



Governing Body

322nd Session, Geneva, 30 October–13 November 2014

GB.322/INS/PV/Draft

Institutional Section

INS

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DRAFT MINUTES

Institutional Section

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Institutional Section

1. The Institutional Section met on Monday, 3 and Friday, 7 November and from Monday, 10 to Thursday, 13 November 2014. The Chairperson, Mr A.J. Correia (Government, Angola), chaired the Section. The Employer Vice-Chairperson of the Governing Body, Mr J. Rønneest (Denmark), spoke as Employer coordinator for the Section, except in respect of item 4/1, Follow-up to the resolution concerning the second recurrent discussion on employment, where Mr M. Ceretti was coordinator; item 7, Report of the 18th American Regional Meeting and Lima Declaration, where Mr A. Echavarría was coordinator; and item 11, Reports of the Board of the International Training Centre of the ILO, Turin (Turin Centre), where Mr K. de Meester was coordinator. The Worker Vice-Chairperson of the Governing Body, Mr L. Cortebeek (Belgium), spoke for the Workers, except in respect of item 4/1, Follow-up to the resolution concerning the second recurrent discussion on employment, where Ms H. Kelly was spokesperson; item 4/2, Follow-up to the adoption of the Protocol and Recommendation on supplementary measures for the effective suppression of forced labour, where Ms S. Cappuccio was spokesperson; item 6, The post-2015 sustainable development agenda: Update, where Mr F. Atwoli was spokesperson; and item 7, Report of the 18th American Regional Meeting and Lima Declaration (Lima, 13–16 October 2014), where Ms E. Familia was spokesperson.
2. The following Governing Body members chaired the remaining sections and segments of the 322nd Session:

Policy Development Section

Employment and Social Protection Segment

(Wednesday, 5 and Thursday, 6 November 2014)

Chairperson: Ms J. Pitt (Australia)

Employer coordinator: Ms R. Goldberg

Item 2, Area of critical importance: Promoting decent work in the rural economy: Mr P. O'Reilly

Item 3, Chairing the UNAIDS Committee of Cosponsoring Organizations (CCO) in 2015: Opportunities for the ILO: Ms J. Mugo

Worker spokesperson: Ms H. Kelly

Item 3, Chairing the UNAIDS Committee of Cosponsoring Organizations (CCO) in 2015: Opportunities for the ILO: Mr B. Ntshalintshali

Social Dialogue Segment

(Tuesday, 4 November 2014)

Chairperson: Ms F. Kodra (Albania)

Employer coordinator: Mr P. Woolford

Item 5, Follow-up to the Meeting of Experts on Labour Inspection and the Role of Private Compliance Initiatives (Geneva, 10–12 December 2013): Ms L. Horvatic

Worker spokesperson: Mr B. Thibault

Item 5, Follow-up to the Meeting of Experts on Labour Inspection and the Role of Private Compliance Initiatives (Geneva, 10–12 December 2013): Ms A. El Amri

Technical Cooperation Segment

(Thursday, 6 and Thursday, 13 November 2014)

Chairperson: Mr N. Masoka (Zimbabwe)

Employer coordinator: Ms J. Mugo

Item 7, Enhanced programme of technical cooperation for the occupied Arab territories: Mr K. Mattar

Worker spokesperson: Mr M. Guiro

Multinational Enterprises Segment

(Thursday, 6 November 2014)

Chairperson: Mr P.J. Rozet (France)

Employer coordinator: Ms R. Hornung-Draus

Worker spokesperson: Ms A. Buntenbach

Legal Issues and International Labour Standards Section

(Monday, 10 November 2014)

Legal Issues Segment

Chairperson: Mr G. Corres (Argentina)

Employer coordinator: Mr C. Syder

Worker spokesperson: Ms C. Passchier

International Labour Standards and Human Rights Segment

Chairperson: Mr G. Corres (Argentina)

Employer coordinator: Mr C. Syder

Worker spokesperson: Ms C. Passchier

Programme, Financial and Administrative Section

(Monday, 3 and Tuesday, 4 November 2014)

Programme, Financial and Administrative Segment

Chairperson: Mr A.J. Correia (Angola)

Mr J. Rønnes (Employer Vice-Chairperson) and Mr L. Cortebeeck (Worker Vice-Chairperson) took the Chair on Tuesday, 4 November, in the morning and afternoon, respectively.

Employer coordinator: Mr M. Mdwaba

Worker spokesperson: Mr S. Gurney

Audit and Oversight Segment

Chairperson: Mr A.J. Correia (Angola)

Mr J. Rønneest (Employer Vice-Chairperson) and Mr L. Cortebeeck (Worker Vice-Chairperson) took the Chair on Tuesday, 4 November, in the morning and afternoon, respectively.

Employer coordinator: Mr M. Mdwaba

Worker spokesperson: Mr S. Gurney

Personnel Segment

Chairperson: Mr A.J. Correia (Angola)

Mr J. Rønneest (Employer Vice-Chairperson) and Mr L. Cortebeeck (Worker Vice-Chairperson) took the Chair on Tuesday, 4 November, in the morning and afternoon, respectively.

Employer coordinator: Mr P. Woolford

Worker spokesperson: Mr S. Gurney

**Working Party on the Functioning of the Governing Body
and the International Labour Conference**
(Wednesday, 5 and Monday, 10 November 2014)

Chairperson: Mr A.J. Correia (Angola)

Employer coordinator: Mr J. Rønneest

Worker Vice-Chairperson: Mr L. Cortebeeck

Committee on Freedom of Association
(Thursday, 30 to Friday, 31 October 2014)

Chairperson: Mr P. Van Der Heijden (Netherlands)

Employer coordinator: Mr C. Syder

Worker spokesperson: Mr Y. Veyrier

Opening comments by the Director-General

3. *The Director-General* said that the consultations undertaken since the Governing Body had last met and in preparation of its current session were perhaps the most thorough and intensive in memory. They had focused very heavily, but not exclusively, on the standards-related question. He recalled the significant political effort and resources channelled into the programme and budget for the current biennium at a time of severe financial constraints for many member States. In light of this, he reaffirmed his commitment, and that of the Office, to meet the Governing Body's expectations to achieve greater ILO visibility and influence. The breadth of issues on the agenda for the present session showed that the Organization was working hard, in innovative and sometimes complex ways and areas. It was doing this on the basis of a continuing reform effort which was raising the quality and impact of its work.

4. The Director-General turned to the draft transitional strategic plan for 2016–17 and preview of the Programme and Budget proposals for 2016–17, reminding the Governing Body that this document contained a roadmap for the coming biennium. The budgetary dimension of the proposals would be brought before the Governing Body at its 323rd Session (March 2015). Two positive factors were embedded in this document: firstly, its decision to adopt a transitional strategic plan coinciding with the period 2016–17 in order to enable the ILO to align its medium-term planning cycle with a four-year cycle of the UN system as of 2018; and secondly, the opportunity this provided to fully align the substantive priorities proposed in the preview with the policy outcomes of the ILO's results-based management system. Inevitably, the ILO would also be obliged to face the challenge of accommodating emerging issues, at the same time as continuing the work that was clearly planned: the post-2015 development agenda, the Paris Climate Change Conference, and the important items to be addressed at the 2015 and 2016 International Labour Conferences (ILC).
5. The ten policy outcomes at the centre of the preview corresponded, in most cases, to the eight areas of critical importance (ACIs) set out in the current programme and budget, while a new outcome on effective labour migration policies was introduced in the document. Each policy outcome included a methodology for its systematic and effective implementation, providing a concise definition of the problem to be addressed, the corresponding definition of the changes that ILO action should be expected to bring about, and a statement of the means of action and capacity building envisaged to bring these changes about. A similar structure was provided for the advocacy, governance and support outcomes presented in the document with a view to rendering the Office fully accountable. As stated in the document, the ILO was committed to improving the quality of its results framework, and this would provide greater consistency and coherence across outcomes. Global policy outcomes should go hand in hand with the integration of the regional dimension into the ILO's programmes, which would require reinforced partnerships with regional institutions and groupings. The recent field office review underlined the importance of Decent Work Country Programmes as central to determining national-level activities. The programme and budget proposals that would be presented in March would set out clearly how regular and extra-budgetary resources would be harnessed to contribute together to the overall goals of the Organization.
6. Lastly, the Director-General referred to the establishment of the ILO Research Department, which had already made significant progress in equipping the Organization with the means to meet its ambitions of excellence and increased influence. The ILO would continue to work in partnership with the Turin Centre to further develop the Organization's research and knowledge agenda presented in the preview, as well as the way in which it would be put into action. The Office would attend closely to the discussion of the preview, and would thus be in a position to frame detailed proposals at the 323rd Session of the Governing Body in March 2015.

First item on the agenda

Approval of the minutes of the 321st Session of the Governing Body (GB.322/INS/1)

Decision

- 7. The Governing Body approved the minutes of its 321st Session.***

(GB.322/INS/1, paragraph 2.)

Second item on the agenda

Agenda of the International Labour Conference (GB.322/INS/2)

8. *The Employer coordinator*, noting the links between the item under discussion and those relating to the reform of the Conference and the follow-up to the centenary initiatives, said that adopting a strategic and coherent approach to setting the agenda of the Conference would be an important move forward. It was also a complex matter. Discussing the approach for selecting the agenda items for 2017, 2018 and 2019 was problematic, as any progress would hinge on the experience arising from the session of the Conference in 2015, which would be in a new format. In that context, the group questioned the feasibility of having three items during a two-week Conference in 2016. Noting that the document tidied up the list of proposed items pending before the Governing Body, he indicated that the group accepted the proposal made in that respect. In particular, the group agreed that the proposal concerning building a diverse and inclusive world of work should be withdrawn from consideration although it maintained that it would have been a highly appropriate topic of discussion. The five options for future sessions of the Conference referred to in paragraphs 25–27 of the document should be temporarily sidelined until they were ready for consideration and possible inclusion in the strategic approach for agenda-setting up to 2019. The group supported the draft decision.

9. *The Worker Vice-Chairperson* indicated that the group agreed that, in light of the ILO centenary in 2019, it was important for the Governing Body to take a strategic and coherent approach towards setting the Conference agenda for 2017, 2018 and 2019. Until the evaluation of the impact of the Social Justice Declaration was completed in 2016, a slot should be kept open on the 2017, 2018 and 2019 Conference agendas to allow for the selection of an item under which the recurrent discussions on the strategic objectives could be resumed in light of the results of that evaluation. In light of the follow-up to the post-2015 development agenda, the end to poverty initiative could be a relevant item for the agenda of the 2017 Conference. With respect to paragraph 19 of the document concerning the links between setting the Conference agenda and the ILO's Programme of Research and Statistics, issues, such as new patterns and forms of employment, and income security and inequalities might be items on future agendas. He reiterated that the proposal on effective development cooperation in a changing global context, mentioned in paragraph 21 of the document, should be discussed by the Governing Body, rather than by the Conference. The group supported a Convention supplemented by a Recommendation on violence against women and men in the world of work for a double discussion, and labour migration for a general discussion. Fair recruitment processes and effective governance of migration should be part of the latter. With reference to paragraph 24 of the document, the group agreed to the withdrawal of the two proposals related to building a diverse and inclusive world of work and to the public sector. The information on follow-up to the five options for future sessions of the Conference set out in paragraphs 25–27, was welcomed. In particular, the group looked forward to receiving the reports concerning the meetings of experts on non-standard forms of employment and on sustainable development, decent work and green jobs. The issue of long-term unemployment should be included as part of the follow-up to the second recurrent discussion on employment. The remaining topics could be removed from consideration until they were deemed ready for further discussion. The Office should continue to propose topics that were ripe for discussion, taking into account the suggestions of constituents and proposals discussed and owned by technical departments. The issue of decent work in the world of sport should become an area of research and possible tripartite discussion at sectoral level, including with the aim of discussing a code of conduct in the coming year. The group supported the draft decision.

10. *Speaking on behalf of the Africa group*, a Government representative of Kenya agreed that given the unique timing of the selection of the items to be placed on the agenda of the Conference in 2017, 2018 and 2019, there was a need to adopt a strategic and coherent approach in setting the Conference agenda for the corresponding sessions. The group endorsed the elements that needed to be taken into consideration when setting the Conference agenda, as contained in paragraphs 11–16 of the document, and notably the implications of the evaluation of the impact of the Social Justice Declaration. The group accordingly endorsed the postponement to the Governing Body's 323rd Session of consideration of three proposed items (effective ILO development cooperation in a changing global context; violence against women and men in the world of work; and labour migration). It also endorsed the proposal to remove from consideration the proposed item concerning building a diverse and inclusive world of work, and the arrangements to be made to enable constituents to submit further suggestions for the Conference agenda. On the other hand, it requested that the proposed item regarding the public sector should be retained for future consideration.
11. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of Norway said that setting the Conference agenda was an important governance function of the Governing Body and welcomed the proposed strategic and coherent approach outlined in section A of the document, as the coming years leading to the ILO centenary created a momentum to foster a strategic vision. The agenda items should feed into the future of work initiative discussed in the document on follow-up to the centenary initiatives.¹ The outcome of the evaluation of the impact of the Social Justice Declaration should be taken into account as it would cover the sequence and the frequency of recurrent discussions. That also applied to any outcome of the decision on the Standards Review Mechanism. A strategic and coherent approach to setting the Conference agenda in the three years to come leading up to the centenary in 2019 would potentially also enable the necessary linkage to be made with the ILO's Programme of Research and Statistics. As a decision on the Strategic Policy Framework for 2018–21 would be taken in 2017, setting the agendas of the 106th, 107th and 109th Sessions of the Conference would require a margin of flexibility. The importance of ensuring full tripartite ownership of a coherent and strategic approach was emphasized. That approach should contribute to the improvement of transparency and inclusiveness of the Conference agenda-setting process. In that context, reference was made to the group's comments in the Working Party on the Functioning of the Governing Body and the International Labour Conference. The manner in which the Governing Body decided on items to be placed on the Conference agenda should be further elaborated. Agenda items needed to be of potential interest for all groups and add value. The procedure for updating Conventions and Recommendations should be carefully considered. It was for the Governing Body to decide not only on the agenda items themselves but also on the number of items and technical committees, and on the type and format of discussions at the Conference. Following tripartite consultations, in which the group was ready to participate actively, the Office should put forward more specific proposals at the Governing Body session in March 2015. The group supported the draft decision in its entirety.
12. *A Government representative of France* said that constituents attached importance to setting the Conference agenda, since it defined the direction in which the Organization was heading. In the perspective of the ILO centenary, her Government supported the strategic and coherent approach. However, that should not result in setting aside two issues on which her Government wished to see decisions taken, namely (by order of priority) violence against women and men in the world of work (standard-setting discussion) and effective ILO development cooperation in a changing global context (general discussion).

¹ GB.322/INS/13/2.

13. *A Government representative of Canada* welcomed the elements proposed in the document that needed to be taken into account for future agenda-setting. Consideration of those elements would contribute to creating momentum to foster a strategic vision as the ILO entered its second centenary. Her Government supported the adoption of a transparent and inclusive methodology for agenda setting in the context of the ongoing reform of the ILC. Additionally, the proposal relating to violence against women and men in the world of work with a view to standard setting should be on the agenda of future Conferences. The Office should provide additional information on the agenda item on the resolution of labour disputes.
14. *A Government representative of Japan* said that the setting of the agenda for the Conference for the coming years was highly important in the perspective of the ILO centenary. The proposed item on effective ILO development cooperation should be retained for future consideration. With regard to the five options for future sessions of the Conference, non-standard forms of employment were a key issue in many countries, and the Governing Body should consider including the topic on the agenda of the Conference as soon as preparatory work by the meeting of experts was completed. Furthermore, labour dispute prevention and the development of resolution mechanisms were common challenges for all member States, and the Office should provide more information on that topic for further consideration for the future sessions of the Conference.
15. *A Government representative of Turkey* supported the strategic and coherent approach to the setting of the agenda of the Conference in 2017, 2018 and 2019 in view of the ILO centenary in 2019. Yet it would not be possible to finalize the agenda of the sessions in question at the session of the Governing Body in March 2015 because the outcomes of forthcoming discussions – in particular those relating to the evaluation of the impact of the Social Justice Declaration and the Standards Review Mechanisms – would have to be taken into account. One way to accommodate the possible outcomes of the evaluation of the impact of the Social Justice Declaration might be to include the item on effective ILO development cooperation in a changing global context as a topic for general discussion, preferably at the 2019 Conference. He expressed strong support for the proposed item on labour migration for a general discussion in 2018, stating at the same time that the priority areas described in paragraph 24 of Appendix II to the document did not deal with post-migration problems. The general discussion should not be limited to fair recruitment and effective governance of migration and mobility. The proposal on building a diverse and inclusive world of work should be retained for future sessions. The proposal concerning the public sector should be removed. The Office should explore the reasons for the low rate of participation by member States in the agenda-setting process.
16. *The representative of the Director-General* (Deputy Director-General, Management and Reform), noting that full support had been expressed for the adoption of the strategic and coherent approach, said that the Office would prepare a more detailed document for the session of the Governing Body in March 2015, on which consultation would be undertaken. The arrangements for consultation would be discussed at the Tripartite Screening Group the following week.

Decision**17. The Governing Body:**

- (1) adopted a strategic and coherent approach to setting the Conference agenda for the 106th (2017), 107th (2018), and 108th (2019) Sessions of the Conference;*
- (2) agreed that the elements contained in paragraphs 11 to 19 of document GB.322/INS/2 should be taken into account in the setting of the Conference agenda for the period 2017 to 2019;*
- (3) provided guidance on:*
 - (a) the removal from its consideration of the proposal concerning building a diverse and inclusive world of work;*
 - (b) the action to be taken regarding the proposal concerning the public sector;*
 - (c) the temporary removal from its consideration, pending further work from the Office, of the following four subjects: resolution of labour disputes; transition of the world of work to a low-carbon economy; non-standard forms of employment; long-term unemployment;*
 - (d) the arrangements to be made to enable constituents to submit further suggestions for the Conference agenda;*
- (4) postponed, to its 323rd Session (March 2015), consideration of the following three proposed items:*
 - *effective ILO development cooperation in a changing global context (general discussion);*
 - *violence against women and men in the world of work (standard setting, double discussion);*
 - *labour migration (general discussion);*
- (5) requested the Director-General to report on the agenda of future sessions of the Conference to its 323rd Session (March 2015), and to engage in consultations to that end.*

(GB.322/INS/2, paragraph 35, as amended according to the discussion.)

Third item on the agenda

Preparation for the evaluation of the impact of the ILO Declaration on Social Justice for a Fair Globalization by the 105th Session of the International Labour Conference (2016) (GB.322/INS/3)

18. *A representative of the Director-General* (Deputy Director-General, Management and Reform) said that the Office was seeking guidance in its preparation for the evaluation of the Social Justice Declaration. Further consultations would be held early the following year, in order to submit concrete proposals to the Governing Body in March.
19. *The Employer coordinator* said that the scope of the evaluation was determined by the Declaration itself and should not go beyond what had been decided by the constituents at the time of its adoption. The recurrent discussion model should be reviewed in a separate exercise and be addressed as a technical matter rather than a political issue. The questions raised in paragraph 15 concerning the modalities of the evaluation should be addressed during the informal tripartite consultations. He could support the use of a questionnaire, provided it did not increase the reporting burden of member States, and a simple request for feedback addressed to the interested international organizations. With regard to pursuing implementation modalities foreseen by the Declaration and which had not yet been addressed, those who had been involved in creation of the Declaration should be included in the group for consultation. The Office's Evaluation Department should play a role in the evaluation of the Social Justice Declaration.
20. *The Worker Vice-Chairperson* said that his group remained fully supportive of the content of the Declaration and saw the 2016 evaluation as one of the building blocks of the centenary initiatives. The informal tripartite consultations should begin with a review of the implementation plan adopted by the Governing Body in 2009, so that all constituents were aware of what had been implemented and what had not. The participation of non-state actors in the 2016 Conference discussion could also be considered during the consultations. He supported sending a questionnaire to member States, with a request for information on any review they had undertaken regarding the ratification or implementation of ILO instruments. Consideration could be given to inviting relevant ministries to participate in the discussion at the Conference in order to promote policy coherence, as called for by the Social Justice Declaration. International financial institutions, UN agencies, the World Trade Organization (WTO), regional institutions and even enterprises should also take part. As to the cycle of recurrent discussions, the Governing Body could move to a simple four-year cycle. Given that implementation of the arrangements regarding the General Survey under article 19 had just begun, such an arrangement should continue. The Social Justice Declaration, along with the Declaration of Philadelphia, provided the platform for setting the common rules of the globalized economy, and the years leading up to 2019 should be used to strengthen implementation mechanisms and to test new ones.
21. *On behalf of the Africa group*, a Government representative of Ghana asked for more information to be provided on the nature of the informal tripartite consultations to be held in January and February 2015. The proposed questionnaire was welcomed but must be administered with full tripartite involvement. The group also welcomed sharing knowledge and good practices and, in particular, devising appropriate indicators of progress that would take into account country-specific conditions. It proposed an evaluation format that

took into account challenges encountered in implementation. The group supported the draft decision.

