in the reorganization of services relevant to the management and reform portfolio. With regard to the fragmentation of functions, it agreed with the proposal to create larger organizational units with a higher number of specialists. She noted with satisfaction that a review of the ILO's current external relations and strategic partnerships was being carried out and that the Office had been making progress in the area of human resources, in particular with respect to recruitment processes and geographical mobility. The Office should not lose sight of the fact that its human dimension was its greatest asset. In that respect, she drew the Director-General's attention to the Latin America and Caribbean region's highly skilled human resources pool.
194. *Speaking on behalf of the member States of the Africa group represented on the Governing Body*, a Government representative of Kenya said that his group fully supported the

internal reform process, which it hoped would result in an Organization that understood the need for unity of purpose and balance in diversity in the world of work. His group looked forward to the outcomes of the decisions by the senior management teams and welcomed the establishment of a multidisciplinary project team that was working with a network of focal points in close consultation with the Staff Union. However, he reiterated the need for regional balance, fairness and accountability during such consultations, and the urgent need to hold discussions on the recruitment and selection policy. His group would closely monitor the process and outcomes of such discussions. It supported the objective of developing practical and cost-effective proposals for both geographical and functional staff mobility, taking into account best practices of other international organizations, and efforts to reposition the ILO as the beacon of social justice in the UN system.

195. *Speaking on behalf of the member States of IMEC represented on the Governing Body*, a Government representative of the Netherlands said that IMEC supported the reform agenda and welcomed the establishment of the senior management teams. Noting the complementarities between the different portfolios of the Deputy Directors-General, he said that cooperation would be key to delivering results. He therefore invited the Director-General to explain in more detail how he intended to strengthen cooperation within the Organization. With regard to the work of the various project teams, he asked when results could be expected; and with regard to human resources, he expressed the hope that the policies and best practices of other UN agencies would be taken into account. In particular, the Office should take due note of the recommendations stemming from the quadrennial comprehensive policy review of the UN General Assembly and engage actively in the work of the high-level committees of the UN Development Group. It would be useful to receive further clarification regarding the anticipated savings and efficiencies resulting from the reform and regular updates on progress.
196. *A Government representative of Japan* welcomed the steady progress that had been made in implementing the internal reform, which reflected the Director-General's leadership and efforts to enhance the Organization's efficiency, effectiveness and ability to respond to current challenges. While he appreciated the fact that a team had been established to review the field structure and was composed of staff with experience both at headquarters and in the field, he would welcome further clarification as to that team's specific mandate. His Government was firmly in favour of a reform that would contribute to the realization of decent work in the regions and called for a concrete proposal in that regard to be submitted to the Governing Body. Referring to the review of the ILO's human resources structure, he stressed that adequate consideration should be given to tackling the issue of under-representation.
197. *A Government representative of China* welcomed the Director-General's efforts to promote the internal reform plan and the progress made to date. Although a great deal of research, analysis and consultation had gone into drawing up the plan, much remained to be done and efforts needed to be made to ensure that those good practices continued when translating the plan from theory into practice, including with regard to reforming the regional structures. He hoped that the new Global Management Team would play its leading role to the fullest possible extent and that information would be made available on the progress made.
198. *A Government representative of India* regretted that the report did not explain what lessons had been learnt from the first stage of reform. In the long term, the reform's success would be judged, not only on whether they improved the efficiency and transparency of the Organization, but also on whether they made it more inclusive. His Government supported the reform process in the hope that it would lead to better representation of the developing world within the ILO.

199. *A Government representative of France* said that enhancing the Organization's capacities in the areas of research and knowledge would improve its ability to keep abreast of the huge changes occurring in the world of work, to analyse best practices in managing change, to identify the most effective public policies on employment and social protection, to demonstrate the value of social dialogue in that connection and to position the ILO as the reference point, or centre of excellence, when dealing with those issues within the multilateral system. He was confident that the Organization would achieve the latter goal.
200. *A representative of the Director-General (DDG/MR)*, responding to comments made during the debate, noted the strong endorsement given to the Director-General's integrated approach to the reform of the Organization. None of the projects stood alone; they were closely interrelated and interdependent. Significant progress had been achieved on what was an ambitious programme, thanks to the high level of staff engagement which was already paying dividends in the shape of expert input. Regular consultations were held with the Staff Union. He agreed that reform was a vehicle for improving working methods, not an end in itself. Many areas of work within the portfolios required interdepartmental cooperation and some activities would also cut across portfolios. The three Deputy Directors-General would coordinate that action.
201. The field review, a crucial area entailing interaction with the policy portfolio and with the management and reform portfolio, would cover all the Organization's field operations and would look into how and where it worked and the nature of that work. A detailed progress report on the review, which should be completed by the end of 2013, would be submitted to the Governing Body's session in October of that year. Constituents would be consulted throughout the course of the field review. Efficiency gains and savings were being made not by a reduction in resources, but by reallocating them and putting them to better use as reforms progressed. Since it was vital to modernize practices in the area of human resources, an integrated package of reforms would be put together by March 2014.
202. *The Director-General* said that he would reply to issues related to the programme and budget during the debate on that subject. The purpose of the reform was to improve the quality of the Organization's work, to make the ILO a centre of excellence and to increase its influence over the world of work and in the multilateral system.
203. Despite the substantial progress already made, reform was in an early stage and, for that reason, much had still to be done in areas which were clearly of importance to a number of speakers. Those areas included research, statistics and publications, where the ILO was well advanced in its reflections. The ILO was beginning to tackle the question of field operations and technical cooperation. It had discussed the Human Resources Strategy the previous week and had established a clear timetable.
204. Results from the reforms could be expected exactly in line with the time frame published in October 2012. The internal reform was generating mixed feelings of optimism tinged with concern. Worries naturally became greater when difficulties were encountered, but problems were being addressed in-house by a participatory, inclusive process, as that approach was likely to produce the best results. Since transparency was intended to be a hallmark of the process, another progress report would be tabled at the Governing Body meeting in October 2013.
205. Turning to the subject of respective responsibilities, he said that he would be happy to inform the Workers' group of project teams' terms of reference, but it was his responsibility to set those terms. He agreed that silos could not be broken down simply by drawing up a new organigram; it was essential to put in place the right structures and to ensure that working methods were correct. Bringing together colleagues from different

disciplines could significantly promote teamwork. The Deputy Directors-General themselves had interrelated responsibilities and worked as a team, not in hermetically sealed boxes. The management of the Organization, therefore, had to be given a clear message that teamwork, not defending territory, was the order of the day. He and his Deputy Directors-General understood their responsibilities and what was at stake in the reform process.

### **Third Supplementary Report: Mid-term stocktaking of implementation of the ILO Action Plan for Gender Equality 2010–15 (GB.317/INS/12/3)**

206. *The Employer coordinator* welcomed the report; however, she considered that the examples of gender mainstreaming initiatives given were more descriptive than analytical. Furthermore, the measures taken to reduce gender differences in the labour market were not relevant because they were not directed towards meeting the strategic objective of employment. Such measures should focus on furthering the advancement of women in enterprises and management positions. In that regard, she highlighted the work of ACT/EMP and the cooperation agreement between the ILO and Norway to promote women's economic empowerment. With regard to social protection, the examples given in the report lacked a gender perspective so were not useful. With respect to social dialogue, it was important to increase women's representation at all levels of the ILO's tripartite programme. Moreover, the ILO Action Plan for Gender Equality could not be applied without the active participation of the social partners, which was not mentioned in the report. Regarding fundamental principles and rights at work, she said that trade union freedoms, freedom of association, and the right to bargain collectively were key factors in empowering working women. With respect to partnerships, more information was needed on approaches to gender mainstreaming in cooperation agreements and on best practices in the area of technical cooperation. With regard to technical cooperation activities, the Office should clarify the impact thereof. Lastly, on the subject of lessons learned, a knowledge base should be created to help constituents formulate policy.
207. *The Worker Vice-Chairperson* said that the ILO should maintain a leading position in gender mainstreaming within the UN system and that the Action Plan Phase III indicators should be more closely aligned with those of the UN System-wide Action Plan on Gender Equality and the Empowerment of Women (SWAP). However, the alignment should not affect the ILO's indicators. He requested the Office to provide some concrete examples of how such an alignment might be carried out.
208. Turning to table 1 of the Action Plan, he noted that the overall picture regarding staffing, substance-related and structural indicators was positive. He encouraged the Office to increase its efforts to meet the targets set in the Action Plan. Referring to table 2 of the Action Plan, he noted that the Office had successfully mainstreamed gender equality in many technical areas. Nevertheless, it remained difficult to assess the overall impact of the Office's work based on the random examples provided. His group trusted that a clear and detailed analysis of the progress made and challenges encountered would feature in the final evaluation.
209. However, it was worrying that some elements of the 2009 ILC resolution concerning gender equality had not been adequately addressed. His group regretted that the focus remained on supply-side measures and not on gender-sensitive employment policies or on creating an enabling macroeconomic environment conducive to decent and productive

employment. Furthermore, the document made no reference to strategies to reduce precarious employment or to promote freedom of association and collective bargaining in EPZs. He would like to know whether the Office was working on that issue.

210. As to social dialogue, his group would have liked the focus to have been on collective bargaining as a tool for promoting gender equality and improving women's working conditions. As regards fundamental principles and rights at work, he noted with regret that the document failed to mention activities aimed at promoting the ratification of the Conventions referred to in the 2009 ILC resolution. He requested the Office to provide information on the ongoing or planned activities in that area. Noting that women had accounted for only 26.9 per cent of accredited delegates, substitute delegates and advisers at the 101st Session of the Conference, he hoped that, following the discussion at the November 2012 meeting of the Governing Body, that percentage would increase. His group agreed with the draft decision in paragraph 34 of the document.
211. *Speaking on behalf of the member States of the Africa group represented on the Governing Body*, a Government representative of Ghana said that the Office had done well to seek guidance from constituents at the mid-term stage, as the insights gained from the debate could inform the implementation of the Action Plan. His group commended the Office on having met the targets for ten out of the 18 indicators by the end of 2012 but noted with concern that the gender gap in unemployment had increased. The introduction of family-friendly measures would help to reverse that trend. Turning to social protection, he appreciated the Office's efforts to promote gender responsiveness in HIV initiatives and to protect migrant workers. In Africa, awareness raising was required to garner support for the Domestic Workers Convention, 2011 (No. 189), and its ratification. He counted on the support of the Office in that endeavour.
212. Noting the critical role of social dialogue in promoting gender equality, he encouraged the Office to continue sharing best practices. His group regretted the drop in the number of female delegates at the 101st Session of the ILC and suggested that the Office remind member States of the 30 per cent target when it issued invitations. His group concurred with the assertion that constant knowledge building and sharing expertise were essential to addressing the complexities of gender-based discrimination. His group agreed with the draft decision in paragraph 34 of the document.
213. *A Government representative of Kenya* said that her Government aligned itself with the statement made by Ghana on behalf of the Africa group. The under-representation of women at the 101st Session of the ILC underscored the urgent need to promote and respect the 30 per cent target. She welcomed data disaggregated by sex, as although more women were in paid employment than ever before, they did not always enjoy equality of opportunity. In order to reverse that trend, it was necessary to mainstream the gender perspective in economic, social, wage and income policies. Following the promulgation of its new Constitution in 2010, in Kenya the one third rule was systematically applied when appointing women to political and governmental positions. Her Government supported the draft decision in paragraph 34 of the document.
214. *Speaking on behalf of the member States of GRULAC represented on the Governing Body*, a Government representative of Colombia said that gender equality was one of the pillars of decent work and encouraged the Office to maintain its leading position in gender mainstreaming within the UN system, and to continue its efforts to reach the targets for the staffing-related indicators not yet met. She noted with concern that the current economic crisis had widened the gender gap in unemployment to the detriment of women but welcomed the efforts undertaken to bridge that gap. She stressed that paid work and domestic, unpaid work should not be viewed in isolation and that there was a need to adopt



measures aimed at reconciling work with family life. Her group welcomed the interest shown by various countries and institutions in the implementation of programmes on women's working conditions. The focus on gender in those programmes was essential to improving the situation of working women, eradicating gender-based discrimination and ensuring equal pay for equal work. Given the under-representation of women at the 101st Session of the ILC, she called upon the social partners and governments to ensure that the participation of women in the ILC continued to grow. Her group agreed with the draft decision in paragraph 34 of the document.