22. *On behalf of the European Union (EU)*, a Government representative of Italy said that the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia, Albania, Bosnia and Herzegovina, the Republic of Moldova, Armenia and Georgia aligned themselves with her statement. The review of recurrent discussions would have to take into account the fact that the recurrent discussion on the fundamental principles and rights at work was an integral part of the follow-up to the 1998 Declaration on that subject. While EU policies and commitments were consistent with ILO objectives, greater efforts must be made to ensure policy coherence and effectiveness. The EU's Agenda for Change and the Global Public Goods and Challenges programme both included decent work among their objectives. The evaluation should therefore pay particular attention to the actions taken by the Office, constituents and other interested organizations to ensure policy coherence at different levels among the four strategic objectives of the Decent Work Agenda. The EU would share its experiences of the impact of the Declaration outside the ILO and the actions taken by the EU and its Member States in relation to the Declaration.
23. *On behalf of IMEC*, a Government representative of Australia said that her group supported the draft decision. The changes that had taken place since the adoption of the Declaration, including the effects of the global financial crisis, should be taken into account when measuring progress in the implementation plan. The group agreed that a succinct, one-off questionnaire to member States could be considered, to obtain information otherwise unavailable to the Office. A key question to be considered in the course of the evaluation was whether the recurrent discussions provided for in the follow-up to the Declaration fulfilled their intended purpose of enabling an assessment to be made of the results of the ILO's activities. Interested international organizations could be asked to respond to a brief questionnaire and could be invited to participate in an interactive panel discussion in the Conference committee considering the evaluation. She asked for further information on how the Office planned to conduct the informal tripartite consultations and on the associated cost.
24. *A Government representative of Pakistan* said that the proposed evaluation would afford an opportunity to further explore the failure of the international money market system and to improve the planning of measures to implement future declarations. His delegation acknowledged the complexities involved in developing evaluation tools that could be globally applicable but had faith in the Office's expertise. It supported the draft decision and urged the Office to prepare concrete proposals in consultation with constituents.
25. *A Government representative of India* said that the scope of evaluation must be based on what had originally been envisaged. She welcomed the participation of multilateral organizations in the evaluation and in discussions, but their recommendations should remain within the defined scope of the Declaration. The use of a questionnaire was also welcomed, but it should not create any additional reporting burden. Member States should be allowed to choose from a range of appropriate indicators, in order to address the country-specific priorities highlighted in the Declaration. The evaluation was supported, provided it did not conflict with countries' sovereignty or policies and that labour standards were not used for protectionist purposes.
26. *The representative of the Director-General* (Deputy Director-General, Management and Reform) said that informal consultations would be held in Geneva and would involve representatives of the secretariats of the Workers and Employers, the regional coordinators and Government group. There was no cost associated with the consultations, and they would be conducted in a manner that would allow the regional coordinators to consult with their groups. The questionnaire would be a one-off exercise.

Decision

27. *The Governing Body requested the Office to prepare concrete proposals for its consideration at its 323rd Session (March 2015) concerning the preparations for the 2016 evaluation by the Conference of the impact of the ILO Declaration on Social Justice for a Fair Globalization, taking into account the views expressed by its members.*

(GB.322/INS/3, paragraph 16.)

Fourth item on the agenda

Matters arising out of the work of the 103rd Session of the International Labour Conference

Follow-up to the resolution concerning the second recurrent discussion on employment (GB.322/INS/4/1)

28. *The Worker Vice-Chairperson* welcomed the proposals for follow-up in the report, which captured most of the conclusions reached by the ILC at its 103rd Session. Promotion of the comprehensive employment policy framework should be the key priority in follow-up work, and the group welcomed the proposals in paragraph 16. The Office should analyse how the different policy areas interacted. Concerning paragraphs 19 and 20, the analysis of the country policies and the training provided at the Turin Centre should be based on the comprehensive policy framework. The group welcomed the proposed work on pro-employment macroeconomic policies. Greater emphasis should be placed on skills requirements as part of industrial policies and on the rights of young workers. The work outlined on industrial, sectoral, trade and investment policies needed to be focused more sharply on industrial policies at the national level. The work on knowledge building was welcomed. Priority should be given to research on labour market segmentation, the implications of inequality for economic growth and employment, and job insecurity. The voluntary peer review mechanism would be of great value in assisting countries to develop good policies, but the proposed time line for implementation was too long. All relevant players at the national level needed to be involved in developing and implementing a comprehensive employment policy framework. Inter-ministerial coordination mechanisms were crucial as was the promotion of the comprehensive policy framework at global and regional levels. The ambitious programme of work, if carried out in a comprehensive manner, would be of great value to the Organization and its Members. The group supported the draft decision.
29. *The Employer coordinator* said that in general the report captured the conclusions adopted by the Conference. However the proposed follow-up plan was too ambitious. Most proposals entailed extending the Office's area of work which raised the question of implications for the current programme and budget and whether certain activities would need to be postponed in order to make room for new areas of work. The Office should be guided by the Conference conclusions. For instance, the Conference had requested an analysis of how macroeconomic policies could support sustainable enterprises while the report simply referred to the linkages between macroeconomic policies and sustainable enterprises. He asked why capacity-building activities for trade unions (paragraph 24) were foreseen but no similar activities for employers' organizations. The group would have

liked the new efforts to integrate work on an enabling environment within the Office's priority areas to be better reflected in the Governing Body documents discussed in the Policy Development Section. It welcomed the reference in paragraph 27 to linkages between productivity and improvements in working conditions. Better working conditions were important and related to ACI 1, as well as to the creation of an enabling environment for sustainable enterprises. The diagnostic tools that had been developed in order to evaluate that environment should become a standard methodology applied to all the ILO's efforts. He commended the focus on knowledge building and research, which would yield better guidance for constituents. Further research was needed to develop clear definitions of concepts, such as job insecurity and quality of jobs, and an exchange of knowledge among constituents was also needed. Enterprises should be consulted for such investigations, because they were familiar with the existing opportunities for job creation and growth. Challenges varied from country to country and from one enterprise to another. If governments consulted with enterprises, they would gain a better understanding of the skills needed for expansion of employment and enterprise growth. The group supported the draft decision.

30. *Speaking on behalf of the Africa group*, a Government representative of Ghana said that unemployment posed the biggest threat to peace and security in Africa. The Ouagadougou +10 Special Summit (September 2014) had evaluated the progress made in giving effect to the 2004 African Union Declaration on Employment and Poverty Alleviation in Africa and had renewed the commitment to addressing unemployment and poverty. The group supported the proposed follow-up plan and time frame and welcomed the emphasis on country-specific needs, the strengthening of partnerships and the inclusion of social dialogue. It noted with satisfaction the proposed assistance to member States to help build effective monitoring systems and looked forward to the Office's proposals and modalities for a voluntary peer review of employment policy. The group stressed the importance of partnerships, the strategy on youth employment and the promotion of entrepreneurship. It also supported further work on demographic dynamics and labour migration. It welcomed the new research on inequality. The target number of five ratifications of the relevant employment Conventions was not ambitious enough. It supported the draft decision.
31. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the following countries aligned themselves with the statement: the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, Republic of Moldova, Ukraine and Armenia. Attention needed to be focused on the new demographic context, youth, long-term unemployment and gender equality. The Office had to play a key role in providing fact-based evidence and expertise. She praised the work undertaken by the Office in identifying the extent to which macroeconomic frameworks helped or hindered sustainable and productive employment. The Office should make efforts to specifically address the gender dimension. She stressed the importance of policy coherence between the strategic objective of employment and the eight ACIs. She asked how the proposed outcome of more and better jobs for inclusive growth and improved youth employment prospects would be linked and managed in a coherent way. She supported the draft decision.
32. *A Government representative of India* said that his Government's top priority was job creation. In formulating a national employment policy, the Government wished to create an enabling environment for achieving the goals set out in its macroeconomic sectoral policies. The aim was to achieve decent employment for all through a comprehensive national employment policy. His delegation did not support the voluntary peer review of employment policy. With regard to standards-related action, more attention should be paid to the socio-economic context of member States and the challenges faced by them in ratifying ILO instruments. He supported the ILO's cooperation with other international

agencies to promote policy coherence and a comprehensive approach to employment. The Office should explore the opportunities for mobilizing extra-budgetary resources to support the building of capacity.

33. *A Government representative of China* endorsed the follow-up plan. China was implementing an “employment first” policy, coordinating macroeconomic policies and improving other relevant policies and measures. His delegation hoped to share their experience on pro-employment macroeconomic policies, improved quality of employment, effective implementation and monitoring systems.
34. *A representative of the Director-General* (Deputy Director-General for Policy) said that the success of the follow-up plan recognized during the discussion was a reflection of the very clear consensus and instructions that had been the result of the constructive work of the Committee during the ILC. She added that the urgency of the employment challenges required the plan to be ambitious. She believed the goals could be achieved within the five-year implementation period envisaged.
35. *A representative of the Director-General* (Director, Employment Policy Department) thanked the delegates for the endorsement of the follow-up plan and additional guidance and emphasis provided for implementation. The ambitious nature of the follow-up plan mirrored the comprehensive and ambitious resolution adopted by the Conference. However, she assured delegates that the work proposed would not displace agreed workplans and would be sequenced over a five-year period through intra-Office collaboration involving several policy departments, field offices in all regions, and research and statistics departments, in consultation with the Bureau for Workers’ Activities (ACTRAV) and the Bureau for Employers’ Activities (ACT/EMP). An internal retreat was planned for January 2015 to work on the endorsed follow-up plan. She said that the Office would provide details of its promotion of the comprehensive policy framework. In response to Workers’ comments, she emphasized that the call for action adopted by the Conference in 2012, which included rights as an important dimension, remained the framework of the Office’s work, and that the promotion of the comprehensive employment framework went beyond country-level cooperation and would be pursued in the multilateral system; details of that work could be provided. Regarding Employers’ comments, she did not believe that there were discrepancies between the Conference resolution and the follow-up plan but would review the details with the Employers. She said that work on defining the concepts of job insecurity would be done with the involvement of constituents and in consultation with them. The Office was looking forward to identifying and to planning capacity-building initiatives on pro-employment macroeconomic frameworks or any other priority topic with employers’ organizations, in consultation with ACT/EMP. Regarding the target for new ratifications of the Employment Policy Convention, 1964 (No. 122), the goal was realistic in view of the lengthy preparatory process and based on the experience of the previous five years. The gender dimension, as already mentioned in the strategy paper, was a cross-cutting priority in all action areas. Elements of the follow-up strategy were already built into the dedicated ACIs and in particular ACI 1. The next generation of policy tools would prioritize monitoring and implementation, as emphasized by the representatives of the Africa group and China. The Office would be ready to submit options and modalities for a voluntary peer review as of the November 2015 session of the Governing Body, including updated information on new initiatives that were currently being tested.

Decision

36. *The Governing Body requested the Director-General to take into account its guidance in pursuing the follow-up plan set out in document GB.322/INS/4/1 for the implementation of the conclusions concerning the second recurrent discussion on employment and to draw on it when preparing future programme and budget proposals, developing resource mobilization initiatives and, to the extent possible, implementing the programme and budget for the 2014–15 biennium.*

(GB.322/INS/4/1, paragraph 61.)

Follow-up to the adoption of the Protocol and Recommendation on supplementary measures for the effective suppression of forced labour
(GB.322/INS/4/2)

37. *The Employer coordinator* said that the Employers' group was actively engaged in and committed to supporting follow-up action to implement the Protocol. Responsibilities must be defined; the role of governments to provide support must be established in order to allow businesses to execute due diligence. The institutional capacity of constituents to implement the new instruments needed to be further built up. The group encouraged the Office to continue to focus on the approach of involving social partners, and welcomed its support of partnerships with other agencies and organizations. The new instruments needed to be flexible and relevant to different national circumstances. The group welcomed the new possibilities provided by the instruments for business to be involved and their alignment with the UN Guiding Principles on Business and Human Rights. The group welcomed the proposal to develop a detailed action plan with measureable targets in the draft decision.
38. *The Worker spokesperson* said that the Workers' group supported the proposed strategy to eradicate forced labour. Workers' organizations should be fully involved in the four pillars of the strategy and gender issues should be adequately addressed in all aspect of the strategy. The Office should ensure that its partnerships were consistent with the ILO's core mandate and values and should strengthen the capacity of workers' and employers' organizations, so that they could be fully involved in the design, implementation and monitoring of action plans against forced labour at national level. The group was unsure why the document emphasized due diligence for companies and collective bargaining for unions. The Office should highlight the fact that only a rigorous approach based on legislation, enforcement and industrial relations could provide a coordinated and coherent response. The group asked the Office to include sectors such as construction, mining and entertainment among its targets for preventive action against forced labour and welcomed the Fair Recruitment Initiative. Recruitment agencies should be strictly monitored and governments should establish coherent policies on human trafficking and emigration in light of the link between human trafficking and forced labour. The group welcomed the strengthening of public labour inspection and continued collaboration with the International Trade Union Confederation (ITUC) and the International Organisation of Employers (IOE). Collaboration with the South Asian Association for Regional Cooperation (SARC) should be enhanced. The building up of partnerships and collaboration could be considered only in the perspective of strengthening the ratification and implementation of ILO standards and the ILO supervisory system. The group requested additional information on the Global Fund to End Slavery and appealed to

governments to fund the implementation of the strategy. Forced labour must have no place in a civilized society.

39. *Speaking on behalf of the Africa group*, a Government representative of Sudan reaffirmed the group's support for the adoption of the two new instruments on forced labour and the need for the full participation of all constituents in the proposed strategy. The group welcomed the expiration of the transition period provided for in Convention No. 29 and looked forward to publication of the Convention without the transitional provisions. It fully supported extending protection measures to all victims of forced labour, including victims of trafficking, and considered that regional organizations could help tailor the ILO's strategy, promote ratification of the Protocol and raise awareness. It welcomed the ILO's support for research on forced labour and human trafficking, as well as the improvement of statistics on forced labour, and suggested that national indicators should be adopted and the capacities of national statistical offices built up. The recommendations of the recent conference on human trafficking held by the African Union should be taken into account. The group wished to participate fully in the discussions on promotion of the Protocol and Recommendation and hoped that the Office would develop a detailed action plan with measurable targets and indicators.
40. *Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)*, a Government representative of Cuba emphasized the importance of enhancing efforts to collect reliable national statistics on forced labour. The group noted that the document did not directly mention the potential impact that South–South cooperation could have on forced labour and suggested that the action plan should highlight such cooperation. With respect to the creation of a Global Fund to End Slavery, the group looked forward to the opportunities that the Office would explore to engage in the process. It noted the close link between the action plan to be developed and the activities for “ratification of standards” and “protection of workers” planned under the proposed Programme and Budget for 2016–17. The group supported the draft decision.
41. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that Montenegro, Serbia, Albania, the Republic of Moldova, Ukraine and Armenia aligned themselves with her statement. The EU concurred with the objectives of the actions proposed in paragraphs 6-9 of the report, on ratification and implementation of the Protocol and Recommendation, and welcomed the development of gender-sensitive national policies and action plans, as well as tools for assessing such plans. With respect to prevention, the group agreed that a sectoral approach was needed and considered that the construction and entertainment sectors also deserved high priority. It welcomed the contribution that the EU-funded project on migrant domestic workers could make to the domestic work sector and supported the coordination of fair recruitment actions with those conducted by other organizations. Efforts to collect reliable statistics, carry out research and share knowledge should be enhanced, and the proposed approach to partnerships and collaboration with regional organizations was welcomed. The group supported the draft decision.
42. *A Government representative of France* said that his Government had committed itself to ensuring that the ILO had the most ambitious normative documents and had begun the process of ratifying the Protocol upon its adoption at the ILC.
43. *A Government representative of the United States* said that she welcomed the four-pronged strategy and supported the focus on sectors with a high prevalence of forced labour as an entry point. She also welcomed the proposed additional research, as well as the strengthening of labour law enforcement and labour inspection. She asked for information about the how the Office had arrived at the figure of US\$25 million in funding that would be required to facilitate the process. She supported the draft decision.

44. *A representative of the Director-General* (Director, Governance and Tripartism Department) thanked the members for their comments and guidance, which would be taken into account when developing the detailed plan. The social partners would be involved in development of that plan from the outset. It would give priority to sectors such as mining and construction and would be flexible. Following the ILO's internal reform, child labour and forced labour were currently covered by a single department, which made it possible to create synergies and would have an impact on the budget. The Office would need \$25 million to see a significant improvement in the fight against forced labour by 2019. The funding would come from the Office's regular budgetary resources and from extra-budgetary resources. With respect to partnerships, the Office was fully aware of the challenges involved, and an information session on a proposed Global Fund to End Slavery had been organized on 12 November so that members could ask their questions and voice their opinions. The Office was concerned that the action plan should be effective, and indicators, reliable data and statistics would therefore play a significant role in its development.

Decision

45. The Governing Body:

- (a) *requested the Office to develop a detailed action plan with measurable targets and indicators, taking full account of the discussion in the Governing Body, and to report on progress; and*
- (b) *requested the Director-General to support resource mobilization for its implementation.*

(GB.322/INS/4/2, paragraph 28.)

Tribute to Mr Michael Sata, President of the Republic of Zambia

46. Before the discussion of the next item, the Chairperson paid tribute to Mr Michael Sata, President of the Republic of Zambia, a friend of the ILO dedicated to the cause of the workers, who had died on 24 October 2014. A minute of silence was observed.

Fifth item on the agenda

The standards initiative: Follow-up to the 2012 ILC Committee on the Application of Standards

(GB.322/INS/5, GB.322/INS/5(Add.), GB.322/INS/5(Add.1), GB.322/INS/5(Add.2) and GB.322/INS/5(Add.3))

47. *The Chairperson* recalled that a serious institutional crisis was jeopardizing the functioning of the Organization's supervisory system and had, over the previous three years, twice prevented the Conference Committee on the Application of Standards from discharging its responsibilities. Efforts now had to be made to reach a sustainable solution.
48. *The Director-General* said that intensive consultations had taken place since the ILC session in June 2014, in strict accordance with the instructions of the Governing Body in

March 2014. Despite the divided opinions, there was unanimity with regard to the overall objective of establishing full tripartite consensus on the operation of a strong and authoritative standards system and to the fundamental importance of that objective to the successful functioning of the ILO. In the light of the failures of the past two years, the Governing Body had to demonstrate its capacity to move forward. The current impasse had already damaged the ILO and its work, and would cause further damage if it continued. However, since June, although there had been numerous expressions of frustration about the lack of progress – particularly from governments – there had also been a renewed commitment to find solutions and recognition of the shared responsibility to do so. The effort now had to be made to find common ground, through negotiation and compromise, on the issues, which were of fundamental importance. Pragmatic solutions had to be found that would allow the integrity of the ILO's principles to be upheld.

49. The matters addressed in the two sections of the Office document were interrelated and that added to the difficulty of the task, given the complexity of the issues. However, that also provided an opportunity to take the broadest possible approach, to find negotiating space and to accommodate differing views on a wide spectrum of issues rather than focusing on one part or one set of points. He recalled that at the June 2013 session of the ILC he had presented the standards initiative covering the issue under discussion as part of a single endeavour. The Governing Body should use all the opportunities at its disposal during the session so that agreement could be reached on the course of action to be taken. To that end, he and his colleagues would be available to work with members informally. He thanked the many governments that had offered facilities and services to expedite the process of reaching agreement. The draft decision in paragraph 125 had been left open deliberately, to offer an opportunity to construct a package of decisions that could form the basis of agreed solutions
50. *The Worker Vice-Chairperson* said that his group had reached the inescapable conclusion that referral of the interpretation dispute to the International Court of Justice (ICJ) for an advisory opinion, as a matter of urgency, was the necessary way forward. The ILO's supervision of the application of its Conventions and Recommendations relied on the full support of its tripartite constituents. However, in 2012 the Employers had challenged the existence of the right to strike as protected under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), a right that had long been recognized to exist by all ILO constituents. They had also challenged the authority of the Committee of Experts on the Application of Conventions and Recommendations (CEACR), and recently had done so in connection with a number of Conventions other than Convention No. 87 and had refused to reach consensual conclusions in the cases supervised by the Committee on the Application of Standards. The drafters of the ILO Constitution had foreseen that disputes might arise concerning the interpretation of a Convention, and had therefore made provision for the referral of such questions to the ICJ for an advisory opinion. Taking advantage of the legal expertise of the ICJ did not demonstrate a failure of the ILO's supervisory system; quite the contrary, the Court was an integral and necessary part of that system and it was unquestionable that the Court was competent to adjudicate on the matter. An opinion issued by it would allow the ILO to proceed in an atmosphere of greater legal certainty. What mattered was that the questions referred to it should be clear, direct and concise and that the Court should be able to understand the legal problem or problems on which guidance was sought. International workers' and employers' organizations, including the ITUC and the IOE, would be allowed to participate autonomously in the proceedings.

51. As for the mandate of the CEACR, the Workers' group would be open to reformulating the question set out in paragraph 1(2) of the draft resolution in Appendix I, concerning the competence of the CEACR. Regarding a dialogue approach, the Workers appreciated the arguments in favour of further dialogue. They believed in social dialogue, and had participated in good faith in a series of bipartite and tripartite meetings since May 2012. However, experience had shown that further discussion would not resolve the current dispute. It would be valueless for the Governing Body to issue a statement recognizing that the right to strike existed in national law and practice, since the question at issue was the international protection of that right under Convention No. 87. There was also no value in a tripartite meeting related to the modalities of exercising the right to strike at the national level. Further delay in resolving the question would weaken the ILO's supervisory system, perhaps permanently.
52. His group could not accept the proposal to establish a tribunal under article 37(2) of the Constitution, as that would take time. That proposal could be explored as a potential long-term solution but would only be acceptable subject to certain guarantees. The group could agree to the appointment of a working party to prepare recommendations on that issue.
53. The proposed Standards Review Mechanism would require an atmosphere of trust and mutual respect between the three groups, which was lacking at present. It was hard to see how a review would work successfully if one group disagreed with the observations of the experts on an ILO Convention. If the Governing Body decided to refer the present dispute to the ICJ for an advisory opinion, his group could, however, consider further discussions on such a mechanism – including on its scope and modalities. As indicated in paragraph 111, further discussions would be required on the methodology under consideration in 2011.
54. His group could also agree to the reconvening of the tripartite Working Group on the Working Methods of the Committee on the Application of Standards. However, the possibility suggested by the Employers in June 2014 of non-consensual conclusions would, if applied to cases considered by the Committee, undermine the supervisory system and enable one group to veto the application of a Convention or certain of its provisions.
55. With respect to regular and complaint-based supervision, he recalled that no overlaps had been found in the work of the different supervisory bodies. At the current stage, it was more urgent to focus on resolving the dispute by agreeing on a referral to the ICJ and ensuring a proper functioning of the Committee on the Application of Standards in 2015. The group therefore did not believe that a discussion should be opened at the current stage on the use of the different supervisory procedures set out in the Constitution. The group could agree to the proposal to increase the membership of the CEACR to 22.
56. Should the Governing Body agree to refer the dispute to the ICJ, his group would be willing to engage in a dialogue with the other groups on a possible package deal covering the other issues addressed in the document.
57. *The Employer coordinator* made a number of proposals on the right to strike issue and on a broader reform package to demonstrate his group's efforts to find a solution to the current impasse and to improve the system.
58. The Employers believed that the right to strike was recognized at the national level in different national jurisdictions. As a first step, the Governing Body could make a tripartite declaratory statement recognizing the existence of a right to strike under national law and practice. The ILO could organize a tripartite meeting of experts in January 2015, to identify the problems relating to the modalities of exercising the right to strike at the national level, and evaluate possible areas of future ILO action on the issue, including

standard setting. The meeting could be composed of two Government experts per region and one Employer and one Worker expert per region, be chaired by an international personality to be defined by the Officers of the Governing Body, and take place over the course of a week. It should prepare reports to be submitted for consideration by the Governing Body in March 2015. That discussion could then be taken up at the ILC in June 2015. While such discussions were in progress, it would not make sense to continue dealing with right to strike cases, which should be suspended across the supervisory system. The scenario he was proposing was more efficient time-wise, and was also far cheaper, more inclusive and more flexible than a referral to the ICJ, which would be a clear acknowledgment not only that tripartism and social dialogue had failed but also that social dialogue had not even been given a chance to resolve the dispute.