215. *A Government representative of El Salvador* said that her Government aligned itself with the statement made by Colombia on behalf of GRULAC. While ILO labour standards were aimed at combating discrimination and promoting gender equality, the fact remained that the normative framework of individual countries was not gender-neutral, with the result that laws and policies could perpetuate gender inequality within the labour market. She underlined the importance of the labour inspectorate in enforcing labour standards and in providing reliable statistics on the situation of labour rights in a given country. Governments should devise sustainable public policies that took into account both family life and women's working conditions.
  
216. *A Government representative of India* said that the empowerment of women was an essential part of gender mainstreaming and that positive economic and social policies were the key to women realizing their full potential. Turning to table 1 of the Action Plan, he welcomed the Office's efforts to achieve parity between male and female staff. His Government was of the opinion that all ILO regional and subregional offices should seek to promote gender mainstreaming through practical strategies tailored to the country in question. Referring to the under-representation of women at the 101st Session of the ILC, he encouraged the Office to ensure that women were adequately represented at the ILC in the future. His Government agreed with the draft decision in paragraph 34 of the document.
  
217. *A representative of the Director-General* (Director, Bureau for Gender Equality (GENDER)) said that a working paper on promoting the Workers with Family Responsibilities Convention, 1981 (No. 156), and the Maternity Protection Convention, 2000 (No. 183), had been prepared in collaboration with various technical units in-house. In addition, ten country studies had also been carried out to determine how the ratifying countries had reached ratification and the strategies they had adopted. Recalling the comments made by the Workers' group concerning the extension of freedom of association and collective bargaining, particularly in EPZs, she confirmed that work was under way to extend those fundamental rights to the workers in those zones. She also took note of the call for data from the Employers' group. Furthermore, the Office would continue to follow up the impact of the training provided by the Turin Centre. Turning to the figure showing the percentage of women participants in the ILC from 2006–12, she said that the Office had been collecting data since 2001 but had not included all of it for ease of reading. Moreover, she agreed with the call from the governments for the Office to adopt more specific measures to address that issue. She recognized the importance of partnerships with governments and the UN system in mainstreaming the gender perspective and that, while the Office was moving in the right direction, it needed to do more to meet the targets for its own indicators and for those of SWAP.
  
218. *A representative of the Director-General* (DDG/P) said that the Office wished to take advantage of the internal restructuring to build on its good work in the area of gender, particularly in terms of data, analysis, research for policy development and technical cooperation. There was also a clear need to strengthen the Office's work on non-discrimination in other dimensions, such as race, ethnicity, religion and disability. To that

end, a decision had been taken to consolidate the Office's work on discrimination into a new department called Conditions of Work and Equality, which would include a unit called Equality and Diversity where work on gender would continue. In that way, the Office would be able to better support partners, governments and employers' and workers' organizations in their efforts to eradicate discrimination from the workplace.

## **Decision**

- 219.** *The Governing Body requested the Office, in the light of discussions, to continue implementing the ILO Action Plan for Gender Equality 2010–15 in order to maximize results before an independent evaluation at the end of Phase III in 2015, and instructed the Office when drafting Phase III (linked to the Programme and Budget proposals for 2014–15) to align more closely the current ILO indicators on staffing, structure and substance with the six areas of the United Nations System-Wide Action Plan (SWAP) on Gender Equality and the Empowerment of Women.*

(GB.317/INS/12/3, paragraph 34.)

## **Fourth Supplementary Report: Documents submitted for information only** (GB.317/INS/12/4(Rev.))

### **Outcome**

- 220.** *The Governing Body took note of the information contained in the documents listed in the appendix to document GB.317/INS/12/4(Rev.).*

(GB.317/INS/12/4(Rev.), paragraph 4.)

## **Fifth Supplementary Report: Follow-up to Governing Body decisions** (GB.317/INS/12/5)

- 221.** *The Employer coordinator* highlighted the usefulness of the document and encouraged its wide circulation within the Office and the regions. As it was in effect an information paper, it should be treated as such in the future and not formally included in the agenda, on the understanding that any member of the Governing Body could raise an issue or observation. To make it even more useful and comprehensive, she proposed the addition of a column identifying budget and source of budget for the follow-up actions taken. The report was a good and useful governance tool.

- 222.** *The Worker Vice-Chairperson* also emphasized the usefulness of the document. He recognized that it was not easy to report uniformly on all follow-up actions, as some points were highly political while others were on very specific activities. He encouraged the Office to continue reporting on decisions mandated by the Conference, and regretted that, in this regard, funding still had yet to be found to support the proposed tripartite meeting of experts on private compliance initiatives in light of international labour standards, as had been requested by the 100th Session (2011) of the Conference. However, the document

should not replace other reporting mechanisms such as the one on the follow-up to the plan of action to give effect to the resolution concerning the recurrent discussion on fundamental principles and rights at work, which needed to be reported upon in full. It should be presented only once a year.

- 223.** *Speaking on behalf of the member States of IMEC represented on the Governing Body*, a Government representative of Canada stated that given the usefulness of the document as a monitoring tool, and the need to receive information regularly on measures taken by the Office, his group did not support the proposal for the report to be submitted once a year, and proposed its deletion from the decision point.
- 224.** *Speaking on behalf of the member States of GRULAC represented on the Governing Body*, a Government representative of Colombia endorsed the IMEC statement.
- 225.** *A Government representative of China* recognized that the document provided clear, accurate and detailed information on the implementation of Governing Body decisions, and remarked that reporting once a year was sufficient. This would allow for more time and space for the follow-up action to be implemented. His delegation therefore supported that draft decision as it was.
- 226.** *The Worker Vice-Chairperson* endorsed the statement by the Government representative of China and maintained his group's position as stated above. The Employer coordinator was in agreement with his Worker counterpart.
- 227.** *A representative of the Director-General (DDG/MR)* explained that the rationale behind the proposal to report once a year was to produce more complete and effective reporting. He noted the extraordinary amount of work required in producing the report, which was compiled by the Official Meetings, Documentation and Relations Department with inputs from all over the Office. In many cases, however, there was only slight progress to be reported within a six-month period, or even less, given that the reports were prepared weeks before the Governing Body session. He affirmed that the Office was prepared to report twice a year, but left it to the Governing Body to decide if that was the best use of resources.