59. His group considered that if the ICJ decided that Convention No. 87 did include the right to strike and allowed for the modalities developed by the CEACR, countries that had ratified the Convention would be obliged to revise their laws and practices accordingly, which might affect national sovereignty in industrial relations. An ICJ opinion to the contrary would damage the credibility of the ILO's supervisory system, by calling into question the status of the Committee's observations and reports. Similarly, if the ICJ decided that the ILO constitutional principle of freedom of association as developed in Chapter 10 of the *Digest of decisions and principles of the Freedom of Association Committee* included the right to strike, then all ILO member States, regardless of ratification, would be obliged to revise their national laws and practices in compliance, which might also affect national sovereignty in industrial relations. An opinion to the contrary would damage the credibility of the ILO's supervisory system by calling into question the status of the *Digest*. In any event, difficult issues would remain, regardless of the opinion issued by the ICJ, and further discussion would be required by the Governing Body on the way forward.
60. Referring to the need to focus on a broader reform package, he proposed depoliticizing the list of cases for the Committee on the Application of Standards by having the CEACR prepare a draft list of cases according not only to their urgency but also to their distribution by region and type of Convention, as well as other rules to ensure balance. The Employers' and Workers' groups could agree on changes, otherwise the draft list would be submitted for adoption to the Conference Committee on the Application of Standards in 2015. The Employers were ready to reach agreement on that proposal.
61. At its next session, the Governing Body should agree on a time frame for launching the Standards Review Mechanism, as well as its initial work programme and its administrative and logistical arrangements.
62. He proposed a tripartite discussion, to be held without delay, on a new informal ad hoc procedure for settling issues concerning the disputed interpretation of ILO Conventions, and the expression of divergent views within the ILO supervisory system. Another tripartite discussion should be held with the CEACR on tackling its increased workload, including with regard to prioritization. As to the mandate of the CEACR, the group expected the statement inserted in the report submitted to the 2014 session of the Conference confirming the non-binding nature of the comments of the CEACR to be respected. The statement should be faithfully reproduced in all future publications.
63. The Employers were also open to considering other issues on a tripartite basis. It was hoped that mutual trust could be rebuilt and new impetus given to the Organization through the revival of social dialogue. The Employers aimed to see the supervisory system as a whole and to achieve an improvement that would reinforce its credibility, efficiency and sustainability. Their objective was by no means to undermine or destroy the ILO's

supervisory system. The desired reforms should strengthen and modernize the Organization and maintain its relevance to all constituents.

64. *Speaking on behalf of GRULAC*, a Government representative of Cuba supported the proposal to refer the question of the interpretation of Convention No. 87 with respect to the right to strike to the ICJ. He stressed, however, that the three groups of constituents should be fully involved in the proceedings before the Court. He emphasized that the ICJ should be informed of the urgency of the matter, that an expedited advisory opinion should be sought and that that should be done through a resolution in conformity with the rules applicable to the Governing Body.
65. GRULAC did not support the establishment of a permanent in-house tribunal under article 37(2) of the Constitution. In that regard, the group would only agree to the appointment of a working party, as proposed in point (b) of the draft decision in paragraph 125 of the document, if that working party was created for the purpose of discussing the implementation of any advisory opinion issued by the Court. It should comprise 16 Government members, eight Employer members and eight Worker members. Should such a working party be appointed, and should the Governing Body decide to pursue the examination of the establishment of a tribunal under article 37(2) of the Constitution, the matter could also be considered by that working party.
66. GRULAC regretted that the Standards Review Mechanism had yet to be launched and that no time frame had been presented for the consideration of remaining outstanding issues in respect of the supervisory system and for launching the Standards Review Mechanism to the current session of the Governing Body, despite the decision in that regard at the 320th Session. It trusted that progress would be made with respect to the time frame by March 2015.
67. There was an imperative need to further improve some aspects of the work of the Conference Committee on the Application of Standards. As for the composition of the list of cases remaining the prerogative of the Workers' and Employers' groups, he reiterated the views that had been expressed on behalf of GRULAC at the 320th Session of the Governing Body with respect to document GB.320/LILS/4.² With regard to reconvening the tripartite Working Group on the Working Methods of the Committee on the Application of Standards, he recalled the decision that any future outcomes from that working group should be integrated into the work of the Working Party on the Functioning of the Governing Body and the International Labour Conference (GB.322/WP/GBC/1).
68. Concerning matters related to regular and complaint-based supervision, GRULAC would add article 26 of the Constitution and cases submitted to the Committee on the Freedom of Association to the list mentioned in paragraph 114. He reiterated the group's concern about the simultaneous use of different components of the system to consider cases, which could weaken the functioning of the ILO supervisory bodies. The greatest attention possible had to be given to that issue, even if it involved far-reaching and complex discussions, and a time frame for action was necessary.
69. He noted the contents of paragraphs 117–122 and was confident that the CEACR could enhance the discharge of its mandate through informal dialogue with the Committee on the Application of Standards, continued meetings with tripartite constituents and informal discussions with government representatives. Lastly, he noted the information in paragraph 123 on the filling of vacancies in the CEACR and recalled the decision of March 2014 “ ... to propose any adjustments to the relevant procedures to facilitate this

² GB.320/PV, paras 585–586.

objective”.³ GRULAC would continue to pay attention to discussions on the issue and reserve its right to make any further statements it deemed necessary.

70. *Speaking on behalf of ASPAG*, a Government representative of China reiterated that dispute resolution was best achieved through tripartite discussions. He considered that governments had not yet been part of tripartite discussions in the Governing Body or the ILC. His group was concerned that referral to the ICJ would take the matter outside of ILO hands and could destroy the good practice of tripartism. ASPAG supported the Employers’ proposal for tripartite discussions to find a long-term solution to the issues surrounding the right to strike and that should be done by June 2015. Therefore, efforts should be made to solve the issue internally up to the last minute before turning to the ICJ. His group felt that the question of whether the right to strike was an international rule or not could be solved through time-bound tripartite discussions based on consensus.
71. His group did not support the establishment of an in-house tribunal, not least because that tribunal’s decisions could be challenged, which would create a need to resort to the ICJ again.
72. ASPAG supported the idea of solving all standards-related issues as a package and the reconvening of the Working Group on Working Methods of the Committee on the Application of Standards to further enhance transparency, objectivity and fairness. The criteria for determining the lists of cases should be observed and balance ensured across regions and Conventions. ASPAG encouraged the Office to provide the Governing Body with a time frame for implementation of the Standards Review Mechanism. Overlapping in the coverage of cases by the different mechanisms should be avoided in the future. ASPAG also encouraged the selection of more candidates from the ASPAG region for the current vacancies in the CEACR to ensure a balance across regions and across developing and developed countries.
73. *Speaking on behalf of the Africa group*, a Government representative of Kenya said that his group was in favour of giving consideration to all possible options, including tripartite discussions on the various issues at stake, either through the Governing Body, as an ILC agenda item or a dedicated session of the Committee on the Application of Standards.
74. In order to settle the current dispute and create the legal certainty necessary for the supervisory system to function fully again, two questions had to be answered: whether Convention No. 87 should be interpreted as providing for or protecting the right to strike; and whether the CEACR’s mandate gave it the authority to make such interpretations and, if so, whether such interpretations could go beyond general principles and give details regarding the application of the principle.
75. Prevailing circumstances were not conducive to establishing an in-house tribunal and referral to the ICJ should be a last resort, after all issues had been exhausted through tripartite dialogue and consultations between the parties. His group therefore endorsed point (d) of the draft decision to reactivate tripartite discussions to resolve outstanding issues relating to the functioning of the supervisory system. An Office paper on the reform of the supervisory system and the functioning of the Committee on the Application of Standards could be referred to the Governing Body for initial examination at its 323rd Session (March 2015) before adoption at the 104th Session of the ILC. The group would propose an amendment to point (c) of the draft decision after circulating the text among the social partners.

³ GB.320/PV, para. 597(d).

76. His group hoped that issues relating to the right to strike would not hamper further progress on the Standards Review Mechanism, on which more discussions were envisaged for March 2015. It would be useful to reconvene the tripartite Working Group on the Working Methods of the Committee on the Application of Standards, which should meet as soon as members of the Governing Body considered it convenient, either during or between Governing Body sessions. He noted, with appreciation, improvements made to the functioning of the CEACR.
77. *Speaking on behalf of IMEC*, a Government representative of Canada said that IMEC continued to believe that maintaining the strength and authority of the supervisory system was fundamental to the Organization and directly related to ensuring the relevance of international labour standards in the contemporary world. The draft decision offered elements for a constructive and well-balanced package solution.
78. IMEC had always stressed the importance of tripartite participation in restoring consensus in the process and was ready to discuss at the current session the request for an advisory opinion from the ICJ. Having listened to the different views, it believed that, against a backdrop of uncertainty, receiving authoritative guidance from the ICJ to inform and build further tripartite discussions was a clear next step. Before making a referral to the ICJ, however, there should be tripartite discussion and consensus on the exact question to be put to the ICJ. To that end, IMEC suggested the immediate establishment of an ad hoc drafting group. A referral to the ICJ was not a failure of tripartism; rather, it was one part of a solution built entirely through tripartism and consensus.
79. It was premature to consider the establishment of a tribunal under article 37(2) and IMEC would welcome further elaboration by the Office or a tripartite working party, so that the matter could be considered by the Governing Body in March 2015. In particular, more options regarding the selection and appointment of judges and the constitution of panels should be explored and cost details provided.
80. She reiterated IMEC's support for launching a Standards Review Mechanism and reconvening the Working Group on the Working Methods of the Committee on the Application of Standards. The remaining work on the design of the mechanism should be resumed immediately and the tripartite consultations reactivated to resolve the outstanding issues regarding the functioning of the supervisory system.
81. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that Montenegro, Serbia, Albania, the Republic of Moldova and Georgia aligned themselves with her statement. She expressed support for the statements of the Government group and IMEC. As the ILO supervisory system contributed to the promotion and protection of human rights and affected the EU and its policies directly, the EU attached great importance to the ILO's impartial supervision of compliance with international labour standards.
82. The EU was ready to support a request for an advisory opinion from the ICJ which could provide authoritative guidance to inform and guide further tripartite discussions including possibly at the ILC level. The questions to be referred to the ICJ should concentrate on the main point at issue, namely the protection of the right to strike by Convention No. 87, and the competence of the CEACR to determine that right under Convention No. 87. Therefore paragraph 1(2)(b) of the draft resolution in Appendix I, concerning the determination by the CEACR of limits to the scope of the right to strike and the conditions for its legitimate exercise, should be deleted. If constituents required more time to reach a consensual text, an ad hoc drafting group could be set up for that purpose. The authoritative character of an ICJ advisory opinion had to be recognized.

83. It was premature to consider the establishment of an in-house tribunal, and further elaboration by the Office or by a tripartite working group of Part B of section I of the document was proposed for consideration by the Governing Body in March 2015. Other possible ways of selecting and appointing judges and constituting panels should be explored and more details about costs would also be welcome.
84. A Governing Body working party should be instructed to make proposals, including a timetable, regarding the setting up of a Standards Review Mechanism for presentation to the 323rd Session of the Governing Body. The EU supported the reactivation of the Working Group on the Working Methods of the Committee on the Application of Standards. In order to maintain the ILO's credibility, the social partners must make sure that the Committee functioned smoothly by agreeing on the list of cases for discussion and adopting consensual conclusions. A transitional mechanism was needed until a sustainable solution could be found. The EU renewed its commitment to filling vacancies on the CEACR as soon as they arose.
85. *A Government representative of the Bolivarian Republic of Venezuela* said that the ICJ should be asked to interpret Convention No. 87 with respect to the right to strike, since it alone had competence to interpret ILO Conventions; the opinions and comments of the CEACR were not legal interpretations. Establishing an in-house tribunal was not necessary, would entail additional costs and might not guarantee the requisite objectivity and impartiality. While his Government was always open to dialogue, given the opposing views of Employers and Workers, it had reasonable doubt as to whether the tripartite discussion on the right to strike mentioned in paragraph 6 of the document prepared by the Office could yield positive results, and such a discussion could result in time being lost.
86. He welcomed the establishment of a Standards Review Mechanism and looked forward to receiving the timetable that could allow progress to be made. The Conference Committee on the Application of Standards needed to act in accordance with the principles of legality, legitimacy, objectivity, transparency, efficiency and without regard to particular political interests. Concerning the different components of the supervisory system, his Government looked forward to receiving the timetable mentioned in paragraph 116. His Government reserved its position on Appendix I, pending the submission of amendments thereto. It did not support point (b) of the draft decision or Appendix II concerning the establishment of a tribunal under article 37(2) of the Constitution.
87. *A Government representative of the Dominican Republic* said that as two years of discussions had not produced an answer to the crucial issue of whether the CEACR was competent to interpret Conventions and Recommendations, that question should be referred as a matter of urgency to the ICJ under article 37(1) of the Constitution. The list of countries that were requested to provide information to the Conference Committee on the Application of Standards had to be chosen by the constituents in a transparent manner. She urged constituents to make an effort to reach consensus on the draft decision.
88. *A Government representative of Algeria* said that the constituents should discuss the competence of the CEACR to interpret Conventions, bearing in mind the wider context of deliberations concerning the reform and improvement of the functioning of the Conference Committee on the Application of Standards.
89. *A Government representative of France* said that the effective implementation of international labour standards was an essential means to safeguard the social dimension of globalization. The ILO's credibility depended on its ability to establish and ensure universal compliance with those standards. That credibility had been called into question by what was essentially a political crisis. All constituents had the responsibility to show that tripartism was useful and effective. The first step would be a largely consensual

decision on the process for overcoming the crisis. His Government supported the adoption of a package including all the different aspects of the supervisory system.

90. His Government supported referral of a question limited to the interpretation of Convention No. 87 in respect of the right to strike to the ICJ for an urgent advisory opinion. As it would be impractical to refer every question or dispute concerning the interpretation of a Convention to the Court, his Government had long been in favour of establishing an in-house interpretative body under article 37(2) of the Constitution. It should be a flexible, low-cost mechanism that would convene at the express request of the Governing Body. A tripartite working party could be instructed to present proposals on such a mechanism's functioning and composition and on the terms and conditions for referral to it to the 323rd Session of the Governing Body. The launching of a Standards Review Mechanism would likewise send a positive signal that the ILO constituents intended to guarantee international labour standards effectively in an up-to-date manner. By adopting the draft decision, the Governing Body would revamp the system for overseeing compliance with standards.
91. *A Government representative of Brazil* said that the opinions of the CEACR were not binding and were intended only to guide the action of national authorities. Her Government therefore did not consider that the interpretative function of the CEACR was an issue. Since a question had arisen with regard to the interpretation of Convention No. 87, namely whether it recognized the right to strike, that matter should be referred to the ICJ for an advisory opinion, after which there would still be need for dialogue and decision-making. The Court should not, however, be consulted on the competence of the CEACR. The question set out in paragraph 1(2) of the draft resolution in Appendix I should therefore not be included. It was premature to discuss the establishment of an in-house tribunal. The limited number of difficulties concerning the interpretation of ILO Conventions suggested that there was no need to establish such a tribunal which could undermine dialogue and tripartism and foster recourse to such an institution. Therefore, her Government did not support point (b) of the draft decision in paragraph 125 of the document.
92. *A Government representative of China* said that his Government was in favour of pursuing dialogue in order to resolve the issue under consideration. It was only if that dialogue proved fruitless that consideration should be given to adopting the measures set out in article 37 of the Constitution. It was not, however, in favour of establishing an in-house tribunal. In addition to cost considerations, constituents might turn to it whenever a dispute arose, undermining consultation and dialogue. In the end, if recourse to the ICJ was supported by the majority, they would not object. An effective Standards Review Mechanism should be established in the near future, as such a mechanism was of vital importance in ensuring that international labour standards were always up to date and served constituents' needs. He supported the reconvening of the tripartite Working Group on the Working Methods of the Committee on the Application of Standards and urged the Director-General to fill the vacancies on the CEACR.
93. *A Government representative of Germany* highlighted that the ILO was currently at a critical juncture and it was urgent to find a solution. The ILO was running the risk of losing its unique role in the supervision of standards. To prevent other bodies from stepping in and filling that void, it was necessary for all constituents to voice their opinions rather than sit back and wait. Although consensus was a great asset, when it was lacking, there needed to be other pragmatic options. Her Government supported the solution of turning to the ICJ. That would not imply the bankruptcy of the principle of tripartism because going to the ICJ would provide a framework in which action would be hinged on tripartism. She proposed reformulating the questions to be put to the ICJ, to make them more concise. A tripartite approach was needed to that end. Further consensus was needed

so that an advisory opinion might be accepted as binding. A temporary mechanism should be identified, also on the basis of consensus, for the interim period, which would permit the Conference and the Committee on the Application of Standards to function until a definitive decision had been reached. Although the Employers' group had suggested drafting a statement affirming the existence of the right to strike in national legislation, the utility of such a statement was not clear, as countries in the EU, as did others, already guaranteed citizens the right to strike. If there was consensus among the three parties that in principle the right to strike was contained in Convention No. 87, there could be tripartite discussion on many issues. However, in the absence of such consensus, turning to the ICJ seemed the only option. She strongly urged to break the deadlock on the matter at the current Governing Body session and agreed that establishing a working group on the questions at stake would be a sensible step forward. A decision of principle had to be taken without further delay.

94. *A Government representative of the United Arab Emirates* said that the resolution of disputes among ILO constituents could and should be achieved through constructive dialogue within the ILO. Resorting to external mechanisms would place the future of tripartite dialogue at risk and adversely affect the credibility of the ILO as a leading UN organization. His delegation called for continued dialogue on a tripartite basis and the appointment of a working party to formulate recommendations for reaching consensus.
95. *A Government representative of Panama*, pointing out that the ILO had already consulted international courts for an advisory opinion on six occasions, expressed his country's support for the draft decision in paragraph 125, except for point (b).
96. *A Government representative of the United Kingdom* said that it was crucial to use the current situation as a catalyst for reinvigorating the Standards Review Mechanism with a clear time frame and tripartite commitment. The Committee on the Application of Standards should be fully operational in 2015, backed by pragmatic plans. His delegation was prepared to support referral to the ICJ, although it would have been preferable if the social partners had found a solution based on dialogue. Tripartite agreement should be reached on the questions to be asked and a clear plan put in place for handling the outcome.
97. *A Government representative of Zimbabwe* said that, since the dispute had first arisen in 2012, the Office had engaged in informal consultations with the Employers and Workers, but Governments had not had the opportunity to officially express their views. Tabling the issue of the right to strike for discussion at the following session of the ILC would enable an inclusive tripartite discussion and provide the Organization with direction, either to resolve the matter internally or, once all internal mechanisms had been exhausted, through the ICJ. He also proposed adding the issue of the mandate of the CEACR as an agenda item at the following session of the ILC and requested the Office to provide guidance on the topic in a paper. His Government looked forward to a holistic approach that strengthened the Organization.
98. *A Government representative of Argentina* expressed his delegation's support for point (a) of the draft decision, regarding the request to the ICJ, but said that the second question in paragraph 49 of the document prepared by the Office was inappropriate, since the non-binding nature of the role of observations of the CEACR had already been sufficiently clarified. It was also too early to consider appointing a tribunal, as provided for in point (b) of the draft decision. He continued to trust in tripartite social dialogue.