## **Decision**

### **228. The Governing Body:**

- (a) requested the Office to prepare for its 319th Session (October 2013) a supplementary report on the follow-up to the decisions adopted since November 2011, taking into account the guidance provided concerning the format and content of the attached table; and*
- (b) endorsed the proposal for this supplementary report to be submitted once a year, during its end-of-year session.*

(GB.317/INS/12/5, paragraph 5.)

## **Sixth Supplementary Report: Appointment of a Deputy Director-General** (GB.317/INS/12/6)

### **Outcome**

- 229.** *The Governing Body noted that the Director-General, after having duly consulted the Officers of the Governing Body, had appointed Mr Houngho as Deputy Director-General for Field Operations and Partnerships as of 1 March 2013. Mr Houngho made and signed the prescribed declaration of loyalty as provided under article 1.4(b) of the ILO Staff Regulations.*

(GB.317/INS/12/6, paragraph 4.)

- 230.** *The Chairperson announced that GRULAC had submitted a request to read a statement in tribute of the late President of the Bolivarian Republic of Venezuela, Mr Hugo Chávez Frías, followed by a minute's silence. This procedure had been approved by the Officers of the Governing Body and was similar to tributes paid to the late President in other UN organizations, such as the Human Rights Council and the Office of the United Nations High Commissioner for Refugees.*
- 231.** *Speaking on behalf of the member States of GRULAC represented on the Governing Body, a Government representative of Colombia said that these States were united in their support of the Venezuelan people, and shared their sadness over the loss of their leader. She addressed her statement to the Permanent Representative of the Bolivarian Republic of Venezuela to the UN Office and other international organizations in Geneva and his staff, as well as to the Government of the Bolivarian Republic of Venezuela and the family of the late President. The tribute was followed by one minute of silence.*
- 232.** *The Chairperson, speaking for the Governing Body, observed that it was the second anniversary of the Fukushima earthquake and tsunami and expressed profound admiration for the courage shown by the people of Japan following this disaster.*

## **Seventh Supplementary Report: Financial arrangements for the Tripartite Meeting of Experts on Facilitating Transitions from the Informal Economy to the Formal Economy** (Geneva, 16–20 September 2013) (GB.317/INS/12/7)

- 233.** *This item was discussed in conjunction with GB.317/INS/13/3, Arrangements for a Tripartite Meeting of Experts on Facilitating Transitions from the Informal Economy to the Formal Economy (Geneva, 16–20 September 2013). For a summary of the discussion that took place regarding these items, see GB.317/INS/13/3.*

### **Decision**

- 234.** *The Governing Body decided that the cost of the Tripartite Meeting of Experts on Facilitating Transitions from the Informal Economy to the Formal Economy,*

*estimated at US\$484,600, would be financed in the first instance from savings in Part I of the budget or, failing that, through Part II, on the understanding that, should this subsequently prove impossible, the Director-General would propose alternative methods of financing at a later stage in the biennium.*

(GB.317/INS/12/7, paragraph 6.)

**Eighth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by France of the Labour Inspection Convention, 1947 (No. 81), submitted under article 24 of the ILO Constitution by the trade union “SUD Travail Affaires sociales” (GB.317/INS/12/8)**

**Decision**

**235. The Governing Body:**

- (a) *approved the report;*
- (b) *invited the Government to draw useful conclusions from this case and, in consultation with the social partners, to continue to take such measures as might be necessary to ensure that in future no improper external influence in the form of pressure exerted upon labour inspectors would be tolerated, by invoking all the legal provisions applicable to the case, and to ensure that the image of the labour inspectorate was not tarnished in the eyes of employers, workers, and in public opinion in general, as a result of such incidents;*
- (c) *invited the Government to take all measures necessary to ensure that the investigation of the complaint filed by the Director-General for Labour and the Directors of the General Administration and Modernization of Services concerning the offences of public defamation and public insult against a public official moved forward as quickly as possible, in order to establish the facts, to determine whether illegal acts were committed, to identify the culprits and to initiate the relevant legal procedures;*
- (d) *brought these conclusions to the attention of the Committee of Experts on the Application of Conventions and Recommendations; and*
- (e) *made the report publicly available and closed the procedure initiated by the representation of the trade union “SUD Travail Affaires sociales”, alleging non-observance by France of Convention No. 81.*

(GB.317/INS/12/8, paragraph 69.)

## Thirteenth item on the agenda

### Reports of the Officers of the Governing Body

#### **First report: Complaint concerning non-observance by Bahrain of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made by delegates to the 100th Session (2011) of the International Labour Conference under article 26 of the ILO Constitution (GB.317/INS/13/1)**

- 236.** *The Chairperson* recalled that the complaint had been presented in June 2011 and that it had been considered several times, the last time being at the November 2012 session of the Governing Body, when the Government had been requested to provide a report on the effective implementation of the Tripartite Agreement concerning the complaint and to report to the present session. The Office had been asked to provide all the assistance required by the tripartite constituents and it had been decided to defer the decision on the complaint to the present session. The draft decision was set out in paragraph 39 of the document under consideration.
- 237.** *The Employer coordinator* said that her group supported the draft decision as set out in paragraph 39.
- 238.** *The Worker Vice-Chairperson* said that the Workers' group considered that the situation of the workers in Bahrain had not improved for want of political will on the part of the Government and the lack of consultations with the General Federation of Bahrain Trade Unions (GFTBU), which challenged the reliability of the information supplied by the Government. The Workers denounced a breakdown in the tripartite process and the Government's failure to honour its commitments towards the ILO since it still refused to accept any responsibility for discrimination against workers. Over 600 workers and more than 20 trade union leaders were still waiting to be reinstated, not to mention the imprisonment of the head of the Teachers' Association and his deputy for taking part in a demonstration, revocations of citizenship and the Government's failure to heed all expressions of concern from United Nations agencies and human rights organizations. The constructive approach claimed by the Government was far from being a reality; only through comprehensive, inclusive and equitable tripartite dialogue would it be possible to remedy the current situation of discord. In view of the above, the Workers supported the draft decision.
- 239.** *A Government representative of Bahrain* said that everyone had witnessed the serious efforts made by the Government to settle the situation of the workers dismissed in the wake of the events of March 2011, especially through the signature of the Tripartite Agreement in March 2012. The Governing Body needed to bear in mind the substantial progress that had been documented. In order to create a positive labour market, it was important to build trust rather than emphasize differences. The Government had given an undertaking to comply with international labour standards and wanted Bahrain to be a model for the region. The Worker Vice-Chairperson was raising issues that lay outside the competence of the ILO, such as those relating to citizenship and the judiciary, which had nothing to do with labour relations. The Government emphasized the independence of the

judiciary in Bahrain and the reforms relating to human rights and regretted that the Worker representative denied the existence of any tripartite dialogue in Bahrain, even though the Government had met the workers more than 60 times in the previous two years. The safety of the social partners in the country, including trade unionists, was ensured. He thanked all those who supported his position and asked the Governing Body to approve the withdrawal of the complaint against the Government.

**240.** *Speaking on behalf of the member States of the EU represented on the Governing Body*, a Government representative of Lithuania, supported by the Governments of Albania, Croatia, Iceland, Republic of Moldova, Montenegro, Norway, Serbia and The former Yugoslav Republic of Macedonia, said that compliance with the ILO Conventions was essential for social and economic stability in any country and a context of dialogue and trust between employers, workers and governments was conducive to strong and sustainable growth. She urged the parties to effectively implement the Tripartite Agreement of March 2012. She regretted that the documents under consideration had only been sent 24 hours before they were examined by the Governing Body, thereby leaving the delegations with little time to respond. The EU group supported the draft decision set out in paragraph 39.

**241.** *A Government representative of Qatar* thanked the Office for drawing up a document which recalled the context of the issue under discussion. She welcomed the efforts made by Bahrain, which bore witness to the Government's political will to settle the issue through dialogue and cooperation, and praised the positive intervention and constructive assistance of the Office in the matter. Qatar supported the calls for removal of the complaint from the agenda, since it considered that the grounds for the complaint no longer existed. The speaker proposed that the draft decision should be amended to read as follows:

In the light of the information contained in this document, the Officers of the Governing Body recommend that the Governing Body decide:

- (a) to defer all consideration of the complaint;
- (b) to invite the Office to obtain relevant information from the Government, workers' and employers' organizations of Bahrain, including the effective implementation of the Tripartite Agreement of 11 March 2012, and to report to the Governing Body at its 319th Session (October 2013); and
- (c) to place this item on the agenda of its 319th Session (October 2013) in order to determine whether further action is required on the complaint in light of the information provided by the Office in connection with paragraph (b).

**242.** *A Government representative of the United Arab Emirates* underlined the importance of the ILO as a forum that promoted cooperation and dialogue. He noted the determination of the Government of Bahrain to resolve the situation and the abundant testimonies to that effect. Only 1 per cent of the dismissed workers had not been reinstated, a figure that he considered to be negligible. He supported the amendment proposed by Qatar and thought that the complaint should be withdrawn.

**243.** *A Government representative of Lebanon* said that his delegation greatly appreciated Bahrain's efforts to resolve the issue concerned. In view of the small number of unresolved cases he supported the draft decision as proposed by Qatar.

**244.** *A Worker member from Bahrain* regretted the fact that the Government of Bahrain had not made greater efforts to settle the situation of the dismissed workers in a fair and equitable manner, preferring to waste resources on sending a large delegation which was merely calling for the withdrawal of the complaint, on the pretext that 90 per cent of the cases had

been settled. However, 600 workers were still without jobs, income or protection, a situation that had already existed for two years. The Government was playing down the social consequences of the dismissals and was asserting that it had done everything possible to remedy the situation, whereas progress had ground to a halt. Some workers had indeed been reinstated but it had often been in jobs that did not correspond to their qualifications or expectations. A number of health workers were still in prison, dismissals were continuing, the general secretary of the teachers' union was still in custody, and his deputy had been dismissed after a period of imprisonment. Some 20 trade union leaders had still not been reinstated and the Government had failed to mention in its reports to the ILO that it had decided to suspend social protection and pay increases for a number of dismissed workers for exercising their right to strike; nor had it made any reference to its use of the media to accuse the trade union leaders of treason. Migrants were still suffering discrimination in the country, not just because of their political opinions but also because of their skin colour or their nationality.

- 245.** In the opinion of the trade union movement of Bahrain, the Government had made no effort to take account of the ILO's recommendations concerning the application of Convention No. 111 and refused to recognize that the problems remained, while exerting pressure to have the complaint withdrawn. The Governing Body must consider the complaint without yielding to the pressure from the Government so that the people of Bahrain could enjoy social equality and decent work. The ILO supervisory mechanisms needed to examine the complaint with objectivity, independence and impartiality. The Bahrain trade union movement remained open to dialogue and fully supported the draft decision.
- 246.** *A Government representative of Sudan* commended the positive attitude of the Government of Bahrain and its commitment to resolving the complaint on the basis of tripartite consultations and social dialogue. Real efforts had been made and the Government of Sudan therefore considered that the grounds on which the issue had been placed on the agenda of the Governing Body no longer existed and the matter therefore deserved to be brought to a close.
- 247.** *An Employer member from the United Arab Emirates*, after recalling the facts of the matter under consideration, welcomed the fact that more than 90 per cent of the dismissed workers had been reinstated or had found new jobs and that the other cases were pending before the courts. Unlike the Workers, the Employers were not in favour of keeping the item on the agenda of the Governing Body, as that would be detrimental to the private sector and business in general. Many employers had cooperated with the tripartite committee and reinstated the dismissed workers. Since the few cases with respect to which lawsuits were still in progress were no longer within the competence of the ILO, it could be considered that the matter was settled and that there were grounds for removing the complaint from the agenda. The Employers' group supported the amendment proposed by the delegation of Qatar.
- 248.** *A Government representative of Algeria* commended the political will demonstrated by the Government of Bahrain with a view to resolving the matter under consideration and noted with satisfaction that it intended to settle the cases that were still pending. Algeria endorsed the amendment proposed by the delegation of Qatar and urged the Government of Bahrain to take account of its people's interests when resolving the pending cases.
- 249.** *A Government representative of India* noted with satisfaction the steps taken by the Government of Bahrain to ensure progress on the matter under consideration, especially the adoption, in March 2012, of the Tripartite Agreement signed by the Government of Bahrain, the GFBTU, and the Bahrain Chamber of Commerce and Industry (BCCI).