99. *A Government representative of Japan* said that the supervision of standards was the Organization's most essential function. It was inappropriate to apply to the ICJ immediately. First, the ICJ would not be able to deliver a fundamental solution as, even after receiving the advisory opinion, the ILO would need to continue consultations on how to deal with the opinion in-house. Such consultation would not be successful unless mutual trust between the Employers and the Workers was restored. Second, the established practice of tripartite decision-making within the ILO would be seriously damaged by the request, as it would be akin to declaring to the international community that the ILO had no ability to solve its own problems. At the same time, Japan did not favour continuing consultations without any prospect of compromise. It could support consultations with a concrete and focused procedure with a fixed time frame. To create new dynamics so as to advance discussions in a tripartite framework, his Government proposed adopting a tripartite resolution on the agreed interpretation of Convention No. 87 at the session of the ILC in June 2015. Although there were many issues to be resolved, it would be better to limit aims to resetting the atmosphere and reopening constructive consultations. His delegation expressed its support for points (c) and (d) of the draft decision, but not (a) and (b).
100. *A Government representative of Mexico* said that even though his Government believed that tripartite dialogue was the most effective tool for finding a solution, it was also convinced that using the same methods would only generate the same results, which, to date, had fallen short. The ILO Constitution already offered the legal tools for a solution. Mexico therefore supported requesting the ICJ to rule on the right to strike and the competency of the CEACR.
101. *A Government representative of the Islamic Republic of Iran* recalled the decision made by the Governing Body at its 312th Session (November 2011) to establish the Standards Review Mechanism as well as the Governing Body agreement that the standards initiative should be implemented as a single endeavour, including the Standards Review Mechanism. He called on the Office to prepare for implementation of the Standards Review Mechanism by the next Governing Body session (March 2015) and to step up its work on the mechanism's design. Constituents should strive to find a consensual solution. His Government disagreed that tripartite discussions on the right to strike had already failed. Tripartism should be given a real opportunity based on mutual trust and willingness among constituents. On the functioning of the Conference Committee on the Application of Standards, his Government supported reconvening the tripartite Working Group on the Working Methods of the Committee on the Application of Standards.
102. *Speaking on behalf of IMEC*, a Government representative of Canada said that, regarding the issue of the right to strike, her group wished to clarify that it was ready to discuss at the current session the request for an advisory opinion from the ICJ, under article 37(1) of the ILO Constitution.
103. *A Government representative of Turkey* said that before considering recourse to the ICJ, the Governing Body should explore all ways of reaching a solution through tripartite consensus. Article 37 of the ILO Constitution did not classify or specify the disputes to be referred to the ICJ or a tribunal, and the draft statute concerning the latter provided no further clarification or legal criteria. Regarding the Standards Review Mechanism, a comprehensive review of existing standards should take the concerns of all parties into consideration and should be established with the full confidence of the tripartite constituents. The Governing Body should establish a time frame and promote mutual understanding on outstanding issues. The required principles for a Standards Review Mechanism were included in the ILO Declaration on Social Justice for a Fair Globalization. Discussions on the Standards Review Mechanism should not be delayed any longer.

104. A Government representative of Bulgaria said that her Government was convinced that consulting the ICJ would not undermine tripartite dialogue. It would bring the necessary dynamic to the issue and provide clarity on the ILO supervisory mechanisms.
105. A Government representative of the Republic of Korea said that regarding the interpretation of Convention No. 87 in relation to the right to strike, the main focus should be on making a decision objectively and in an acceptable way. Her Government did not consider it useful to refer the matter of the mandate of the CEACR to the ICJ or to an in-house tribunal. The latter would be established by an ILC decision, and doubts could be raised as to its authority over the CEACR. Indeed, in its report submitted to the Conference in June 2014, the CEACR had clarified that its mandate included the non-binding interpretation of the scope and contents of national laws as well as the meaning of relevant Articles of Conventions. Accordingly, her Government supported points (c) and (d) of the draft decision and requested the Office to provide a timeline for reconvening the tripartite Working Group on the Working Methods of the Conference Committee.
106. A Government representative of India reiterated his Government's request for an in-depth analysis of the current system and the reason for its failure. It also wished to be informed of the proportion of cases involving the question related to the right to strike being an integral element of Convention No. 87, and disputes on other international labour standards, or disagreement on the interpretation of other Conventions which could not be resolved by the Committee on the Application of Standards. It supported the continuation of a tripartite process, considering that decisions regarding the Organization should be taken by ILO constituents. The ILC was the supreme forum for decisions on any matter pertaining to the world of work and it had the authority to amend the standards it had adopted. Disagreement on the interpretation of any Convention by the Committee had to be brought back to the ILC. An in-house tribunal and referral to the ICJ would add to multiplicity without improving clarity. Either a specific item on the ILC agenda or a discussion in the Conference Committee on the Application of Standards would provide the ideal means of reaching a solution. The social partners should continue working to determine a list of cases and criteria should be developed to ensure balance regionally and in terms of category of Convention. Other international agencies should continue to deal with subjects within their mandate and those should not be related to core labour issues. Issues of compliance concerning non-member countries would also need to be addressed. His Government looked forward to strengthening the CEACR, including through filling vacancies.
107. Speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) and the Netherlands, a Government representative of Norway expressed support for the EU statement. He observed that it was of the utmost importance for the ILO to unblock the blockage and to continue to have a well-functioning supervisory system that enjoyed the support of all constituents. While the ILO Constitution provided a way to solve disputes relating to interpretation of Conventions, the advisory opinion from the ICJ was one step in the context of a bigger picture. Technical adjustments to the supervisory system were also needed. The draft decision provided a constructive and well-balanced solution. He called for a tripartite decision on all elements of the draft decision at that session. It was crucial that a decision should be taken on point (a) of the draft decision in paragraph 125, to request the Court to give an urgent advisory opinion, preferably on the question set out in paragraph 1(1) of the draft resolution in Appendix I. With respect to point (b) of the draft decision in paragraph 125, he was not in favour of establishing an in-house tribunal but would not oppose the appointment of a working party to prepare recommendations in that regard. He supported point (c) of the draft decision, concerning the parallel action to be taken with regard to the Standards Review Mechanism and proposed to include in the draft decision the appointment of a working party to prepare recommendations, including a timetable for concrete actions, to be submitted to the following session of the Governing

Body. He supported point (d) of the draft decision, on the reactivation of tripartite consultations on the outstanding issues. The draft decision presented a balanced package in which the legal question on whether the right to strike was included in Convention No. 87 was not negotiable: legal questions required legal answers. Recourse to the ICJ did not amount to a failure in social dialogue as it was a measure enshrined in the Organization's Constitution and there was a precedent for such action.

108. *A Government representative of Indonesia* said that her Government fully supported the reactivation of tripartite consultations. Problems within the ILO should be resolved using available mechanisms and the Organization should avoid creating a precedent by referring the question of the right to strike in relation to Convention No. 87 to the ICJ. Establishing an internal tribunal would create a financial burden and undermine the existing mechanism. Her Government was in favour of the Standards Review Mechanism; ILO standards should be relevant to socio-economic development and applicable to its constituents.
109. *A Government representative of Ethiopia* said that article 37 of the ILO Constitution provided a last-resort measure. Under normal circumstances, the Organization should rely on its supervisory system and its constituents rather than on third parties. She supported point (d) of the draft decision in paragraph 125, concerning the reactivation of tripartite consultations.
110. *A Government representative of Belgium* said that the Governing Body should take a decision on the interpretation of Convention No. 87 during the current session and should request an opinion from the ICJ. Furthermore, at its next session the Committee on the Application of Standards should adopt by consensus a list of cases and conclusions.
111. *A Government representative of Colombia* said that her Government supported a comprehensive solution to restore the supervisory system. It hoped that social dialogue and improved working methods would provide the way forward. The involvement of governments was an essential element of tripartism.
112. *A Government representative of Botswana* said that the question of the interpretation of Convention No. 87 was a symptom of a broader problem relating to the functioning of the ILO supervisory system. As the problem centred on the rationale for the existence of the ILO it required a policy rather than a legal solution. It should be ILO constituents who decided on the ILO's objectives. Her Government therefore supported an approach that would emphasize social dialogue as the ideal means of resolving disputes.
113. *A Government representative of Spain* said that, given the complexity of the issue, a solution would only be found through tripartite consensus on a clear, comprehensive and coherent package of measures and a clear timeline. The Organization should approach the issue as an opportunity to perfect the ILO's supervisory system in a sustainable manner.
114. *A Government representative of Lesotho* said that social dialogue, a central pillar of the ILO, should be given a chance. Referring the matter to the ICJ would signal the erosion of the spirit of tripartism. Existing mechanisms should be used and internal solutions exhausted before turning to external remedies. Accordingly, her Government fully supported the proposal for further consultations to reach consensus and mutual understanding.
115. *A Government representative of Poland* said that if the ILO was to discharge its responsibilities, it was essential to have an effective and efficient supervisory system that also contributed meaningfully to the promotion and implementation of universal human rights. It was therefore necessary to find a practical solution as quickly as possible through

“trialogue” and consensus rather than referring the matter to the ICJ. However, if a general agreement was reached within the house on the referral to the Court, his Government was ready to support it in a spirit of consensus.

116. *A Government representative of Jordan* observed that no real tripartite discussions had so far been held and that the active participation of governments could help diffuse tensions. Any decision or opinion from the ICJ would come back to the Governing Body for implementation, and there could be a problem of interpretation of the decision which could create further difficulties. Constituents should continue giving a chance to tripartism as a fundamental pillar of the Organization.
117. *A Government representative of Angola* called for a decision based on consensus. He suggested that the various options set out in the document should be considered, taking into account the tripartite nature of the ILO. He expressed the hope that a decision could be reached that would satisfy all parties.
118. *A Government representative of Switzerland* said that the Director-General had encouraged member States to hold consultations at the national level. Her Government had done so with its social partners. She underscored the importance of finding a long-term solution based on dialogue and trust. It was crucial to find an immediate solution and also to remedy underlying issues. Her Government, if requested, would do everything in its power to help the ILO quickly find a solution that was satisfactory to all parties.
119. *The Employer coordinator* said that he remained optimistic and reaffirmed his group’s commitment to moving forward. It was too early to draw any conclusions. His group looked forward to contributing to any activity that would allow the situation to move forward.
120. *The Worker Vice-Chairperson* said that all the parties had recognized the critical nature of the issue, the importance of an effective supervisory system for the ILO and all constituents, and the need to act urgently to resolve the dispute. An advisory opinion from the ICJ was required in order to resume, in good faith, tripartite discussions on the supervisory system in an environment of greater legal certainty. His group was appreciative of the Governing Body members that had indicated support for referral to the ICJ, were open to the idea or would not stand in the way of a majority. The issue had been discussed in bipartite and tripartite forums since 2012 and all constituents had had the opportunity to express their views, yet no consensus had been reached. The ILO Constitution was clear regarding what to do where views on the interpretation of a Convention differed; referral to the ICJ was an integral part of the ILO supervisory system. Issues of interpretation were not within the remit of the ILC, which had a legislative, not a judicial, role. Further discussion would only serve to defer the conclusion of the matter. The last-resort moment had arrived. Although it would be necessary to discuss the impact of the advisory opinion, it would break the deadlock. If the ICJ were to affirm the position of the CEACR on the existence of the right to strike, there would be no change in the legal obligations of the member States that had ratified Convention No. 87. The advisory opinion would not apply directly to the member States but would provide a final interpretation of the Convention. Member States whose legislation was not considered to be in line with Convention No. 87 had already been receiving comments from the CEACR. The nature and content of the observations formulated by the CEACR concerning the right to strike would not be affected by a positive decision from the ICJ. No country’s sovereignty would be affected. The Workers’ group was committed to finding a way forward. The Governing Body had been given the power by the ILC to decide whether to refer disputes to the ICJ. There was no reason why a decision could not be made at the present session of the Governing Body.

121. *The Director-General* said that the ILO had been working with full tripartite participation aimed at finding consensus on difficult issues. There seemed to be support for a package solution on all sides. Willingness and flexibility had been expressed in terms of assembling the package. There was not, however, an obvious, emerging consensus on which to base a decision. Yet, the circumstances did not permit further inaction. There was a clear need for a substantive decision at the present session of the Governing Body. He proposed that the Office would carefully go over the statements made and, based on them, draw up a document containing a set of proposals that would be ready on the morning of 10 November 2014 for the consideration of the Governing Body. The proposals would be in lieu of the draft decision in paragraph 125. Every effort would be made to accommodate the views of all parties. Gridlock was not inevitable and a consensus was firmly within reach.
122. *Speaking on behalf of GRULAC*, a Government representative of Cuba underscored that the document that would be submitted by the Director-General should be impartial and objective and take into account the points that had been raised during the discussion.
123. The Governing Body accepted the proposal made by the Director-General.
124. *The Director-General*, introducing a revised version of the draft decision in paragraph 125 of document GB.322/INS/5, said that the new text, which was set out in document GB.322/INS/5(Add.), had not formed the subject of consultations with any group or individuals, but had been produced under his sole responsibility. It was the fruit of the very careful consideration of the two main messages from debates, namely that a decision was required forthwith and that only a package of decisions would permit progress on the issue under consideration. It was a balanced and comprehensive document which constituted both a compromise between diverging views and an attempt to build a coherent set of decisions with an internal logic. The six elements were interrelated; they complemented and did not duplicate one another. The removal of any one of those elements would probably destroy the equilibrium upon which the text's success depended. A decision should therefore be taken on all six elements simultaneously, if possible at the current session.
125. *A representative of the Director-General* (Deputy Director-General for Management and Reform), introducing document GB.322/INS/5(Add.1) on the financial implications of the revised draft decision contained in document GB.322/INS/5(Add.), said that the table was complex on account of the number of variables to be taken into account when estimating the cost of the tripartite meeting of experts referred to in point 2 of the revised draft decision. Such variables included the number of participants, the interpretation services required and the location. The total estimated cost of the package of measures proposed by the Director-General stood at US\$1,148,300. The costs associated with requesting the ICJ to render an advisory opinion on the question referred to in point 1 would be borne by the Office. However, there could be additional travel costs ranging from US\$5,000 to US\$7,000. The revised draft decision explained how the total cost entailed by the package of measures would be met.
126. *The Employer coordinator* said that his group endorsed point 2 of the revised draft decision. The tripartite meeting of experts could help clarify the extent to which the interpretation of the right to strike by the CEACR had influenced practice at the national level and consequently how the question referred to in point 1 could best be put to the ICJ, if the Governing Body decided as a last resort to refer the matter. The meeting should take place before the March 2015 session to guide the Governing Body in that decision. The crucial question was how, and to what extent, a right to strike as defined by the CEACR at the international level would affect member States' authority to legislate that right at the national level. His group endorsed point 3 and suggested that the Office should specify that

the Standards Review Mechanism should be launched by May 2015 to allow time for the necessary preparations following submission of proposals by the tripartite working group and the decision by the Governing Body in March 2015. His group also endorsed point 4 concerning the Working Group on the Working Methods of the Committee on the Application of Standards. If the Working Group was reconvened, the Governing Body should provide it with special guidance. The Governing Body could, at its present session and as a special arrangement for 2015, request the CEACR to draw up the list of cases to be considered by the Conference Committee on the Application of Standards at the 2015 session of the ILC. His group endorsed point 5. The Employer and Worker spokespersons of the Conference Committee on the Application of Standards and the Committee on Freedom of Association could also join in the preparation of the report referred to in that point. The report should be ready for the November 2015 session of the Governing Body. His group also endorsed point 6. Nevertheless, the Employers' group considered that not all possibilities for a tripartite solution had been exhausted. The group was not in favour of referring the question in point 1 to the ICJ and did not consider that there was any consensus or majority among the members of the Governing Body on the matter. However, even if a consensus was reached, the matter of referral to the ICJ should be carefully prepared before a decision was taken, as a last resort, to request an advisory opinion from the Court. Thus the question in point 1 of the draft decision did not capture the core problem of the right to strike and should be reworded so as to ascertain whether Convention No. 87 imposed binding rules relating to the scope of the right to strike, its limits, and the conditions for its legitimate exercise that member States were obliged to implement in law and practice. Further, the Employers' group asked how the social partners and member States would participate in the proceedings before the Court, as referred to in paragraph 2(b) of the draft resolution appended to the revised draft decision, and how the ILO would support the participation of social partners. It would welcome the opportunity to discuss, in particular, the fourth preambular paragraph and operative paragraph 2(b) and (d) of the draft resolution. In addition, the Governing Body should suspend the consideration of all cases concerning the right to strike by the ILO's supervisory machinery until the advisory opinion had been rendered. The Office should begin the preparations necessary to allow the Governing Body to take an informed decision at its March 2015 session on whether to refer the matter to the ICJ.

- 127.** *The Worker Vice-Chairperson* said that the tripartite constituents should be willing to compromise on the package of proposed measures contained in the revised draft decision in order to move forward. The Workers' group endorsed point 1 on an urgent referral of the matter to the ICJ. That was a necessary element of any package. However, it did not see the need for a further tripartite meeting of experts on strike action, as proposed in point 2, as the ILO supervisory bodies had already established clear principles concerning the modalities of implementation of the right to strike. The Workers' group was nevertheless prepared to accept point 2 in the interests of reaching a consensus. On point 3, the group had misgivings over launching the Standards Review Mechanism when there was a lack of trust among the groups. The protection of workers was, and must remain, the object of the Standards Review Mechanism. However, his group was willing to accept point 3, on the condition that the whole package of measures was adopted. His group supported point 4, but recalled that only the ILC could take a decision on the list of cases. On point 5, the Workers' group did not consider it necessary to review the supervisory procedures provided for in the ILO Constitution, as they had been reviewed quite recently. However, the group would endorse point 5 in the spirit of compromise. It also endorsed point 6 on deferring consideration of the establishment of a tribunal. It was willing to accept the package of measures as a whole, in the order in which they appeared in the revised draft decision, in the spirit of tripartite dialogue and compromise.

128. *Speaking on behalf of GRULAC*, a Government representative of Cuba said that the group endorsed the action proposed in point 1 of the revised draft decision. The tripartite meeting of experts on strike action referred to in point 2 should be convened in April 2015 at the latest. Broad discussions should be held on all aspects of the Standards Review Mechanism and on improving the various supervisory procedures provided for in the ILO Constitution. The group endorsed the initiative outlined in point 4 concerning the reconvening of the Working Group on the Working Methods of the Committee on the Application of Standards so that the necessary steps would be taken to ensure the effective functioning of the Committee at the 104th Session (June 2015) of the Conference. The list of cases should be drawn up and the conclusions on them should be formulated in an objective and transparent manner. The report referred to in point 5 should be prepared in consultation with the tripartite constituents and the findings submitted to the Governing Body for evaluation and approval. The group endorsed point 6 and concurred that the issue should be discussed at a later date. The group endorsed the revised draft decision as a whole.
129. *Speaking on behalf of ASPAG*, a Government representative of China said that tripartite dialogue was the key to resolving the dispute and finding long-term solutions to the problems associated with the right to strike.
130. *Speaking on behalf of the Africa group*, a Government representative of Kenya recalled that his group viewed tripartite dialogue as the best way to resolve the dispute and that a referral to the ICJ should only be decided as a last resort. However, it appeared from the revised draft decision that the preferred option was to refer the question to the ICJ as a matter of urgency. The group had expected the Governing Body to arrive at a consensus and then to agree on a roadmap for implementation. The group maintained that it was premature to refer the question to the ICJ and raised a number of questions. Thus, the speaker asked: how long the referral process would take; what the status quo would be in the interim; whether the functioning of other committees would be affected; whether the parties would still be willing to engage in dialogue; and whether it would cement or further polarize the house. Point 1 did not reflect the position of the Africa group. It made the following proposals: point 1 should be moved to the end of the revised draft decision and amended to include “as a last resort” at the beginning of the point; the tripartite meeting of experts should be convened no later than March 2015; the Standards Review Mechanism should be launched with specific timelines; the Working Group on the Working Methods of the Conference Committee on the Application of Standards should be reconvened with immediate effect; and the report mentioned in point 5 should be prepared and the Office should specify the modalities for its submission. Lastly, the group requested the Office to give assurances that funding was available for the proposed package of measures and that other priority areas would not be adversely affected.
131. *Speaking on behalf of IMEC*, a Government representative of Canada said that her group was approaching the package of measures in a constructive manner and in the spirit of compromise. She called upon the other groups to do likewise with a view to reaching a tripartite consensus on the revised draft decision.
132. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy endorsed the package of measures as a whole. She requested clarification on the legal implications of the wording of the question to be put to the ICJ and, in particular, of the word “protected”. She asked whether the duration of the special sitting of the Conference Committee on the Application of Standards could be limited so as not to distract from the consideration of cases and the General Survey.
133. *A Government representative of the United States*, while concerned about the consequences of prolonging the dispute, could not support point 1 of the revised draft decision. Although his Government would not block consensus, it had concerns about

requesting an advisory opinion from the ICJ and the precedent that such an action would establish.

134. *A Government representative of France* noted that the revised draft decision focused on the question of the right to strike under Convention No. 87 as well as on the Committee on the Application of Standards. The consideration of a sustainable in-house mechanism for the settlement of interpretation disputes was deferred. In the interests of finding a way out of the current impasse, his Government supported the revised draft decision and was ready to actively participate in the working groups and consultations proposed in the revised draft decision.
135. *A Government representative of Japan* urged a final attempt at resolving the matter through tripartite consultation. He repeated his earlier proposal that a resolution should be adopted during the 104th Session (2015) of the ILC confirming tripartite agreement that Convention No. 87 included the right to strike. Both the Employers and Workers should demonstrate a spirit of compromise. He hoped that consensus would be reached during the current session.
136. *A Government representative of the Russian Federation* supported points 2–6 of the revised draft decision. The ILO should exhaust its internal mechanisms before turning to the ICJ. A tripartite meeting of experts could play a significant role in finding a compromise solution acceptable to all. Not only was referral of the matter to the ICJ premature, but it could also complicate the implementation of the Standards Review Mechanism, part of the Director-General's proposed solution. Point 1 should therefore be moved to the end of the sequence, and should be worded differently, to make it clear that only after exhausting the preceding measures would the Governing Body consider other dispute resolution mechanisms.
137. *A Government representative of the United Kingdom* supported the proposed package, with the caveat that any question posed to the ICJ needed to be formulated so as to ensure that the advisory opinion received helped to explain how Convention No. 87 dealt with the right to strike.
138. *A Government representative of the Republic of Korea* reiterated the view that time-bound tripartite consultation should precede referral to the ICJ on the interpretation of the right to strike in relation to Convention No. 87. The proposed tripartite meeting of experts should be deferred until after either further tripartite consultations or an advisory opinion from the ICJ. Tripartite consultations or an advisory opinion would add a new dimension to the work of the meeting of experts. He supported the remaining proposals.
139. *The Minister of Labour and Workforce Development of Panama* expressed support for the revised draft decision.
140. *A Government representative of Germany* expressed support for the revised draft decision, particularly point 1. Requesting an advisory opinion from the ICJ was a good way to have a rapid and binding decision on that legal question and did not represent a failure of tripartism.
141. *A Government representative of Zimbabwe* said that the Africa group's earlier suggestion that referral to the ICJ should be a last-resort solution had not been given adequate consideration. Recalling the group's concern that governments had been called upon to make an urgent decision with insufficient time, he questioned whether governments' views were valued on such critical matters. Internal dialogue should be given another chance.

142. *A Government representative of Mexico* felt that the package took the different positions into account coherently and with complementarity between the elements. While an advisory opinion from the ICJ was only one component of a tripartite effort to improve the supervisory system, it was nevertheless of great importance, and the constituents should be bound by the ICJ's decision. It was the Standards Review Mechanism and the improvement of the constitutional procedures of the supervisory system that would allow for tripartite implementation of the ICJ's opinion in the way best suited to the Organization.
143. *Speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) and the Netherlands*, a Government representative of Norway expressed agreement with the EU statement. He underlined the need to endorse the proposed package of measures in its entirety, and in the sequence indicated, and to do so at the current session, observing that it represented a coherent and balanced approach. Further, he recalled that referral to the ICJ in extraordinary situations was enshrined in the ILO's Constitution, and was therefore perfectly in line with the spirit and practice of the Organization and should foster a return to constructive social dialogue.
144. *The Minister of Labour of the Dominican Republic* supported the revised draft decision and expressed willingness to actively participate in any activities that would lead to consensual outcomes.
145. *A Government representative of India* affirmed that tripartite consultation at the ILC was the best way to address the issue. She expressed appreciation for the proposed analysis of national legislative systems in the light of provisions under Convention No. 87 that the Office would prepare for the tripartite meeting of experts, as it would shed light on the reasons underlying the supervisory system's failure. Her Government remained committed to tripartite consultation as the best way ahead.
146. *A Government representative of Turkey* reiterated that, in relation to point 1, constituents should endeavour to find a solution before resorting to the ICJ. His Government was seeking a more constructive path than referral to the ICJ. However, his Government supported the rest of the proposed package. The sequencing of the different elements of the revised draft decision was somewhat complex and the Director-General should propose an implementation timeline, taking the balance of the items into consideration.
147. *A Government representative of Thailand* emphasized the importance of dialogue, and hoped that expeditious, time-bound tripartite consultation would lead to a solution. Only if that failed should the matter be referred to the ICJ.
148. *A Government representative of Belgium* reaffirmed support for the revised draft decision.
149. *A Government representative of Australia* expressed a strong preference for consensus through tripartite dialogue. There were risks associated with referring the matter to the ICJ, particularly with regard to the wording of the question. However, the risks associated with the continuing impasse were greater. Accordingly, her Government was prepared to accept the proposed package in order to move forward. Australia was ready to assist in any way possible, including through participation in tripartite working groups as proposed in the revised draft decision.
150. *The Director-General* said that a third round of substantive discussions would be held. It would be damaging for the Organization if the current Governing Body session were to close without progress having been made. Many speakers had found the revised draft decision to be a fair, objective and balanced attempt to unite divergent views. The fact that it contained elements that certain parties had not supported, or did not contain elements

that they had, did not mean that their views had not been considered. The lack of consensus was not surprising, in view of the complexity of the matter. The way forward lay in a package of measures, the six components of which were delicately balanced. To remove or significantly modify any of them would throw into question the integrity and coherence of the whole. Equally important was the chronological sequence of the implementation of decisions. The focus of the discussion had been on point 1, referral of the matter to the ICJ, and the relationship between that and point 2, the tripartite dialogue process. It was necessary to re-examine those two components with a view to reconciling the views expressed. In the package's original formulation, both items had been designed to deal with issues related to strike action, in complementary but differentiated ways, and they did not easily lend themselves to the type of sequencing proposed by some in the discussions. While there had been broad consensus on points 3–6, the package had to be viewed as a whole. The Office would submit another revised draft decision for consideration and decision.

151. *The Chairperson* said that the Office had further revised the draft decision on item 5 to take into account the views expressed during the most recent discussions on that item. The new revised draft decision was contained in document GB.322/INS/5(Add.2). The estimated costs of the measures proposed in the new revised draft decision had also been reviewed and were set out in document GB.322/INS/5(Add.3).
152. *The Worker Vice-Chairperson* said that there was much that the Workers' group had not requested in the previous package of measures but that they had accepted the package as a whole in the spirit of compromise. Regrettably, the new package of measures no longer included the possibility of requesting the ICJ to urgently render an advisory opinion on the question of whether the right to strike was protected by Convention No. 87. The Workers' group had not objected to the tripartite meeting of experts proposed previously to review and discuss national legislation and practice on the right to strike. However, a tripartite meeting on whether the right to strike was protected by Convention No. 87 and the limitations of that right was no substitute for the judgement of the CEACR. To follow that course of action would only lend support to the Employers' erroneous theory that the tripartite constituents, and not the CEACR and ultimately the ICJ, were competent to interpret ILO Conventions. For that reason, the interpretation of Convention No. 87 should not be discussed at such a meeting. The drafters of the ILO Constitution had provided that any disputes over the interpretation of Conventions should be referred to the ICJ for an advisory opinion.
153. As to point 2, it did not provide for an ICJ referral and merely placed it on the agenda of the March 2015 session of the Governing Body for decision. However, it was unlikely that further progress would be made on the divergent positions at the March 2015 session of the Governing Body, and the success of the 2015 Committee on the Application of Standards would be compromised without a decision to request an opinion from the ICJ. With respect to point 3, there was insufficient trust among the groups to launch the Standards Review Mechanism, which could only work if differences in interpretation were settled according to the law, and not according to constituents' views. The Workers feared that the Standards Review Mechanism might be used to weaken the existing protection that international labour standards afforded workers.
154. The report mentioned in point 5, in relation to the various supervisory procedures, could provide a useful insight into the functioning of the supervisory system and ways of strengthening it. However, if the tripartite constituents could not agree to abide by the rule of law and continued to impede the effective functioning of the supervisory system, that report would be of limited value. Confidence in, and acceptance of, the views of the CEACR were prerequisites for a functioning supervisory system. If no agreement could be reached at the tripartite meeting, the question should be immediately referred to the ICJ.

Points 3 and 5 should be deleted from the new revised draft decision and discussed further at the March 2015 session of the Governing Body.

155. *The Employer coordinator* said that the new revised draft decision fell short of the Employers' group's expectations, but constituted a step in the right direction. The group agreed with the need to progress and stood by the arguments and proposals it had made previously. If progress could not be made, it would be difficult for the tripartite constituents and ILO partners to maintain confidence in the mission and objectives of the ILO. His group could support the new revised draft decision.
156. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the EU had found the previous package of measures to be a coherent whole and had endorsed it. To add or remove elements of the package could prevent a balanced outcome, and changing their order changed the nature of the package. However, she was prepared to accept the proposal as a basis for discussion. With respect to point 1, she strongly believed that the tripartite meeting should discuss only the question of the interpretation of Convention No. 87 in relation to the right to strike. The two proposed questions could not be discussed in a meeting of only three days and they might each require different expertise. Observer States should also be allowed to attend and speak at the meeting, and governments should be able to express views as groups. She requested the addition of a sentence to the end of point 1 to the effect that if no clear consensus could be reached on the question at the tripartite meeting, the conditions for the application of article 37(1) of the ILO Constitution would be met. She also suggested that the words "the issue of a request to the International Court of Justice" be replaced with "the item of an immediate referral to the International Court of Justice" in point 2. The Governing Body needed to take a decision on the matter without further delay.
157. *A Government representative of Germany* said that the new revised draft decision was balanced and accurately reflected the most recent discussions on the matter. His Government viewed the tripartite meeting to be held in February 2015 as the last opportunity for a successful outcome. If an agreement could not be reached on that occasion, article 37(1) of the ILO Constitution should be applied with immediate effect.
158. *A Government representative of the United Kingdom* said that the Governing Body needed to take a decision that day. He encouraged all tripartite constituents to engage in the discussion with a view to reaching a consensus on the matter, thereby potentially obviating the need to request an advisory opinion from the ICJ. The proposed tripartite meeting would be the last opportunity to do so. If a consensus was not reached, the question would have to be referred to the ICJ.
159. *A Government representative of the Russian Federation* said that the new revised draft decision accurately reflected the most recent discussions on the matter. However, he maintained that the immediate referral of the question to the ICJ if no agreement was reached at the tripartite meeting in February would be premature and could have a negative impact on future discussions on that question. He endorsed the new revised draft decision.
160. *Speaking on behalf of the Nordic countries (Denmark, Iceland, Finland, Sweden and Norway) and the Netherlands*, a Government representative of Norway said that he supported the statement delivered on behalf of the EU. The new revised draft decision did not accurately reflect the most recent discussions held on the matter and did not offer a fair compromise solution. The new proposal gave no assurances that the appropriate mechanisms would be activated if an agreement could not be reached on the question of whether the right to strike was protected under Convention No. 87, and the last session of the Committee on the Application of Standards had shown that there was no agreement among tripartite constituents on that matter. He was not opposed to holding a tripartite

meeting, but was not convinced that it was the appropriate forum for dealing with questions relating to the interpretation of an ILO Convention. That should be done by the Committee on the Application of Standards as the ILO supervisory body competent to deal with questions of that nature, or through the application of the provisions of the ILO Constitution. He requested further clarification on the tripartite meeting proposed in point 1 and on the link between points 1 and 2. Any failure to reach consensus at the tripartite meeting on the interpretation of Convention No. 87 should not influence the decision to refer the question to the ICJ. Furthermore, it was unclear why a meeting on national practices and experiences relating to the right to strike could serve as input for decision-making on the issue.

161. *A Government representative of Japan* said that the new revised draft decision was a good basis for compromise. The proposed tripartite meeting would be the last opportunity to reach a consensus before seeking an advisory opinion from the ICJ. He endorsed the new revised draft decision.
162. *A Government representative of France* supported the new revised draft decision together with the modifications submitted by the EU, and encouraged the Governing Body to take a decision on the matter that day.
163. *A Government representative of Belgium* said that she, too, failed to see how a tripartite meeting on the modalities and practices of strike action could influence the decision on whether to refer the question on the right to strike to the ICJ.
164. *Speaking on behalf of GRULAC*, a Government representative of Cuba said that points 3–6 of the new revised draft decision were important and should be maintained. The group would comment on points 1 and 2 at a later stage in the discussion.
165. *A Government representative of Panama* said that Panama maintained its position that the matter should be referred to the ICJ. In the interests of making progress, it could support the revised draft decision, provided that, if an agreement could not be reached at the tripartite meeting proposed in point 1, the question on the right to strike would be referred to the ICJ without further delay. Point 2 of the new revised draft decision should therefore be amended accordingly.
166. *A Government representative of Argentina* said that, in relation to point 1 of the new revised draft decision, the tripartite meeting should only discuss the question of the interpretation of Convention No. 87 in relation to the right to strike and not the modalities and practices of strike action, and should formulate a concrete proposal for the Governing Body to consider at its March 2015 session. In relation to point 2, if a tripartite consensus could not be reached, the Governing Body should be authorized to urgently request an advisory opinion from the ICJ under article 37(1) of the ILO Constitution. She fully endorsed points 3–6 of the new revised draft decision.
167. *Speaking on behalf of the Africa group*, a Government representative of Kenya said that the new revised draft decision largely reflected the views expressed by the tripartite constituents and gave precedence to tripartite dialogue, which was the key to overcoming the current impasse. The group also appreciated the inclusion of a concrete time frame for action, which would culminate in a Governing Body decision in March 2015. He endorsed the new revised draft decision.
168. *Speaking on behalf of ASPAG*, a Government representative of China said that the new revised draft decision largely addressed his group's concerns and he could support it, although the group might wish to propose some amendments in due course.

169. *A Government representative of India* said that tripartite consultation within the ILC would be the best way to resolve the matter. The revised draft decision was a good way to reach a logical conclusion, on the basis of a broad consensus. Her Government was prepared to consider various options following the report on the outcome of the proposed tripartite meeting, including a referral to the ICJ. However, an automatic referral would preclude the possibility of a positive outcome to the tripartite consultations.
170. *A Government representative of Zimbabwe* said that, in spite of some remaining concerns, she could accept the draft decision in the spirit of compromise, and she welcomed the idea of continuous engagement by all parties in the endeavour to arrive at a solution.
171. *The Director-General* observed that there was still some distance to go to arrive at a consensus. The Office would undertake consultations with a view to submitting to the Governing Body a decision that could meet consensus.
172. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy further clarified the amendments to the new revised draft decision that the EU had proposed previously. First, in relation to point 1, the three-day tripartite meeting should be open to observer States with speaking rights. In addition, governments should be able to express views as groups. Second, her group could accept the deletion of the word “interpretation” from the first question concerning Convention No. 87 and the right to strike action. Third, the reasons for deleting the second question on the modalities and practices of strike action were not to overburden the meeting and the fact that different expertise might be required for the two questions. She acknowledged that some groups had concerns regarding the language used in the proposed addition of the following sentence to point 1: “In the absence of a clear and consensual answer to the question above by the tripartite meeting, conditions for the application of article 37(1) of the ILO Constitution will be met.” The statement was meant to clearly state a possible outcome, not suggest that the meeting would fail. In view of those concerns she suggested adding: “By the same token, if a consensual answer to the question above is agreed by the tripartite meeting, the result will be forwarded to the Governing Body for adoption.” With regard to the amendment that the EU had proposed to point 2 – namely, to replace the words “the issue of request” with “the item of an immediate referral” – she suggested changing the word “immediate” to “urgent”, or another word, so that it could not be interpreted as meaning that the referral would be automatic. She supported point 4 of the revised draft decision following the Governing Body debate held on 11 November 2014, but reserved the right to return to points 3, 5 and 6 when the package was finalized.
173. *Speaking on behalf of GRULAC*, a Government representative of Cuba stressed that the proposal must be considered as a package. GRULAC supported the EU’s amendments to points 1 and 2. In the interests of showing flexibility, it agreed to postpone the revision of points 3 and 5 to a later date, such as to the 323rd Session of the Governing Body. Points 4 and 6 should remain in their original form.
174. *Speaking on behalf of ASPAG*, a Government representative of China said that there were only three options: to postpone the item until March 2015; to put it to a vote, which would be the worst option as it would cause irreparable damage to the Organization’s tripartite structure; or to reach a compromise on the revised decision. ASPAG supported the document as a package. He proposed adding the word “including” after the word “meeting” in point 2 of the new revised decision. He agreed that the second bullet in point 1, concerning the modalities and practices of strike action, should be deleted.
175. *Speaking on behalf of the Africa group*, a Government representative of Kenya reiterated that his group supported the proposal as a package. Consultations were necessary because governments had been brought into the process late. The consultation process would

contribute to the discussion at the 323rd Session of the Governing Body. It was difficult to accommodate the proposed EU amendment related to point 2 because it went against the spirit of compromise and implied a predetermined outcome, undermining social dialogue, and gave the impression of a lack of inclusivity of consultations with constituents.

176. *The Employer coordinator* said that the Employers' group supported the whole package presented in the new revised decision. It had not been consulted on the EU's proposal, which seemed to increase automaticity in the transfer from the tripartite approach to the ICJ, and it did not support that move. It was somewhat dismayed by the process that was taking place. The preparatory work in his group had been based on the package, which seemed to be disintegrating. The group was not in a position to support any of the amendments to the package because it had not had the opportunity to discuss them.
177. *The Worker Vice-Chairperson* reiterated that something had been missing from the package proposed that morning and consequently it was no longer a package. While the EU's amendments did not respond to all the needs of the Workers' group, it responded to some of its concerns. A solution should be possible before the end of the session. He noted that GRULAC wanted to retain points 4 and 6. In that context, the remaining points could not be retained. However, the group was open to finding a solution when decisions had been taken on the other points; they could be taken up at the Governing Body in March 2015.
178. *The Director-General* said that, in relation to point 1, there did not seem to be any objection to opening the tripartite meeting to observer States, but noted that that might need to apply to Worker and Employer observers as well. Based on views expressed on the mandate of the tripartite meeting, he identified a call for removal of the words "of interpretation" from the first question, and deleting the second question. There were two remaining, interrelated, issues: first, concerns regarding the relationship between the outcome of the meeting and what would happen in light of that outcome, particularly in relation to any recourse to article 37(1) of the Constitution; and second, the integrity of the package. If an agreement on points 1 and 2 could be reached, there appeared to be agreement on points 4 and 6.
179. *The Employer coordinator* said that it was inappropriate to imply that consensus had been reached. His group had clearly stated that it supported the package presented earlier and nothing else.
180. *The Director-General* said that in the context of the entire package or otherwise, there had been no substantive opposition to the content of points 4 and 6. With regard to points 3 and 5, reserve had been expressed by some governments and the Workers' group. However an agreement on points 1, 2, 4 and 6 might be possible. A decision on points 3 and 5 could be postponed until March 2015 in the light of progress on the other areas of the package. The key to moving forward was determining the articulation of the outcome of the tripartite meeting as proposed and subsequent action, with no prejudgement of what the outcome might be. He suggested continuing the discussion or taking a break in order to find appropriate language.
181. *The Employer coordinator* said that his group had been working on the basis of a package and expressed some dismay about the procedure. On the points raised, he said that it was unclear how including observers in the tripartite meeting could be useful. He did not agree with the deletion of the second bullet point related to the modalities and practices of strike action, because it was important to focus the discussion on the real world and the consequences for companies. The group did not support the EU's proposals regarding points 1 and 2, and without points 3, 4, 5 and 6 it could not support points 1 and 2 as previously drafted; it could not support moving away from the package.

182. *The Worker Vice-Chairperson* was open to discussing the different points mentioned by the Director-General and therefore proposed that consultations among the groups should take place.

(The sitting was suspended.)

183. When the sitting was reopened, *the Chairperson* said that the consultations had resulted in a revised draft decision and that consensus was very close to being reached. He asked members to make the greatest possible effort to reach agreement. The text read:

1. *Further to the wide-ranging discussion held under the fifth item on the agenda of the Institutional Section, the Governing Body decides to:*

- (1) *convene a three-day tripartite meeting in February 2015, open to observers with speaking rights, to be chaired by the Chairperson of the Governing Body and composed of 32 Governments, 16 Employers and 16 Workers with a view to reporting to the 323rd Session (March 2015) of the Governing Body on:*
 - *the question of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in relation to the right to strike; and*
 - *the modalities and practices of strike action;*
- (2) *place on the agenda of its 323rd Session, the outcome and report from this meeting on the basis of which the Governing Body will take a decision on the need or otherwise for a request to the ICJ to render an urgent advisory opinion concerning the interpretation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in relation to the right to strike;*
- (3) *take the necessary steps to ensure the effective functioning of the Committee on the Application of Standards at the 104th Session of the International Labour Conference, and to this end reconvene the Working Group on the Working Methods of the Conference Committee on the Application of Standards to prepare recommendations to the 323rd Session of the Governing Body in March 2015, in particular with regard to the establishment of the list of cases and the adoption of conclusions;*
- (4) *defer at this stage further consideration of the possible establishment of a tribunal in accordance with article 37(2) of the Constitution;*
- (5) *as part of this package, refer to the 323rd Session of the Governing Body the following:*
 - (a) *the launch of the Standards Review Mechanism (SRM), and to this effect establish a tripartite working party composed of 16 Governments, eight Employers and eight Workers to make proposals to the 323rd Session of the Governing Body in March 2015 on the modalities, scope and timetable of the implementation of the SRM;*
 - (b) *a request to the Chairperson of the Committee of Experts on the Application of Conventions and Recommendations (CEACR), Judge Abdul Koroma (Sierra Leone), and the Chairperson of the Committee on Freedom of Association (CFA), Professor Paul van der Heijden (Netherlands), to jointly prepare a report on the interrelationship, functioning and possible improvement of the various supervisory procedures related to articles 22, 23, 24 and 26 of the ILO Constitution and the complaints mechanism on freedom of association.*

184. *The Employer coordinator* said that his group welcomed the revised draft and could accept the proposed package. The formulation in point 2 was acceptable, as was the referral of point 5(a) and (b) to the 323rd Session, but he suggested adding the word “agreed” before the word “package” in point 5.

185. *The Worker Vice-Chairperson* said that his group was not pleased with the procedure adopted or the outcome. He suggested including the words “at the national level” after the words “the modalities and practices of strike action” in the second bullet in point 1. The group would refrain from proposing further amendments to the text, but found it very difficult to accept point 5(a), which anticipated the launch of the Standards Review Mechanism, and point 5(b) and did not consider the package “agreed”. The group was open to discussing the package further.
186. *Speaking on behalf of ASPAG*, a Government representative of China supported the revised draft decision, with the addition of the words “through their group” after the words “open to observers with speaking rights” in point 1, so that observers could express their opinions through their group delegates, bearing time constraints in mind.
187. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the EU could accept the revised wording of point 1, as well as the amendment proposed by ASPAG. The EU reserved its right to speak as a group through its representative in the tripartite meeting. It had initially wished to remove the second bullet in point 1 concerning the modalities and practices of strike action due to time constraints, but was willing to accept its inclusion. The EU wished to be consulted prior to the tripartite meeting in February so that it could express its views on the organization of the meeting, particularly to ensure that adequate time was allocated for both issues to be properly discussed. It sought clarification on the meaning of “the need or otherwise for” in point 2 concerning a request to the ICJ to render an urgent advisory opinion, and suggested removing those words.
188. *Speaking on behalf of the Africa group*, a Government representative of Kenya said that his group supported points 1, 2, 3 and 4, but did not understand why point 5(a) and (b) should be deferred, as the Standards Review Mechanism was particularly relevant to the issues being discussed. The group would have preferred to proceed with the launch of the mechanism but was willing to compromise.
189. *The Employer coordinator* noted that the words “the need or otherwise for” had been removed from the text. He had not interpreted the comment made on behalf of the EU as a proposed amendment.
190. *The Worker Vice-Chairperson* said that the EU preferred to have the words removed, as did the Workers’ group.
191. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the EU’s preference was to remove the words because their meaning was not clear, but would welcome clarification from the Office.
192. *The Worker Vice-Chairperson* said that the meaning was so unclear that the words should be removed.
193. *The Employer coordinator* proposed using the words “necessity or not” instead.
194. *Speaking on behalf of the Africa group*, a Government representative of Kenya said that, to him, the meaning of the original wording was clear, but he would support the wording proposed by the Employers.
195. *Speaking on behalf of ASPAG*, a Government representative of China said that his group considered the original wording was appropriate and objected to removing “the need or otherwise for”.

196. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy indicated that her group was willing to support the removal of the words if the Workers proposed doing so but would also accept the wording proposed by the Employers.
197. *The Director-General* said that the amendment to point 1 proposed on behalf of ASPAG on speaking rights for observers through their groups, as well as the Workers' proposed amendment to the second bullet in point 1 adding the phrase "at the national level", appeared to be acceptable to all. The secretariat had chosen the words "need or otherwise" in an effort to use the most neutral wording possible when drafting the decision, but he agreed that "necessity or not" had the same meaning and was clearer. With regard to point 5, his understanding was that the Africa group had reservations but did not appear to oppose the text. The only outstanding issue was whether the word "agreed" should appear before "package" in point 5. Given that the Workers firmly objected to its inclusion, he suggested leaving the wording as it was and said that the Employers' understanding of the language could be reflected in the minutes. The text, as amended, was put forward for adoption by the Governing Body.
198. *The Employer coordinator* said that his group was simply seeking clarity when it proposed the addition of the word "agreed". However, the Workers' refusal to accept it was significant because it revealed that they did not, in fact, agree. A commitment to deal with the launching of the Standards Review Mechanism at the 323rd Session was crucial, and a number of governments had asked for the mechanism to be launched immediately. The Employers wanted some assurance that the Standards Review Mechanism would be launched as proposed in point 5(a) and that there would be no further delays.
199. *The Worker Vice-Chairperson* said that, for his group, any package would involve the ICJ. With regard to a decision on the necessity or not for a request to the ICJ, the decision could go either way, but there would definitely be a decision.
200. *A Government representative of Argentina* said that the Spanish translation of point 2 of the revised decision under consideration appeared to be slightly different from the French and English versions. The French referred to "a decision on the necessity or not for a request" whereas the Spanish referred to "a decision on the need for a request". The translations should be harmonized, but the French appeared to be the clearest.
201. *The Chairperson* said that the original amendment had been made in English and suggested that the translators adjust the translations accordingly.
202. *The Worker Vice-Chairperson* said that if the words "necessity or not" were retained, he wished to state very clearly that in the discussion at the meeting to be held, there would be a necessity and at that moment there would have to be a referral to the ICJ.
203. *The Employer coordinator* said that the decision on the necessity or not for a request to the ICJ would have to be taken by the Governing Body at the 323rd Session and could not be made in advance. With respect to the proposed addition of the word "agreed", he could see no valid reason not to include the word. If the package was not an "agreed package", then it was simply a package for later discussion, which was not the understanding of the Employers.
204. *The representative of the Director-General* (Deputy Director-General for Management and Reform) said that the Employers' view on the agreed nature of the package and the Workers' position on the need for a referral to the ICJ could appear in the minutes of the meeting and did not have to be included in the decision. The Governing Body did not usually use the word "agreed" in a decision because it was implied that a decision taken was an agreed decision.

205. *The Employer coordinator* said that the issue was not a linguistic one. They had been dealing with the Standards Review Mechanism for a long time but had failed to make any progress. The draft decision was supposed to be a decision to move forward on the Standards Review Mechanism, albeit at a later date, and his group sought a commitment from the Workers on that issue, which a large number of governments had supported.
206. *The Worker Vice-Chairperson* said that the aim of his group was to achieve a balanced draft decision and that the Employers' position of referring the decision on the right to strike to March 2015 while other elements of the package were accepted, would destroy that balance.
207. *The Employer coordinator* said that they were no longer close to consensus and that as a result, his group had to question its ability to support the draft decision. The "necessity or not" was key to their entire debate, and his group would not accept an automatic referral to the ICJ.
208. *The Worker Vice-Chairperson* said that his group agreed about the "necessity or not" in the context of the statement they had made on that. It was clear that his group had made significant efforts and various proposals to find solutions during the discussions. They had changed some of their views and positions in order to come to a decision. The group did not support the draft decision but accepted it. He wished to place on record his group's understanding that point 5 would be decided at the 323rd Session of the Governing Body.

Decisions

209. *Further to the wide-ranging discussion held under the fifth item on the agenda of the Institutional Section, the Governing Body decided to:*
- (1) *convene a three-day tripartite meeting in February 2015, open to observers with speaking rights through their group, to be chaired by the Chairperson of the Governing Body and composed of 32 Governments, 16 Employers and 16 Workers with a view to reporting to the 323rd Session (March 2015) of the Governing Body on:*
 - *the question of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in relation to the right to strike; and*
 - *the modalities and practices of strike action at national level;*
 - (2) *place on the agenda of its 323rd Session, the outcome and report from this meeting on the basis of which the Governing Body will take a decision on the necessity or not for a request to the International Court of Justice to render an urgent advisory opinion concerning the interpretation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in relation to the right to strike;*
 - (3) *take the necessary steps to ensure the effective functioning of the Committee on the Application of Standards at the 104th Session of the International Labour Conference, and to this end reconvene the Working Group on the Working Methods of the Conference Committee on the Application of Standards to prepare recommendations to the 323rd Session of the Governing Body in March 2015, in particular with regard to the establishment of the list of cases and the adoption of conclusions;*

- (4) *defer at this stage further consideration of the possible establishment of a tribunal in accordance with article 37(2) of the Constitution;*
- (5) *as part of this package, refer to the 323rd Session of the Governing Body the following:*
 - (a) *the launch of the Standards Review Mechanism (SRM), and to this effect establish a tripartite working party composed of 16 Governments, eight Employers and eight Workers to make proposals to the 323rd Session of the Governing Body in March 2015 on the modalities, scope and timetable of the implementation of the SRM;*
 - (b) *a request to the Chairperson of the Committee of Experts on the Application of Conventions and Recommendations (CEACR), Judge Abdul Koroma (Sierra Leone), and the Chairperson of the Committee on Freedom of Association (CFA), Professor Paul van der Heijden (Netherlands), to jointly prepare a report on the interrelationship, functioning and possible improvement of the various supervisory procedures related to articles 22, 23, 24 and 26 of the ILO Constitution and the complaints mechanism on freedom of association.*

(GB.322/INS/5(Add.2), paragraph 1, as amended according to the discussion.)

Financial implications

- 210.** *The Governing Body decided that the cost of the package of measures proposed by the Director-General estimated to cost up to US\$684,300 that could not be financed from extra-budgetary contributions, be financed in the first instance from savings in Part I of the budget for 2014–15 or, failing that, through Part II, on the understanding that should this subsequently prove impossible, the Director-General would propose alternative methods of financing.*

(GB.322/INS/5(Add.3), paragraph 3.)

Sixth item on the agenda

The post-2015 sustainable development agenda: Update (GB.322/INS/6)

- 211.** *The Employer coordinator expressed support for the ILO's continued work on the post-2015 sustainable development agenda, and welcomed the emphasis placed in the agenda on inclusive growth, full employment, decent work and social protection. That work must, however, be guided by the constituents. At its next session, the Governing Body should have a follow-up discussion on the goals and targets, and work should also continue in support of the Millennium Development Goals (MDGs).*
- 212.** *The Worker spokesperson said that the 17 proposed sustainable development goals provided a good basis for the final round of negotiations. He appreciated the concerted efforts that had been made to ensure that goal 8 was devoted to full and productive employment and decent work. All governments should endorse decent work and its four pillars in their national negotiating mandates. Efforts now needed to be made to ensure that*

decent work would remain a stand-alone goal and to improve the targets proposed under goal 8 to reflect the four pillars of decent work and means of implementation. The target on rights should include a specific reference to international labour standards. Recalling that the ILC had urged the ILO to highlight the value of effective social dialogue in the post-2015 development agenda, and in view of the contribution made by social dialogue and collective bargaining to reducing poverty and inequality, he expressed concern that the targets made no reference to social dialogue. If the link in goal 8 between economic growth and decent work was retained, the ILO constituents and the Office should argue strongly for “employment targeting” in macroeconomic policies to become a target under that goal.

213. With regard to the other goals, he said that, under the proposed goal 1 on extreme poverty, the international poverty line of \$1.25 a day should be increased to \$1.51, as recommended by the Asian Development Bank. The crucial role of labour market institutions and social dialogue in reducing inequalities should be included under the proposed goal 10 on inequality.
214. ILO constituents should advocate strongly for an effective governance framework for the sustainable development goals, consisting of an international monitoring and reporting system, the participation of social partners and civil society, and a set of binding minimum obligations. Furthermore, ministries of labour should bring the experience of the ILO to bear in national discussions. The role of the Office was to provide advice on targets and indicators to the secretariat for the negotiations. Documentation on international labour standards and on social dialogue in relation to the sustainable development goals was still awaited from the Office. ACTRAV and the Workers’ group should be fully involved in the Office strategy.
215. *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of the Islamic Republic of Iran welcomed the reference in the proposed goal 8 to inclusive and sustainable economic growth, which heralded the holistic approach that had previously been called for by his group. The centrality of decent work to sustainable development should be preserved. In view of regional specificities, global goals should be adapted to regional and national ones. He emphasized the importance of developing a global strategy for youth employment, implementing the Global Jobs Pact and strengthening youth skills. The creation of decent and productive jobs must be a core element of the final development framework. Existing barriers to the smooth functioning of economic enterprises must be removed. He endorsed the action taken by the Office, outlined in paragraph 16 of the document, to accelerate the progress towards achieving the MDGs. The social partners should be involved in the final round of negotiations. Provision should be made for capacity building with regard to statistics for constituents and countries, which was essential in order to measure progress towards the sustainable development goals.
216. *Speaking on behalf of the Africa group*, a Government representative of Ghana welcomed the inclusion of goal 8 to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. He commended the Office on its support for countries that had been falling behind in attaining the MDGs. Its international cooperation should continue, with a focus on sustainable enterprises. Allowing national ownership of targets would direct the necessary attention to Africa and its particular development challenges. When the final goals were set, he hoped to see emphasis placed on monitoring and evaluation. He welcomed the Group of Friends of Decent Work for a Sustainable Development initiative as an important platform for more advocacy. The progress review mentioned in paragraph 29(b) should be carried out at the next session of the Governing Body.

- 217.** *Speaking on behalf of GRULAC*, a Government representative of Cuba welcomed the inclusion of goal 8 in the list of sustainable development goals, as it placed emphasis on key ILO issues. He also welcomed the inclusion under goal 1, on ending poverty, of a target to implement nationally appropriate social protection systems for all, including floors. Social and economic policies that guaranteed job creation also reduced poverty and inequality. It was vital to preserve the goals of eliminating the worst forms of child labour, eradicating forced labour and protecting workers' rights and their working conditions. Decent work programmes should apply in developed as well as developing countries, in order to tackle low pay and discrimination and protect the rights of migrant workers. South-South and triangular cooperation played an important role in poverty eradication. However, there was no substitute for official development assistance.
- 218.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the following countries aligned themselves with the statement: the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia, Albania, the Republic of Moldova and Georgia. She emphasized the importance of full and productive employment and decent work for all, including for young people and persons with disabilities, and of equal pay for work of equal value. The EU was ready to engage with all stakeholders on monitoring and accountability and endorsed the Group of Friends of Decent Work initiative. The Office should consider the framework for the post-2015 development agenda from the perspective of implementing ministries, especially those in the least developed countries. The framework should address sustainability, green growth and economic transformation, in order to achieve long-term development, create more productive jobs for all and increase tax revenues, thereby enabling developing countries to fund investment in infrastructure and basic services. In addition to social protection, the targets should include the macroeconomic environment, trade, an enabling business environment, economic infrastructure, access to finance and increased private investment. The Office should engage both public and private actors in the mobilization and effective use of resources.
- 219.** *The Minister of Labour and Workforce Development of Panama*, supporting the draft decision, said that Heads of State and Government of the Central American Integration System had recently undertaken to promote the post-2015 development agenda, aiming to attain inclusive economic and social development and generate full employment and decent work to ensure sustainable development. That statement at the highest political level was a clear endorsement of the ILO strategy to ensure that the Decent Work Agenda became a priority in the context of the sustainable development goals. Panama would include it, and the topic of fair migration, on the agenda of the April 2015 Summit of the Americas in Panama. He emphasized the importance of education and occupational safety and health in decent work. Panama believed that achieving decent work should be a global objective, but could only be attained by taking action at the local and national levels. The Minister also declared Panama's commitment to be part of the Group of Friends of Decent Work.
- 220.** *A Government representative of Turkey* emphasized the importance of poverty eradication as part of the post-2015 development agenda. He cautioned that an imbalanced economic structure would result in widespread jobless growth. Measures to increase employment should therefore be complemented by economic, financial, educational and social policies, as an integrated political approach to align employment creation with economic growth. Turkey would prioritize inclusive growth and the link with employment in its presidency of the G20 in 2015, and saw inclusive growth, employment and social protection as cross-cutting issues within the UN post-2015 sustainable development agenda, the ILO and the G20. His country also attached great importance to migration and asked the ILO to make every effort to include it as a separate goal. Furthermore, it encouraged the ILO to continue

its support and enhance its technical cooperation programmes for employment and social protection, especially in developing countries.

221. *A Government representative of Trinidad and Tobago* said that, as the global community shifted its focus to how the post-2015 sustainable development agenda should be achieved, the ILO must continue to contribute to discussions on the refinement of the goals and indicators. Her Government recommended that the ILO should continue to convene events to raise the profile of labour issues at the highest political level, such as the ones held during the Third International Conference on Small Island Developing States in Samoa and on the margins of the United Nations General Assembly in September of that year. The ILO could also consider using the World of Work Summit at the 2015 ILC to solidify high-level support for issues on the post-2015 agenda related to decent work and full and productive employment.
222. *A Government representative of India* agreed that employment, decent work, social protection and poverty eradication continued to be global priorities and should be core elements in a transformative agenda. The ongoing financial crisis was exacerbated by the structural shift in demographics, and her Government was therefore implementing a range of initiatives to improve employment, employability and the productivity of the workforce, particularly through skills development. India called on the ILO to adhere to its core principles and objectives when promoting labour issues in its work with other international organizations and forums.
223. *A Government representative of China* welcomed the fact that the list of sustainable development goals set inclusive, sustainable growth and decent work as a separate goal and that other important ILO work had been included in other goals, demonstrating the high relevance of ILO work in the international community's efforts towards sustainable development. China hoped that the ILO would continue to raise awareness in the UN system and the international community and provide further knowledge and technical support to stakeholders on drafting indicators. In particular, it should make every effort to include the social protection floor in the agenda, as that was an important basis for sustainable development.
224. *A Government representative of Argentina*, expressing his Government's support for the draft decision, said that there was no single model for implementing the sustainable development goals; each country would take a different path and follow its own strategy. Nonetheless, there should be an international framework, with clear, transparent and democratic rules that did not favour minority interests or set conditions that would be detrimental to developing countries. There was a need for a balance between the three dimensions of the agenda. Approaches to strengthen the labour market, such as social dialogue and labour inspection, and strategies to formalize informal work should be included as a matter of urgency, as they, alongside promoting growth and improved distribution of income to eliminate social inequalities, would be important tools in achieving decent work.
225. *A Government representative of Bangladesh* said that his Government supported the draft decision. He encouraged efforts to ensure a broader framework that took account of global challenges such as climate change, as well as focusing on transforming the global economy. Employment and decent work should not be covered in a single goal and could not be achieved by a sectoral approach alone; all countries aimed to approach the Decent Work Agenda by striving for sustained economic growth. Ensuring the quality and quantity of jobs should go hand in hand with workplace safety, and international support for policies and action should take into consideration the diversity of development levels in regions and countries.

226. *A Government representative of Norway* welcomed the fact that ILO issues were currently prominently reflected, particularly in the proposed sustainable development goal 8. While that goal might not be included in the final package, she was confident that full employment and decent work would be part of the future framework. Norway therefore strongly supported the ILO's continued efforts under the six-point strategy and endorsed the decision point.
227. *A Government representative of Ethiopia* said that poverty eradication was the greatest global challenge and a prerequisite for sustainable development. It was vital to strengthen efforts to formulate the post-2015 sustainable development goals, even before the end of the time frame for the MDGs. There was an urgent need to create decent work in African countries and she encouraged the ILO to advocate for international support for developing countries, placing emphasis on cooperation, capacity building and technical assistance.
228. *A Government representative of Pakistan* said that Pakistan welcomed the fact that the sustainable development goals were action-oriented, global in nature and universally applicable. A clear roadmap had been provided to implement a global strategy on decent work for youth employment by 2020. Pakistan also welcomed the identification of poverty eradication as the greatest global challenge. Despite the ambitious targets of the MDGs, they provided a framework for cooperation between the developed and developing world. Pakistan suggested not losing focus on the specific goals of decent work and social protection and the issues of wages and green jobs.
229. *A representative of the Director-General* (Head, Country Policy Development and Coordination Unit) said that the Office had noted the suggestions, recommendations and concerns raised and would work to help the negotiating parties formulate clear, ambitious and realistic final goals and targets encompassing the four pillars of the Decent Work Agenda. Consideration would be given as to how to implement the agenda at the international level and how to assist countries and tripartite constituents in their own diverse and specific national circumstances. The Office was ready to work with constituents on organizing high-level events as suggested by the Governing Body, and would provide an update on progress in March 2015.
230. *A representative of the Director-General* (Special Representative of the ILO to the UN) said that the Governing Body had been clear on the importance of ensuring that the four pillars of decent work were included in the post-2015 agenda, on the challenges that member States and social partners would face in the last round of negotiations and on the support they would need in implementing the future goals. The Office would support the work ahead in a coordinated manner and use its technical capacity to provide the best information possible to ensure a successful outcome for the post-2015 agenda.

Decision

231. *The Governing Body:*

- (a) *recommended the tripartite constituents, and requested the Director-General, to strengthen work on the post-2015 sustainable development framework under the six-point strategy agreed upon at the 319th Session (October 2013) of the Governing Body; and*
- (b) *requested to review progress on this matter regularly.*

(GB.322/INS/6, paragraph 29.)

Seventh item on the agenda

Report of the 18th American Regional Meeting and Lima Declaration (GB.322/INS/7)

- 232.** *The Director, ILO Regional Office for Latin America and the Caribbean* said that the Lima Declaration had been adopted at the 18th American Regional Meeting. The Declaration addressed the fundamental challenges faced by the region, namely reducing poverty and inequality. It included specific policies aimed at reducing inequality and set out a framework to identify programme priorities for the region. The Declaration complemented the work and action plan in the Declaration of Medellín. Many of the priorities in the Lima Declaration were included in the Programme and Budget for 2016–17 and were being, or would be, implemented in 2015. One of the priorities was to assist governments, where requested, in reviewing national legislation to identify areas that might hinder full enjoyment of the right to freedom of association and collective bargaining. Other areas of work being pursued with ACTRAV included promoting freedom of association and collective bargaining in the public sector, promoting equal opportunities and treatment at work, and strengthening domestic worker organizations in the Caribbean. Work to promote an enabling environment for sustainable enterprises was being carried out with ACT/EMP. Specific plans had been drawn up to address youth employment. Labour inspection and the training of inspectors were a key component in formalization of the informal economy. The role of sustainable development and the way it fit in with the post-2015 development agenda had also been discussed in relation to decent work. At the meeting, 25 countries had signed a regional declaration to free the region from child labour. A special meeting had been held with Caribbean countries on climate change and employment.
- 233.** *The Worker spokesperson* said that the nature of the region's productive structure hindered sustainable development and perpetuated issues such as inequality. Despite a decrease in unemployment and an increase in wage employment, precarious work was becoming more prevalent. Child labour and forced labour still existed throughout the region. A comprehensive and coherent public policy framework was required in order to overcome existing obstacles and create jobs that respected the rights of freedom of association and collective bargaining. The Workers' group hoped that the importance attached by the Lima Declaration to certain international labour standards would lead to ratification and implementation of those Conventions; to achieve that goal, it encouraged the Office to develop promotional campaigns. It requested the Office to provide its constituents with technical assistance in meeting the Declaration's policy expectations over the next four years. It supported the draft decision.
- 234.** *The Employer coordinator* said that the Meeting's conclusions provided the Organization with fundamental guidelines for the next four years. The Employers' group expressed its satisfaction with the conclusions on promoting an enabling environment for the creation and development of enterprises, and on promoting the rights of freedom of association and collective bargaining through action programmes, technical assistance and campaigns. The group drew attention to the ILO Programme for the Promotion of Formalization in Latin America and the Caribbean (FORLAC). It hoped that action would be taken on the Meeting's conclusions in order to promote sustainable enterprises, principally in the private sector, which would result in decent work and economic and social development in the region. The group supported the draft decision.
- 235.** *Speaking on behalf of the group of the Americas (GRUA)*, a Government representative of Cuba said that the Lima Declaration testified to participants' desire to reach agreement and find solutions to reconcile differing viewpoints. For the first time, more than 30 per cent of

participants had been women. During the two panel discussions, countries had shared experiences regarding good practices and policies. Significant progress had been made towards reducing poverty and unemployment. Social dialogue was at the centre of efforts to promote decent work. He drew attention to the Declaration's policy expectations, which stated that coherent and integrated strategies were needed to facilitate the transition from the informal to the formal economy. The assistance provided by the Organization would help with the implementation of a comprehensive employment policy framework to promote full, decent, productive and freely chosen employment, as set out in the conclusions of the second recurrent discussion on employment. That would enable countries to continue working towards policy integration and combating poverty through the promotion of decent work. The group supported the draft decision.