Welcoming the fact that most of the dismissed workers had been reinstated or had received assurances that their cases would be settled, his delegation asked the Office to provide all necessary technical assistance for the tripartite constituents and to withdraw the complaint submitted under article 26 of the Constitution. India endorsed the amendment proposed by the delegation of Qatar.

250. *A Government representative of Thailand* welcomed the encouraging developments in the situation in Bahrain and the Government's willingness to cooperate with the ILO and the international community. The fact that Bahrain was contemplating the ratification of Conventions Nos 87 and 98 should also be commended, as should the legislative improvements made in favour of the rights of women and domestic workers. His Government thought that the complaint should be removed from the agenda of the Governing Body and supported the amendment proposed by Qatar.
251. *A Government representative of Viet Nam* commended the goodwill shown by the Government of Bahrain and welcomed the progress made with a view to resolving the matter under discussion and securing the cooperation of all the parties. He hoped that pursuing the dialogue that had been launched would enable the pending issues to be resolved and result in the matter being removed from the Governing Body agenda.
252. *A Government representative of the United States* said that his delegation endorsed the draft decision, considering it entirely appropriate to send a special representative to Bahrain in order to ensure the implementation of the Tripartite Agreement concluded in March 2012.
253. *A Government representative of Sri Lanka* thanked the ILO for its support for the promotion of fundamental principles and rights at work. His delegation thought that the matter did not call for further measures and it supported the amendment proposed by the delegation of Qatar.
254. *A Government representative of Egypt* commended the steps taken in recent months by the Government of Bahrain to deal with matters relating to the complaint and welcomed the conclusion of the Tripartite Agreement. His Government did not consider it useful to keep the item on the agenda and called for a formula that would enable the amendment proposed by Qatar and the Office's proposal to be combined.
255. *A Government representative of Japan* welcomed the establishment of the tripartite mechanism and the measures taken by the Government of Bahrain to find a satisfactory outcome to the complaint submitted. His Government felt that the decision on the matter should be deferred to the 319th Session of the Governing Body.
256. *A Government representative of Switzerland* said that her country endorsed the statement made by Lithuania on behalf of the 27 Member States of the EU and supported the adoption of the draft decision. Her delegation hoped that the report of the special representative would be made available early enough to enable the constituents to give it due consideration.
257. *A Government representative of China* said that his delegation noted the information supplied by the Government representative of Bahrain and welcomed the positive developments in the situation concerning the dismissed workers, which showed the Government of Bahrain's willingness to resolve the pending cases. The Government of China thought that the Governing Body should opt to remove the item from the agenda.

258. *A Government representative of the Russian Federation* said that his delegation had duly noted the concerns expressed by the Workers' group and found that the report showed the Government of Bahrain's willingness to restore the rights of the dismissed workers. He called on Bahrain to continue to cooperate with the trade unions and the ILO in settling the pending cases. His delegation thought that the item should be kept on the agenda and was willing to endorse a consensual decision that would enable workers' rights in Bahrain to be defended effectively.
259. *A Government representative of Canada* pointed out that the report before the Governing Body had been distributed much too late, which had prevented delegations from studying it sufficiently. Noting that the decision concerning the receivability of the complaint had been deferred several times, his delegation emphasized that more time was needed by the social partners to allow negotiations to bear fruit. He hoped that, if the draft decision was adopted at the present session, the results of the proposed mission would be communicated well before the October 2013 session of the Governing Body so that an informed decision could be taken.
260. *A Government representative of Indonesia* noted with interest the efforts made by the Government of Bahrain to reinstate the dismissed workers. In view of the concerns that remained regarding the fate of those who had not yet been reinstated, his country encouraged the Government of Bahrain to continue negotiations on the basis of the Tripartite Agreement. Indonesia endorsed the amendment proposed by the Government of Qatar.
261. *A Government representative of Pakistan* commended the commitment of the Government of Bahrain to making progress in the spirit of tripartism on the matter under consideration. In the light of the statements made by various delegations, his delegation endorsed the amendment proposed by the Government of Qatar, in the hope that a consensus could be reached.
262. *A Government representative of Bahrain*, recalling that a representative of the Workers had previously stated that 750 dismissed workers were still out of work, said that the Government had sent eight communications to the ILO on the subject since then. Shortly before the arrival of the Bahraini delegation in Geneva, a list had been sent containing the names of 600 workers who had been reinstated in their jobs. The Worker representative had raised questions that contained a political dimension and did not come within the competence of the ILO since they had nothing to do with the complaint. The speaker urged the Workers to supply the names of persons who they claimed were still unemployed since their dismissal and he reaffirmed that the State had focused on providing the dismissed workers with new jobs at reasonable rates of pay. His Government was willing to pursue social dialogue in a spirit of conciliation and goodwill and supported the amendment proposed by the Government of Qatar.
263. *The Chairperson* introduced the draft decision proposed by the Office on the basis of the amendment proposed by Qatar. In the new draft decision, at the start of subparagraph (b), the words "to visit the country" had been added after the word "Office".
264. *The Ambassador of Qatar* supported the amendments and subamendments incorporated in the draft decision.
265. *The Worker spokesperson* said that his group was not entirely satisfied with the result of the debates and that there were differences in perception of the facts. He considered that the Office's initial proposal would have allowed the situation to be analysed more objectively. The Workers supported the new proposal but did so reluctantly.

266. *The Employer coordinator* supported the proposed amendments and trusted that the dispatch of a mission to the country would allow the consideration of the matter to be brought to a close at the October 2013 session of the Governing Body.
267. *A Government representative of Bahrain* expressed appreciation for the proposed solution, which had been accepted by the three groups. The Government of Bahrain would meet the workers' and employers' organizations of his country with a view to reaching an agreement that was satisfactory to everyone.
268. *Speaking on behalf of the member States of the EU represented on the Governing Body*, a Government representative of Lithuania endorsed the consensus that had been reached.
269. *Speaking on behalf of the member States of GRULAC represented on the Governing Body*, a Government representative of Colombia proposed replacing the word "instar" (urge) with the word "inviter" (invite) in subparagraph (b) of the Spanish version of the draft decision.
270. *A Government representative of the United Arab Emirates* welcomed the consensus reached by the three groups and the political will demonstrated by Bahrain to settle the matter. His Government supported the draft decision as amended, and hoped that the item could soon be taken off the Governing Body agenda.
271. *The Chairperson* expressed appreciation for the consensus reached by the delegates. The draft decision was therefore adopted with the proposed amendments and subamendments.