- 236.** *The Minister of Labour and Workforce Development of Panama* said that the Lima Declaration demonstrated that the countries in the region had confidence in the Organization's work. Full productive employment, social security for all, social dialogue and respect for fundamental principles and rights at work were pillars of democracies in the twenty-first century. Panama had created the High Commission to establish Public Employment Policies in Technical and Professional Occupations and, with the support of the ILO, a proposal would be submitted to the President of Panama on upgrading workers' and employers' skills in order to eliminate the gap between those skills and the needs of the labour market (one of the policy expectations in the Lima Declaration). He expressed the hope that joint initiatives with the ILO could be established in order to develop strategies to improve working conditions in Panama and its partners in the Central American Integration System (SICA). His delegation supported the draft decision.
- 237.** *Speaking on behalf of Argentina and Brazil*, the Deputy Minister of Labour, Employment and Social Security of Argentina expressed her concern at the global economic slowdown and recognized the need to move forward with formalization and the promotion of a development model that fostered workers' skills. Economic growth and private investment were essential to progress and for maintaining the distributive policies implemented in the past decade. However, social inequality continued, along with high levels of informality. Incentives and deterrents needed to be put in place to counter the prevalence of precarious work. She looked forward to follow-up to the Lima Declaration. She noted the signing by 25 countries, including Argentina and Brazil, of the Regional Initiative: Latin America and the Caribbean Free of Child Labour. She supported the draft decision.
- 238.** *A Government representative of Trinidad and Tobago* welcomed the opportunity afforded by the Meeting for active participation by member States from the Caribbean region, since the cost of sending a tripartite delegation to ILO meetings outside the region was prohibitive. She was encouraged by the Director-General's acknowledgment of her country's appeal for support.
- 239.** *A Government representative of Colombia* said that the Meeting's discussions had underscored the ILO's support for the recognition of workers' rights and the promotion of tripartism. Significant progress had been made in her country regarding labour inspection, occupational safety and health, and collective bargaining in the public sector, resulting in a decrease in unemployment. With the ILO's support, the Lima Declaration would enable progress to be made with the five decent work agreements that had been reached on a tripartite basis in her country. Her delegation supported the draft decision.
- 240.** *A Government representative of Mexico* said that the conclusions of the Meeting would enable comprehensive public policies to be adopted and correctly implemented. He commended the signing of the Regional Initiative: Latin America and the Caribbean Free of Child Labour; eradication of child labour was one of his Government's priorities. His delegation supported the draft decision.

241. *A Government representative of Cuba* said that the Lima Declaration not only presented the aspirations and challenges of the region but also expressed the clear political will to attain more ambitious goals in a number of vitally important areas. During the regional meeting, the Cuban delegation had highlighted the importance of placing workers at the centre of economic and labour policies. It was important for the region to make progress towards the formalization of work through concrete policies, laws and programmes that guaranteed fair working conditions, access to vocational training, rights of freedom of association and social protection. Cuba had generated new forms of non-state employment and new affiliations to sectoral trade unions. Workers benefited from higher wages and greater job diversity, protected by law. Taking action to increase productivity and achieve added value in production chains was a priority, which would result in the delivery of products and services with high knowledge content and the development of new technologies. Enterprises needed to become more competitive and the ILO project on the System for Integrated Measurement and Improvement of Productivity (SIMAPRO) should be made more efficient. Integrated processes must be accelerated and streamlined, and trade in the region needed to be stimulated. His delegation supported the draft decision.

Decision

242. *The Governing Body requested the Director-General:*

- (a) to draw the attention of ILO constituents, in particular those of the Americas region, to the Lima Declaration by transmitting the text of the Declaration:*
 - (i) to the governments of all member States and, through them, to national employers' and workers' organizations; and*
 - (ii) to the official international organizations and non-governmental international organizations concerned;*
- (b) to take the Lima Declaration into consideration when implementing current programmes and in developing future programme and budget proposals.*

(GB.322/INS/7, paragraph 225.)

Eighth 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.322/INS/8 and GB.322/INS/8(Add.))

243. *The Special Representative of the Director-General for Guatemala* said that many judges had first become aware of international labour standards as a source of labour law as a result of training courses run between June and September 2014 with the ILO's technical support. Other similar courses were planned for new members of appeal courts and the Labour Chamber of the Supreme Court of Justice. The training programme referred to in

paragraph 51 of the Office mission report had begun in September and would end in November of the current year. It was hoped that, by then, the directive for the effective investigation and criminal prosecution of crimes committed against union members and other labour and trade union activists.

- 244.** As a result of the signing of the Declaration of Intent mentioned in paragraph 52, meetings had been held with members of Parliament from various parties and with the Chairman of the Labour Commission, who had shown great interest in the legislative reforms requested by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) in order to bring national legislation into line with the Conventions ratified by Guatemala. In 2014, more than 100 labour inspectors had been instructed in international labour standards during courses which had stressed the importance of respecting the principles of freedom of association. Workshops on collective bargaining between workers and employers would continue into 2015 with the support of ILO experts.
- 245.** It was to be hoped that the abovementioned the directive for the effective investigation and criminal prosecution of crimes committed against union members and other labour and trade union activists and the training of judicial officials would help in the investigation of all crimes committed against trade unionists and would result in the prosecution and conviction of the instigators and perpetrators. As to protective measures, the Government was due to open the hotline for reporting threats to trade union members and leaders mentioned in paragraph 14. It was to be hoped that the exchanges of views with workers and employers conducted by Parliament would lead to the adoption of the legislative reforms recommended by ILO supervisory bodies to bring legislation into line with Convention No. 87. The Government had requested technical assistance with the mounting of a large-scale awareness-raising campaign on freedom of association, collective bargaining and the training of the social partners. It was crucial that the international community provided financial backing for the activities of the ILO office in Guatemala in order that it might continue to supply the technical assistance which the Government and the social partners needed if they were to attain the goals set in the Memorandum of Understanding and the roadmap.
- 246.** *The Minister of Labour and Social Welfare of Guatemala* said that the signature of the Memorandum of Understanding, the adoption of the roadmap and the support of the ILO had helped his country to embark on a historical political and technical process aimed at securing full respect for fundamental rights. Procedures had been put in place to prosecute crimes against trade unionists, and all of the cases reported were under investigation. Since 2013, 11 verdicts, including eight convictions, had been handed down. Cooperation between the Attorney General's Office and the International Commission against Impunity in Guatemala (CICIG) had led to the identification of ways of investigating and prosecuting crimes more efficiently. The Attorney General's Office was likewise making headway with the prosecution of 625 cases of non-compliance with court decisions to protect workers' and trade unionists' rights. The number of officials in the Attorney General's Office who were investigating crimes against trade unionists had been increased to handle the growing caseload. The Public Prosecutor's Office had requested increased participation of trade union leaders, workers' associations and the victims' families in the investigation of older cases. Coordination between public prosecutors, the courts, the Ministry of the Interior and the Ministry of Labour was helping to solve cases of crimes against trade unionists faster and more efficiently.
- 247.** The Parliamentary Labour Commission had expressed a favourable opinion on the draft reforms of the Labour Code, but they had not yet been passed by Parliament. The Commission had also considered the reforms recommended by the CEACR over the previous 30 years. Three weeks earlier the Commission had held a debate on that subject between representatives of workers and employers and the Government. It was to be hoped

that the legislature would adopt standards which took account of the CEACR's recommendations in the very near future.

248. The number of visits by labour inspectors had risen from 8,000 in 2011 to more than 36,000 in 2013 and had covered all economic activities and all departments of Guatemala. The Inspectorate had secured compliance with labour regulations on banana plantations in the south of the country through friendly, but firm action. All labour inspectors would take turns in attending 18 months of higher education at university. In his country, the informal sector accounted for 80 per cent of employment and few people received the minimum wage or were covered by social security. Hence decent work and compliance with labour law was of primary importance. Respect for minimum rights would be conducive to respect for freedom of association.
249. He asked the Governing Body to trust the Guatemalans to make the necessary efforts and to give them more time before appointing a commission of inquiry. More strenuous efforts would be made to carry out impartial investigations of crimes against trade unionists and promptly to convict those guilty of them. Above all, his Government would adopt innovative measures for building the capacity of the social partners and establish labour relations based on respect for the law and the promotion of decent work through social dialogue.
250. *The Employer coordinator* commended the progress made and welcomed the establishment of a tripartite dispute settlement committee to deal with issues before the ILO concerning alleged violations of freedom of association. The Government clearly had the political will to make further advances. The Employers therefore supported the draft decision.
251. *The Worker Vice-Chairperson* said that no substantial progress had been made towards fulfilling the commitments outlined in the roadmap. Government action had been superficial and did not provide an adequate legal and institutional framework to protect individual and collective labour rights. Nobody had been incarcerated for murdering a trade unionist and assassinations of trade union leaders had continued. The hotline was not yet in operation. The Government had ignored repeated requests from the ILO to empower labour inspectors to impose sanctions. The legislative amendments presented to Parliament in that regard would have a detrimental effect on labour rights. Although a tripartite dispute settlement committee had been established, trade unionists were still being dismissed and not being reinstated. The Government had failed to investigate and clarify the murders of 58 union officials or convict the perpetrators, it had not taken steps to protect threatened trade unionists and it had not adopted the legislative reforms recommended by ILO supervisory bodies. The Workers' group supported the draft decision and appreciated the Office's work in Guatemala, as it offered the best hope for lasting results.
252. *Speaking on behalf of GRULAC*, a Government representative of Cuba called on all sectors in Guatemala to join together to implement measures which had been agreed on a tripartite basis and to participate in the social dialogue. He asked the ILO to continue to provide Guatemala with assistance and to strengthen the Office of the Special Representative of the Director-General. He agreed that it was first necessary to lay the institutional foundations for carrying out the roadmap and fully applying Convention No. 87. He supported the draft decision.
253. *A Government representative of the United States* said that, despite the signing of the Memorandum of Understanding and the adoption of the roadmap, the Labour Code had not been brought into line with the recommendations of the ILO supervisory bodies. Furthermore, there was no evidence that breaches of labour law were being remedied

within the prescribed time frames; the Labour Inspectorate was still under-resourced; there was a lack of compliance with orders of the labour courts and a failure to prosecute non-compliance; there was no evidence of the prevention of irregular workplace closures and remuneration of workers in such cases; the national campaign to raise awareness of freedom of association had not been launched; and labour violence was still a major problem. He commended the work done by the ILO in Guatemala and applauded the new programmes outlined at the current meeting. He urged the ILO to closely monitor the implementation of the Memorandum of Understanding and the roadmap. His Government would support the establishment of a commission of inquiry, as progress had been insufficient, but could accept the draft decision.

- 254.** *A Government representative of the Dominican Republic* congratulated the Government of Guatemala on its efforts to rectify its labour system. The roadmap would undoubtedly bear fruit in the near future. He therefore asked the ILO to strengthen its technical assistance to the country. The Government of Guatemala clearly intended to use social dialogue and the implementation of standards to resolve disputes between the tripartite constituents with a view to the application of Convention No. 87. He supported the draft decision.
- 255.** *A Government representative of Cuba* praised the efforts undertaken by the Guatemalan Ministry of Labour and Social Welfare to comply with the decisions of the Governing Body and to find a lasting solution to the complaint before the ILO. He supported the draft decision.

Decision

- 256.** *Taking into account the information contained in the report of the mission to the Republic of Guatemala (GB.322/INS/8), and on the recommendations of its Officers, the Governing Body:*
- (a) deferred until its 323rd Session (March 2015) the decision on the appointment of a commission of inquiry;*
 - (b) requested the Office to provide the Governing Body, at its 323rd Session (March 2015), with updated information on the progress made, including information provided by the Government and the employers' and workers' organizations in Guatemala, in particular on the follow-up given to the elements of the roadmap;*
 - (c) included this item on the agenda of its 323rd Session (March 2015) in order to decide whether other measures need to be adopted in relation to this complaint; and*
 - (d) invited the international community to facilitate the necessary resources to enable the ILO Country Office in Guatemala to continue to support the tripartite constituents in the implementation of the Memorandum of Understanding and the roadmap.*

(GB.322/INS/8(Add.), paragraph 1.)

Ninth item on the agenda

Complaint concerning non-observance by Fiji of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by delegates to the 102nd Session (2013) of the International Labour Conference under article 26 of the ILO Constitution (GB.322/INS/9/1 and GB.322/INS/9/2))

257. *The Minister of Employment, Productivity and Industrial Relations of Fiji* informed representatives that under the Constitution promulgated in September the previous year, Fiji had recently held its first truly democratic general elections, with a turnout of almost 85 per cent and very few invalid votes. A multinational observer group had declared the elections as credible and reflective of the will of the Fijian people. His Government was also pleased to announce that, in compliance with the Governing Body's request of March 2014, Fiji had accepted the visit of the ILO direct contacts mission from 6 to 11 October 2014. The mission had been able to meet several representatives of trade unions, employers and the Government, although not a number of key bargaining units formed under the auspices of the Essential National Industries Decree (ENID). Fiji took the mission's recommendations, as well as those of the country's tripartite Employment Relations Advisory Board, very seriously and would set up a process to consider them in detail and forward matters to Parliament. It would also review existing labour laws to ensure compatibility with the Constitution and the country's economic well-being, inviting the ILO to be part of the review process.
258. While his delegation respected the ILO's decision to defer appointing a Commission of Inquiry until the next Session of the Governing Body, the Organization's focus should no longer be on the appointment of the Commission, firstly because his Government did not wish to be rushed into implementing unwise measures that could undermine economic growth, and secondly because Fiji had recently welcomed the direct contacts mission and introduced a constitutional and a rights-based legal framework. His Government had been unable to sign the Memorandum of Understanding presented to it towards the end of the mission because it had needed time to perform legal checks. The Fijian Government had, however, prepared its own proposed memorandum of understanding, which it believed more accurately reflected the intention of all the tripartite partners, and which would be made available to the tripartite partners for consideration. His delegation requested the ILO to continue its contribution to capacity building through the provision of training and technical assistance in relation to knowledge of international labour standards, also including the elaboration of a Decent Work Country Programme for Fiji for the period 2015–17.
259. *The Employer coordinator* indicated that his group supported the draft decision.
260. *The Worker Vice-Chairperson* said that his group was pleased that the ILO direct contacts mission had been able to take place. The mission had verified the charges that had been levelled against the Government of Fiji, which had consistently ignored the recommendations of the ILO supervisory system and had moreover weakened the legal provisions on freedom of association. The Government had been aware of the Memorandum of Understanding signed by the Workers and Employers and it could not have come as a surprise, as suggested by the Minister. His group was particularly concerned at the unfounded charges which remained pending against the President of the Fiji Trades Union Congress (FTUC), despite the recommendations by the Committee of

Experts on the Application of Conventions and Recommendations. Far from taking measures to bring the ENID into conformity, the Government had actually expanded its reach, preventing trade unions from functioning and creating a severe imbalance of power in the bargaining process and a fear of reprisals. Under the Employment Relations (Amendment) Decree (No. 21, 2011), workers in the public sector had been excluded from rights and protection. Although the Public Service (Amendment) Decree (No. 36, 2011) had restored some of those rights, it continued to have little impact, as workers' ability to appeal for the protection of their rights remained hindered. Articles 19 and 20 of Fiji's Constitution included broad exceptions that could be used to limit fundamental labour rights, and restrictions on the freedom of expression had also been incorporated. In conclusion, it was clear that the regime continued to view trade unions and the international community with contempt. The article 26 complaint continued to be valid, and his group urged the Governing Body to continue monitoring the situation. If there was no evidence of progress by March 2015, the Workers' group would call for the establishment of a Commission of Inquiry.

- 261.** *Speaking on behalf of ASPAG*, a Government representative of China said that his Government understood that Fiji had to follow the necessary parliamentary procedures with regard to the recommendations made by the direct contacts mission. The ILO should focus on the follow-up to the mission and provide the necessary technical assistance.
- 262.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the following countries also aligned themselves with the statement: the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania and the Republic of Moldova. The EU and its Member States called on the Government of Fiji to respect its commitments, urging it to ensure that freedom of expression and assembly were respected. It was important to address the shortcomings highlighted in the mission report, and the Government of Fiji should take its conclusions into account and bring its labour laws into conformity with international labour standards. It should cooperate further with the Office, including in the elaboration of a comprehensive training and capacity-building programme, and should achieve tripartite consensus on the Memorandum of Understanding. Lastly, the Government should ensure that the upcoming trade union elections were held in full freedom. The EU and its Member States supported the draft decision.
- 263.** *A Government representative of the United States* said that his Government supported the draft decision. He hoped to see concrete and tangible progress on the outstanding recommendations next March and strongly urged the Government of Fiji to sign and give immediate effect to the tripartite Memorandum of Understanding on the future of labour relations in that country consistent with the text elaborated during the mission.
- 264.** *A Government representative of India* said that his Government considered that the ENID did not abolish existing trade unions in Fiji and that the Government's cooperation with the direct contacts mission had led to constructive tripartite dialogue. In that light, his Government urged the ILO to consider dropping the complaint against the Government of Fiji, while undertaking follow-up work to ensure implementation of the direct contacts mission's recommendations. It also encouraged the Government of Fiji to engage with the ILO on developing a comprehensive training and capacity-building programme for its various agencies, trade unions and employers' organizations.
- 265.** *A Government representative of Japan* said that his Government considered that, by accepting the direct contacts mission, the Government of Fiji had sent a positive message to the international community regarding its democratization process. It hoped that Fiji would continue its efforts to resolve pending issues. While discussions in the Governing Body should continue, his Government considered that the decision to establish a Commission of Inquiry should be postponed.

266. *A Government representative of Australia* said that the Government of New Zealand also aligned itself with the statement. The findings of the direct contacts mission indicated a genuine desire among the parties in Fiji to move forward on the basis of mutual respect. The Government should continue to engage closely with the social partners and work to align Fiji's labour legislation with international labour standards. The conclusion of the proposed Memorandum of Understanding would mark a commitment by all parties to that end. Her Government encouraged Fiji to work with the ILO to develop a comprehensive training and capacity-building programme.
267. *A Government representative of China* said that his Government welcomed the promulgation of a new Constitution in Fiji and the review of other laws and regulations in order to protect workers' and employers' rights. It encouraged the social partners to resolve all disputes through dialogue and cooperation. The ILO should continue to provide Fiji with technical cooperation, and the Government should cooperate with the ILO and implement the recommendations of the direct contacts mission. His Government considered that the complaint should not be included on the agenda of future sessions of the Governing Body.
268. *A Government representative of Cuba* said that his Government took note of the actions taken by the Government of Fiji to comply with the recommendations of the Governing Body and called on the Office to continue providing assistance and technical cooperation in that regard.

Decision

269. *Taking into account the information contained in the report of the direct contacts mission to Fiji (GB.322/INS/9/2), as well as that contained in document GB.322/INS/9/1, and on the recommendation of its Officers, the Governing Body deferred until its 323rd Session (March 2015) the decision on the appointment of a Commission of Inquiry and invited the Government to provide follow-up information on the complaint.*

(GB.322/INS/9/1, paragraph 3.)

Tenth item on the agenda

Report of the Committee on Freedom of Association

373rd Report (GB.322/INS/10)

270. *The Chairperson of the Committee on Freedom of Association* thanked members for the positive and constructive spirit which had guided the Committee debates since the start of its new term two weeks earlier. The Committee had issued urgent appeals to governments that had not yet sent their observations, despite the time that had elapsed since the submission of the complaints or since the previous examination of the case, regarding the following Cases: Nos 2318 and 2655 (Cambodia), 3057 (Canada), 3053 (Chile), 2786 (Dominican Republic), 3054 (El Salvador), 2203 and 3040 (Guatemala), 2794 (Kiribati) and 2902 (Pakistan). Those governments should transmit their observations as a matter of urgency. The Committee had also examined Cases Nos 3014 (Cameroon), 2978 and 3035

(Guatemala) and 2949 (Swaziland) without having received a response from the Government.

- 271.** The Committee had examined seven cases in which governments had informed it of measures taken to provide follow-up to its recommendations. In that regard, it had welcomed certain developments in Case No. 2547 (United States) concerning the collective bargaining rights of graduate teaching assistants. The Committee had welcomed progress in two cases concerning Mauritius: in Case No. 2616, the passports of complainants had been returned and the amendment of the Public Gathering Act was under consideration; in Case No. 2969, an agreement had been reached between the trade unions and the employer for trade union meetings and time off facilities. While there were still outstanding issues in Cases Nos 2478 and 2694 (Mexico), the Committee had noted with interest the dialogue with the miners' trade union and the measures adopted to expedite labour proceedings before the federal conciliation and arbitration board and meetings with national and international trade union organizations.
- 272.** He drew the Governing Body's attention to three serious and urgent cases: with regard to Case No. 2445 (Guatemala), concerning allegations of murder of a trade union leader, the Committee had urged the Government to send observations on several of the grave pending allegations. While welcoming information that investigators and support staff had been engaged to expedite investigations and that the Office of the Public Prosecutor was cooperating with the International Commission against Impunity in Guatemala, the Committee had regretted that government efforts and commitments had not yet been translated into tangible results by identifying instigators and perpetrators of the crimes and ensuring that the guilty parties were brought to justice. It had urged the Government to provide information on the results achieved in that regard through its commitments under the Memorandum of Understanding signed in March 2013 with the Workers' group.
- 273.** Case No. 2978 (Guatemala) also concerned serious allegations of death threats and attempted murders against a trade union of workers of the municipality of Pajapita. In the absence of any reply on steps taken by the Government, the Committee had been obliged to repeat its previous recommendations, particularly regarding the holding of an independent judicial inquiry, safety guarantees for persons under threat and the restoration of a climate of trust.
- 274.** In Case No. 2949 (Swaziland), the Committee drew attention to the extreme seriousness of the issues affecting the trade union movement as a whole in the country and even all workers' and employers' federations in the country. The Committee had expected the immediate adoption of an amendment to the Industrial Relations Act that would enable federations to be registered without further delay and in the meantime had urged the Government to allow them to operate so as to preserve their continuity. In particular, it had urged the Government to ensure that the complainant, the Trade Union Congress of Swaziland (TUCOSWA), was able to fully exercise its trade union rights, including the right to engage in protest action and peaceful demonstration in defence of its members' occupational interests. The Committee had further urged the Government of Swaziland to take immediate steps for the unconditional release of Mr Maseko, the union lawyer who was challenging the constitutionality of the refusal to register TUCOSWA, and to provide compensation for the damages he had suffered.
- 275.** *The Employer coordinator* said that his group fully agreed with the contents of the report and appreciated the spirit of cooperation to find practical solutions in a tripartite format. He encouraged the Governing Body to review the Employers' report and the references in cases to the *Digest of decisions and principles*; emphasized the importance of governments taking on board paragraph 54 of the report and keeping the Committee informed of latest

developments; and thanked those governments which had provided information by way of follow-up.