## **Decision**

272. *In the light of the information contained in document GB.317/INS/13/1, the Governing Body, on the recommendation of its Officers, decided:*
- (a) *to defer all consideration of the complaint;*
  - (b) *to invite the Office to visit the country in order to obtain relevant information from the Government and the workers' and employers' organizations of Bahrain, including the effective implementation of the Tripartite Agreement of 11 March 2012, and to report to the Governing Body at its 319th Session (October 2013); and*
  - (c) *to place this item on the agenda of its 319th Session (October 2013) in order to determine whether further action is required on the complaint in light of the information provided by the Office in connection with paragraph (b) above.*

(GB.317/INS/13/1, paragraph 39, as amended.)

**Second report: Arrangements for a tripartite meeting on labour migration**  
 (Geneva, 4–8 November 2013)  
 (GB.317/INS/13/2)

- 273.** *A Government representative of the United Arab Emirates* said that the ILO's informed contribution to the UN General Assembly High-Level Dialogue on International Migration and Development, in October 2013, and its subsequent assessment of the Dialogue's outcome would be best served by taking account of the emerging global consensus on the need to integrate migration into the United Nations Development Agenda beyond 2015. To that end, it would be advisable to include regional consultative bodies that brought together migrant workers' countries of origin and destination among the intergovernmental organizations invited to attend the tripartite technical meeting in the autumn. Global and regional academic and research centres that focused on both migration and development should be among the non-governmental organizations that should be asked to participate, since they could help the Organization to demonstrate and measure the development outcomes of labour migration.
- 274.** *A Government representative of Brazil* requested clarification regarding the composition of the constituents' representatives at the tripartite technical meeting. It was her understanding that the 12 Government representatives would consist of three representatives of each of the four regions.
- 275.** *A representative of the Director-General* (Director, Conditions of Work and Employment Branch (TRAVAIL)) explained that consultations had been held with the three groups of constituents and it had been agreed that it would be possible for Governments to attend as observers. It would be incumbent upon regional groups to decide which Governments were included in the delegation.

**Decisions**

- 276.** *The Governing Body, on the recommendation of its Officers, approved the following composition formula: 12 Government representatives nominated after consultation with the regional coordinators; 12 participants nominated after consultation with the Employers' group; and 12 participants nominated after consultation with the Workers' group. Other Government, Employers' and Workers' delegates would also be invited to attend the meeting as observers at their own cost.*

(GB.317/INS/13/2, paragraph 5.)

- 277.** *The Governing Body, on the recommendation of its Officers, approved the following agenda:*
- (a) labour migration in the context of debates on international migration and development of the post-2015 development framework;*
  - (b) the effective protection of migrant workers, with reference to the particular vulnerabilities of low-skilled and middle-skilled workers;*
  - (c) sound labour market assessment needs, and skills recognition and certification; and*

- (d) *international cooperation and social dialogue for well-governed national and international labour migration and regional mobility.*

(GB.317/INS/13/2, paragraph 7.)

Invitation of intergovernmental organizations

**278. *The Governing Body took note of this part of the document.***

(GB.317/13/2, paragraph 8.)

Invitation of international non-governmental organizations

**279. *The Governing Body, on the recommendation of its Officers, authorized the Director-General to invite the following international non-governmental organizations to be represented at the meeting as observers:***

- (a) *Amnesty International (AI);*
- (b) *Human Rights Watch (HRW);*
- (c) *International Catholic Migration Commission (ICMC);*
- (d) *Migrant Forum in Asia (MFA);*
- (e) *Platform for International Cooperation on Undocumented Migrants (PICUM);*
- (f) *the Migration Policy Centre;*
- (g) *the Migration Policy Institute.*

(GB.317/INS/13/2, paragraph 10.)

**Third report: Arrangements for a Tripartite Meeting of Experts on Facilitating Transitions from the Informal Economy to the Formal Economy**  
(Geneva, 16–20 September 2013)  
(GB.317/INS/13/3)

**280.** *Speaking also on behalf of the Governments of France and the Netherlands, a Government representative of the United Kingdom opposed the Tripartite Meeting of Experts on Facilitating Transitions from the Informal Economy to the Formal Economy due to the decision taken by the Governing Body to hold two Conference standard-setting discussions on that item. He felt it was too expensive and time consuming. Instead, he suggested producing a consultation paper containing possible elements of a Recommendation.*

**281.** *A Government representative of India did not agree with the statement made by the Government representative of the United Kingdom, saying that the topic was important*

because more than 50 per cent of the global population lived in the informal economy. Developing countries, such as India, needed to be fairly represented.

- 282.** *A representative of the Director-General (DDG/P) said that preparatory work on the topic would serve a useful purpose since that item had been placed on the agenda of the 103rd Session of the Conference (2014) with a reduced timeline. The Meeting of Experts could prepare the law and practice questionnaire that formed the foundation of the discussions at the Conference.*

## **Decisions**

- 283.** *The Governing Body, on the recommendation of its Officers, approved the following composition formula: 12 experts nominated after consultations with Governments; 12 experts nominated after consultations with the Employers' group; and 12 experts nominated after consultations with the Workers' group. Other governments may also attend as observers at their own cost.*

(GB.317/INS/13/3, paragraph 6.)

- 284.** *The Governing Body, on the recommendation of its Officers, approved the following agenda: Building on the outcome of the Meeting of Experts, guidance for the proposed instrument would be gathered concerning innovative solutions and up-to-date experience (legal, policy, institutional, governance and other interventions) which have proved successful in supporting the transition of informal workers and enterprises to formality, preventing others from entering the informal economy and enhancing rights and opportunities.*

(GB.317/INS/13/3, paragraph 8.)

## **Fourth report: Timing of the autumn 2014 session of the Governing Body** (GB.317/INS/13/4)

### **Decision**

- 285.** *The Governing Body, on the recommendation of its Officers, decided that the autumn 2014 session (322nd Session) of the Governing Body would be scheduled from 30 October to 13 November 2014.*

(GB.317/INS/13/4, paragraph 7.)

**Fifth report: Representation alleging non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), submitted under article 24 of the ILO Constitution by the International Trade Union Confederation and the Building and Wood Workers' International (GB.317/INS/13/5)**

***Decision***

*286. The Governing Body, on the recommendation of its Officers, decided that the representation was receivable and set up a committee for its examination.*

(GB.317/INS/13/5, paragraph 5.)

**Sixth report: Representation alleging non-observance by the Netherlands of the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Occupational Safety and Health Convention, 1981 (No. 155), submitted under article 24 of the ILO Constitution by the Netherlands Trade Union Confederation (FNV), the National Federation of Christian Trade Unions (CNV) and the Trade Union Confederation of Middle and Higher Level Employees' Unions (MHP); and**

**Representation alleging non-observance by Spain of the Termination of Employment Convention, 1982 (No. 158), submitted under article 24 of the ILO Constitution by the Trade Union Confederation of Workers' Committees (CC.OO.) and the General Union of Workers (UGT) (GB.317/INS/13/6)**

***Decision***

*287. On the recommendation of its Officers, the Governing Body:*

- (a) set up a tripartite committee for the examination of the representation alleging non-observance by the Netherlands of the Labour Inspection*

*Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Occupational Safety and Health Convention, 1981 (No. 155), submitted under article 24 of the ILO Constitution by the Netherlands Trade Union Confederation (FNV), the National Federation of Christian Trade Unions (CNV) and the Trade Union Confederation of Middle and Higher Level Employees' Unions (MHP); and*

- (b) set up a tripartite committee for the examination of the representation alleging non-observance by Spain of the Termination of Employment Convention, 1982 (No. 158), submitted under article 24 of the ILO Constitution by the Trade Union Confederation of Workers' Committees (CC.OO.) and the General Union of Workers (UGT).*

(GB.317/INS/13/6, paragraph 3.)

## **Seventh report: Developments in relation to the International Organization for Standardization, including in the field of occupational safety and health (OSH)** (GB.317/INS/13/7)

- 288.** *A Government representative of Japan* requested more detailed information regarding the high-level discussion that had taken place between the ILO and the International Organization for Standardization (ISO). He also wanted to know what kind of understanding could be reached between the ILO and the ISO.
- 289.** *A Government representative of India* questioned if it was possible to harmonize the ISO standards with existing ILO standards. He underlined that the ILO was the only tripartite organization in existence, which was why the proposal to allow the ISO to formulate standards had previously been rejected. Labour standards should be decided by the ILO.
- 290.** *The Worker spokesperson* proposed that paragraph 4 of GB.317/INS/13/7 be amended from “the harmonization of ISO standards with existing ILO standards or guidelines” to “the conforming of ISO standards with existing ILO standards or guidelines”.
- 291.** *A representative of the Director-General (DDG/P)* stated that under the guidance of the Governing Body, discussions had been held with the ISO in order to reach agreement on certain core principles. In response to the suggested amendment made by the Workers' group, she clarified that ISO standards would indeed have to conform to ILO standards. The initiation of a vote among ISO member organizations on that matter had led the Office to try to reach an understanding. The necessary minimum conditions for an agreement had been put forward, and the Office was waiting for the ISO to respond. It was important to note that in the meantime the vote was going forward.

## **Decision**

### **292. The Governing Body, on the recommendation of its Officers:**

- (a) decided that, if the ILO and the ISO reached an understanding that contained the necessary elements indicated in paragraph 4 of*



*document GB.317/INS/13/7 before its 318th Session (June 2013), such an understanding might be concluded on a pilot basis, subject to communication of the agreement to the Governing Body for information at its next session and to review its implementation at the 320th Session (March 2014); and*

- (b) authorized the Office, if the understanding was concluded, to use it for specific collaboration between the ILO and the ISO in the field of OSH management systems, subject to submission of any development on the matter for information to its 319th Session (October 2013).*

(GB.317/INS/13/7, paragraph 6.)

## **Fourteenth item on the agenda**

### **Composition and agenda of standing bodies and meetings**

(GB.317/INS/14)

#### **Decisions**

Ninth European Regional Meeting of the ILO  
(Oslo, 8–11 April 2013)

*Invitation of international non-governmental organizations*

- 293. *The Governing Body, on the recommendation of its Officers, authorized the Director-General to invite the International Confederation of Private Employment Agencies (CIETT) to be represented at the Ninth European Regional Meeting as an observer.***

(GB.317/INS/14, paragraph 2.)

102nd Session of the International Labour Conference  
(Geneva, 5–20 June 2013)

*Invitation of intergovernmental organizations*

- 294. *The Governing Body took note of this part of the document.***

(GB.317/INS/14, paragraph 3.)

Meeting of Experts on Policy Guidelines on the Promotion  
of Decent Work for Early Childhood Education Personnel  
(Geneva, 12–15 November 2013)

*Invitation of intergovernmental organizations*

- 295. *The Governing Body took note of this part of the document.***

(GB.317/INS/14, paragraph 4.)

*Invitation of international non-governmental organizations*

**296. *The Governing Body, on the recommendation of its Officers, authorized the Director-General to invite the following international non-governmental organizations to be represented at the Meeting as observers:***

- *Association Montessori Internationale;*
- *Education International;*
- *Global Campaign for Education;*
- *Global Partnership for Education;*
- *Inter-Agency Network for Education in Emergencies;*
- *International Task Force on Teachers for EFA (Education for All);*
- *VSO International (Voluntary Service Overseas);*
- *World Federation of Teachers' Unions;*
- *World Organization for Early Childhood Education (OMEP).*

(GB.317/INS/14, paragraph 6.)

Global Dialogue Forum on Initiatives to Promote  
Decent Work in the Chemical Industry  
(Geneva, 26–28 November 2013)

*Invitation of intergovernmental organizations*

**297. *The Governing Body took note of this part of the document.***

(GB.317/INS/14, paragraph 7.)

*Invitation of international non-governmental organizations*

**298. *The Governing Body, on the recommendation of its Officers, authorized the Director-General to invite the following international non-governmental organizations to be represented at the Global Dialogue Forum as observers:***

- *CSR Europe (Corporate Social Responsibility);*
- *European Chemical Industry Council (CEFIC);*
- *Global Reporting Initiative (GRI);*
- *IndustriALL Global Union;*

- *International Chemical Employers' Labour Relations Committee (LRC);*
- *International Council of Chemical Associations (ICCA);*
- *Social Accountability International (SAI).*

(GB.317/INS/14, paragraph 9.)

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