- 276.** His group welcomed the proposal in the revised draft decision relating to the agenda item on the standards initiative (GB.322/INS/5(Add.2), paragraph 5), as it could improve understanding of the relationship between the mandates of the Committee on Freedom of Association and the Committee of Experts on the Application of Conventions and Recommendations. A meeting to consider the working methods of the Committee on Freedom of Association had been arranged for March 2015, and he looked forward to the fresh perspectives to promote coherence and consistency with other facets of the ILO supervisory system. Lastly, he wished Ms Fox, the Worker spokesperson, well in the role that she was due to take up.
- 277.** *The Worker spokesperson* welcomed new members of the Committee who had joined since the election at the previous Session of the Governing Body. The meeting of the Committee held on 30–31 October 2014 had served as an opportunity to review and discuss the Committee's mandate and working methods. Key features included the fact that members were appointed by the three constituent groups but served in their individual capacities; the confidential nature of the Committee's deliberations, which ensured the integrity of the Committee's conclusions and recommendations; and the Committee's adherence to principles regarding freedom of association and the right to collective bargaining that were reflected in the *Digest of decisions and principles*.
- 278.** In the view of her group, some of the most significant cases under consideration were: the cases in Guatemala; Case No. 2949 (Swaziland) as an illustration of the principles of freedom of association, since it involved the deregistration of both the trade union federation and the employers' federation in that country; and Case No. 3021 (Turkey) regarding representativeness requirements that made it difficult for trade unions to register and therefore engage in collective bargaining.
- 279.** *A Government representative of Guatemala*, referring to the five cases involving her country, said that her delegation had now provided a significant amount of information, which she hoped the Committee would take into account at its next meeting.
- 280.** *Speaking on behalf of GRULAC*, a Government representative of Cuba drew the Committee's attention to imbalances in the treatment of cases: 91 of the 154 cases brought before the Committee and 16 of the 21 cases examined on their merits were from Latin American and the Caribbean. In the interests of transparency and objectivity, he requested the Committee to establish clear criteria regarding its activities. He also suggested that when drawing up its recommendations, the Committee should not stray from its mandated topics of freedom of association, the right to organize and collective bargaining.

Decision

- 281.** *The Governing Body took note of the introduction to the report of the Committee, contained in paragraphs 1–57, and adopted the recommendations made in paragraphs: 78 (Case No. 3002: Plurinational State of Bolivia); 108 (Case No. 3041: Cameroon); 142 (Case No. 3000: Chile); 194 (Case No. 3005: Chile); 209 (Case No. 2995: Colombia); 229 (Case No. 3020: Colombia); 265 (Case No. 3039: Denmark); 282 (Case No. 2893: El Salvador); 293 (Case No. 2957: El Salvador); 309 (Case No. 3012: El Salvador); 323 (Case No. 2445: Guatemala); 334 (Case No. 2708: (Guatemala); 359 (Case No. 2948: Guatemala); 368 (Case No. 2978: Guatemala); 381 (Case No. 3035: Guatemala); 406 (Case No. 3014: Montenegro); 426 (Case No. 3048: Panama); 470 (Case*

No. 2949: Swaziland); 530 (Case No. 3021: Turkey); 546 (Case No. 2968: Bolivarian Republic of Venezuela); 562 (Case No. 3036: Bolivarian Republic of Venezuela); and approved in full the 373rd Report of the Committee on Freedom of Association.

(GB.322/INS/10.)

Eleventh item on the agenda

Reports of the Board of the International Training Centre of the ILO, Turin

(a) Report of the 76th Session of the Board
(Geneva, 28 May 2014)
(GB.322/INS/11/1)

(b) Report of the 77th Session of the Board of the Centre
(Turin, 30–31 October 2014)
(GB.322/INS/11/2)

282. *The Employer Vice-Chairperson of the Board* said that the Centre had performed very well in 2013–14. The Centre's strategic plan for 2012–15 was very transparent and enabled performance to be properly monitored. The Employers' Activities Programme, delivered in close collaboration with ACT/EMP at headquarters, the field, the IOE and national employers' organizations, took a needs-oriented approach and had been very successful. Its funding had been increased, and it had achieved large numbers of participants and high satisfaction rates. However, the Centre's overhead costs remained an area of concern, and it was still far from the targets set out in the strategic plan. Greater management involvement with overhead costs, including proper benchmarking, should be a priority. There had been a significant influx of ILO funds and the productivity of the training departments had increased by 20 per cent in the past two years, but had reached its limits. Hence more financial and human resources were needed. Some project-based staff had been working on temporary contracts for a number of years, which was problematic both in terms of working conditions and work planning. The management had been urged to find appropriate solutions, while maintaining the flexibility it would require for new projects and resource mobilization opportunities. Any further increase in temporary staff would be detrimental. Aside from resource mobilization, the Centre's primary concern should be the relevance and quality of its training programmes.

283. *The Worker spokesperson* said that the Board had discussed the relationship between the Centre and the ILO in the area of learning and capacity building of ILO constituents and staff. Given fruitful cooperation with the ILO, the framework adopted by the Board at its most recent meeting would be implemented in the coming months. She requested the Office to include the Centre in its plans for staff mobility, in line with ILO policy. The Centre's role in capacity building of ILO constituents on the ILO outcomes should continue to be its main focus, and should guide its resource mobilization strategy. The flagship programmes within the technical cooperation strategy, adopted by the Governing Body at its current session, offered a good opportunity to develop specific capacity-building programmes. More should be done to ensure tripartite participation in the Centre's training activities and, in developing those activities, more emphasis should be placed on

international labour standards. She was concerned that the resource mobilization strategy had not attracted enough resources for capacity-building activities with workers' organizations, but welcomed the special allocations for 2014 and 2015 to increase the resources for the Workers' Activities Programme through the allocation of the surplus, in accordance with the management's decision set out in the report. She also expressed concern about reductions in the number of staff alongside increases in the Centre's activities. Lastly, she welcomed the decision to hold a meeting of the Officers of the Board to address the concerns raised at the Board meeting.

- 284.** *The Government Vice-Chairperson of the Board* said that during the Board meeting, his group had worked in a spirit of constructive dialogue with the Workers and the Employers. The Training Centre was doing excellent work, and offered potential for strengthened cooperation with the ILO. He expressed full support for its plans for 2015 and 2016–17, and for the proposed framework for a learning partnership with the ILO. It was crucial for the Centre to be involved in the main planning and programming processes of the ILO. He hoped for enhanced coordination of the resource mobilization efforts, which were essential for the smooth functioning of the Centre. He thanked the Director of the Centre for piloting the use of tablets at the recent Board meeting, so facilitating access to documents and supporting the green sustainability practices within the Centre. He fully endorsed the reports of the Board.

Decision

- 285.** *The Governing Body took note of the reports of the 76th and 77th Sessions of the Board of the International Training Centre of the ILO, Turin (GB.322/INS/11/1 and GB.322/INS/11/2). It further noted, without comment, the amendments to the Centre's Financial Regulations as proposed in the document CC 77/6/2 (Amendments to the Financial Regulations and Financial Rules) and approved by the Board.*

(GB.322/INS/11/2, paragraph 125.)

Twelfth item on the agenda

Report of the Working Party on the Functioning of the Governing Body and the International Labour Conference

Oral report of the Chairperson of the Working Party (GB.322/INS/12)

- 286.** *Speaking on behalf of the group of industrialized market economy countries (IMEC), a Government representative of Norway supported the draft decision in paragraph 13 of the report, subject to written corrections to be submitted by her group to paragraphs 3.2, 4.1 and 8 of the report.*

Decision**287. The Governing Body:****(a) requested the Office:**

- (i) to convene, before March 2015, tripartite consultations on the issues listed in document GB.322/WP/GBC/1(Add.);**
- (ii) to finalize for March 2015 a plan of work for the 104th Session of the Conference (June 2015), which would take into account the reforms agreed by the Working Party;⁴**

(b) endorsed the following schedule for the future work of the Working Party:

- (i) from November 2015, review the experience of the two-week session of the 2015 Conference and determine the format of the June 2016 session;**
- (ii) in March 2016, discuss proposed amendments to the International Labour Conference Standing Orders to be submitted to a Standing Orders Committee of the Conference in June 2016 and commence the review of the role, purpose and functioning of the Regional Meetings in order to establish a time frame for a possible reform.**

(GB.322/INS/12, paragraph 13.)

Statement of the Officers of the Governing Body**288. The Clerk of the Governing Body delivered the following statement on behalf of the Officers of the Governing Body:**

As the Ebola virus disease outbreak continues to evolve and claim lives, we, as Officers of the Governing Body of the International Labour Office, wish to express our condolences to the families of the victims of the Ebola outbreak, the peoples whose livelihoods have been affected and express our admiration for those working to care for victims and contain the disease in West Africa including national health and humanitarian relief workers, educators and those providing burial services, as well as international health and humanitarian relief workers.

We express our deep concern regarding the far-reaching socio-economic effects of the Ebola virus disease (EVD) outbreak and the ensuing effects on the World of Work.

The ILO is spearheading, in cooperation with the World Health Organization (WHO) and a number of other organizations, a major information and guidance initiative on occupational safety and health aimed at supporting constituents' efforts to protect men and women from EVD infection through response and preparedness at the workplace.

The ILO is also engaging in the efforts of the UN System EVD coordination mechanism and is responding to all requests from the UN Mission for Ebola Emergency Response (UNMEER). It stands ready to provide support in the affected locations in close cooperation

⁴ See GB.322/WP/GBC/1 and GB.322/WP/GBC/1(Add.).

with ILO tripartite constituents, as their populations strive to recover from the effects of the outbreak.

- 289.** *The Employer coordinator* said that the Employers' group endorsed the statement and called upon the ILO to help alleviate the suffering of the victims of the Ebola outbreak and to raise the awareness of the WHO of the adverse effects of the Ebola outbreak on workers and enterprises.
- 290.** *A Worker spokesperson* expressed appreciation for the ILO's solidarity with the populations, and particularly the workers, who had fallen victim to the Ebola epidemic. He welcomed the information and guidance initiative on occupational safety and health being undertaken by the ILO in cooperation with the WHO to protect workers against Ebola infection in the workplace. The Workers' group endorsed the statement.
- 291.** *Speaking on behalf of the Mano River Union,*⁵ a Government representative of Guinea thanked the Officers of the Governing Body for their statement expressing solidarity with the three countries affected by the Ebola epidemic. The statement was in line with the recommendations contained in UN Security Council resolution 2177 (2014) on the response to the Ebola epidemic. He looked forward to concrete action on the ground, with the participation of the tripartite constituents, to support those countries in their efforts to assist victims and to contain and eradicate the Ebola virus. The governments of the affected countries would continue to cooperate with the ILO to that end.

Outcome

- 292.** *The Governing Body adopted the statement of its Officers on the Ebola virus disease.*
- 293.** Before continuing to the next item on the agenda, *the Chairperson* gave the floor to the Employer coordinator.
- 294.** *The Employer coordinator* said that he had been quoted in an article about the ILO in a Dutch newspaper, which had implied that the Employers' group did not support the goals and work of the ILO. He wished to make it clear that he had been misquoted, as that was not, and never had been, the case. He reaffirmed his group's commitment to the mission and objectives of the Organization and, in particular, its support for the Director-General.

Thirteenth item on the agenda

Report of the Director-General (GB.322/INS/13)

- 295.** *The Worker Vice-Chairperson* welcomed the numerous ratifications of some very important ILO Conventions and thanked the relevant governments for their action.
- 296.** *Speaking on behalf of the Africa group,* a Government representative of Kenya noted the high level of ratification of the Maritime Labour Convention, 2006 (MLC, 2006). He urged all the countries that had ratified Conventions to incorporate the standards which they contained into their domestic legislation and to abide by them. It was disappointing that there had been no further ratifications of the 1986 instrument for the amendment of the

⁵ Côte d'Ivoire, Guinea, Liberia and Sierra Leone.

ILO Constitution, since that amendment would enhance equity and inclusiveness in the Organization. Ratification of that instrument should therefore remain on the ILO agenda until such time as the threshold for its entry into force had been achieved. It would be wise to introduce more regional diversity, equity and inclusiveness in the appointment and promotion of ILO staff, especially as the current reform process rested on the principles of transparency, accountability and inclusiveness.

Outcome

297. The Governing Body took note of the information presented in the report.

(GB.322/INS/13.)

First Supplementary Report: Update on the internal reform (GB.322/INS/13/1)

- 298.** *The Worker Vice-Chairperson* asked whether it would be technically possible for the redesigned ILO website to provide information in languages additional to English, French and Spanish.
- 299.** *Speaking on behalf of the Africa group*, a Government representative of Sudan said that priority should be given to improving strategies and programmes on heightening the effectiveness of ILO operations in the field. He asked the Office to assess the results of the reform and to provide the Governing Body with regular progress reports. More attention should be paid to improving cooperation with UN country teams. Cooperation between the ILO and regional and subregional organizations should likewise be strengthened. Budgetary allocations should be better distributed. He wished to know the time frames for carrying out the various elements of the reform and welcomed the efforts that had been made to make the ILO website more user-friendly.
- 300.** *Speaking on behalf of ASPAG*, a Government representative of China wished to know what challenges had been encountered in the four main areas of the reform process and encouraged the Office to increase the presence of Decent Work Teams in his region. He requested details and an estimate of the costs associated with the reform of field operations. By increasing the number of languages used on its website portal, the ILO could reach out to a wider audience. He encouraged the Office to make use of technology in order to achieve lower costs, improve responsiveness and provide more efficient services.
- 301.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom said that a more complete presentation of the implementation of the reform and its implications for the Office's development cooperation strategy would be welcome at future Governing Body sessions. It would be interesting to hear more about the outcomes and benefits generated by the steps to deliver quality services to constituents that were outlined in the document. She called on the Office to increase the mobility of staff between headquarters and the regions. As the upskilling of managers was one of the biggest challenges within international organizations, the investment in capacity building and developing staff skills was commendable. Information should be provided on the specific action being taken to strengthen the ILO's cooperation in the context of the One UN initiative. What exactly would be done, how, when, and by whom, to implement the proposed reforms in the four main areas by the end of 2015? External communications could be improved further to raise the ILO's profile as a key global actor. There was also significant scope for

streamlining administrative processes in order to enhance services to constituents. As the reform process must remain results-focused, IMEC would welcome regular updates on key aspects of the internal reform at future Governing Body sessions.

302. *A Government representative of Japan* expressed full support for the proposed reform plan. His Government would welcome more information on the reform's impact on the budget for the 2016–17 biennium. It would be advisable for the Office to consider differing regional circumstances and resource distribution when making more detailed plans for field reforms. He welcomed the proposal to give the Deputy Director-General for Field Operations and Partnerships the responsibility for overseeing the implementation of the reforms within the agreed deadlines. Lastly, he urged the Office to devise rational, measurable indicators to evaluate progress with the reform.
303. *A Government representative of India* said that, in order to prioritize resource allocation, particularly that of technical experts familiar with local issues, field offices must work in close coordination with national constituents. Work in the field reform had to be predicated on international labour standards and the Decent Work Agenda. Decent Work Teams should play an active role in disseminating information to national constituents about the activities of the ILO's expert committees and sectoral programmes. Field staff had to be allocated more equitably between regions.
304. *A Government representative of China* hoped that regional reforms would enable the regions to play a more important role at the ILO. Increased staff mobility between headquarters and regional offices would make it possible for the Organization to provide higher quality services to its constituents.
305. *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that the costs associated with the reform process were being absorbed within the existing budget. The 2016–17 budget would reflect a shift in resources from administrative and support activities to direct technical service delivery and from Geneva to the field. While the websites of regional offices already offered documents in a variety of languages, consideration was being given to increasing the number of languages in which ILO documents were made available on the central portal. The website was being improved, albeit progressively, given that redesigning the website entailed significant costs.
306. The new strategy on external communication rested on the three pillars of enhancing the profile, the influence and the engagement of the ILO through a wide variety of communication mechanisms. Indicators would be devised for measuring progress in that sphere and the impact of reforms, in general. The ILO would seek external assistance to review some of its business processes in detail in order to identify the best and most effective modern practices.
307. *A representative of the Director-General* (Deputy Director-General for Field Operations and Partnerships) said that the Office had taken note of the guidance and comments provided by the members of the Governing Body. It had also taken note of their requests for additional information on matters such as the indicators for measuring the progress made in implementing the reform and on the action taken to strengthen ILO cooperation in the One UN initiative. The Senior Management Team remained committed to meeting the deadlines set for the implementation of the reform.

Outcome

308. *The Governing Body took note of the information presented in the report and invited the Office to take into account the views expressed during its discussion*

on the progress made in respect of the implementation of the internal reform agenda.

(GB.322/INS/13/1.)

Second Supplementary Report: Follow-up to the centenary initiatives (GB.322/INS/13/2)

309. *The Director-General* said that the governance, standards, enterprises and end to poverty initiatives were embedded in the ILO's ongoing work, had already been discussed by the Governing Body and did not require further consideration at the current time. A separate discussion on the post-2015 development agenda would be held at a later date. The guidance of the Governing Body was sought, however, on the implementation of the green, women at work and future of work initiatives. The green and women at work initiatives were presented as cross-cutting issues in the Programme and Budget proposals for 2016–17 and the document provided more detailed information on the strategic action plans to implement them. In particular, an innovative approach was needed with regard to the women at work initiative. The future of work initiative was particularly ambitious and had drawn interest from the tripartite constituents and other parties. It was important for all stakeholders to reflect on how the ambitions contained in it could be achieved. Paragraph 24 provided an overview of the proposed organizational framework for implementing the initiative. It was important to identify the broad thematic areas that would guide the work. Once those areas had been identified, academic institutions, civil society organizations, enterprises and think tanks should all be given the opportunity to contribute to the first phase of the initiative. A high-level advisory panel could then be set up to consider those contributions and to prepare a report on the initiative, which could be submitted to the 2019 session of the ILC. A large part of the 2019 ILC agenda could be devoted to the future of work initiative with a view to adopting a centenary declaration on that subject.

310. *The Employer coordinator* said that the governance, standards and enterprises initiatives were aimed at ensuring the proper functioning of the ILO rather than celebrating its centenary. The ILO's capacity to address the challenges associated with a world of work that was radically changing would remain limited if the future of work was not designated as a future priority. His group therefore supported the future of work initiative. The initiative was indeed ambitious and would require considerable academic input and an appropriate organizational framework over the next five years. The Office had made little progress in that respect. It should be made clear that any ILO policy decisions were to be taken by the tripartite constituents and not by groups such as those mentioned in paragraph 23. The tripartite constituents should draw on the work of universities and research institutions around the world on trends shaping the world of work. His group hoped to be presented with proposals for the broad thematic areas that would guide the research to be conducted on the future of work in March 2015. It would be better for the centenary declaration on the future of work to be drafted and negotiated by the tripartite constituents rather than by a high-level advisory panel. The work carried out by ACT/EMP on women at work should be reflected in the women at work initiative. He inquired as to why the green initiative had been included as a centenary initiative and as to its main objective. The focus of the ILO's efforts to combat poverty was reflected in several of the ACIs. It was not possible to end poverty without creating a proper environment for business development and promoting private investment. His group did not understand why sustainable enterprise development had not been included as part of the added value of the initiative. Taking note of the information contained in paragraph 6 on the enterprises

initiative, he recalled that ACT/EMP was the entry point for private sector companies wishing to contact the ILO.

- 311.** *The Worker Vice-Chairperson* said that there was a need to develop a coherent strategy for mainstreaming the centenary initiatives into the Office's work. His group would welcome additional information on the centenary initiatives that were cross-cutting considerations in the programme and budget proposals. The evaluation of the impact of the ILO Declaration on Social Justice for a Fair Globalization remained an important milestone in the implementation of the governance initiative. His group supported the reform of the Regional Meetings but believed that the process should begin in 2016 once the reform of the ILC was complete. The Office should step up its efforts to promote the ratification, implementation and use of international labour standards, and the 1997 constitutional amendment. His group looked forward to receiving the detailed progress report on the enterprises initiative in March 2016. His group supported the end to poverty initiative and the Office's efforts to include full and productive employment and decent work as a stand-alone goal in the post-2015 development agenda. ILO strategies to end poverty and to address inequalities should take into account the role of adequate wages and collective bargaining in ensuring that workers received a fair share of the wealth they generate. His group supported the call in paragraph 9 to ensure the coordination of efforts to combat poverty in a coherent strategy with clearly defined, concrete goals. He asked what that coordination would entail. His group supported the green initiative and the components of the strategic action plan set out in paragraph 15. The ILO should assist constituents in developing and in the least developed countries in promoting the application of a just transition framework. His group welcomed the focus of the women at work initiative and concurred with the views expressed in paragraph 17 and with the three lines of work set out in paragraph 19. His group also supported the future of work initiative and endorsed the objective set out in paragraph 20. His group agreed with the components of the organizational framework outlined in paragraph 24. The ambitious nature of the initiative would require the Office to draw upon the expertise of academic and research institutions, as well as internal expertise. The adoption of a centenary declaration would be the natural outcome in 2019.
- 312.** *Speaking on behalf of the Africa group*, a Government representative of Ghana said that the linkages between the draft transitional strategic plan for 2016–17 and the preview of the Programme and Budget proposals for 2016–17 and the initiatives would ensure coherence and prevent duplication in implementation. The group looked forward to the evaluation of the impact of the 2008 ILO Declaration on Social Justice for a Fair Globalization and to the reform of the Regional Meetings, and welcomed the debate on the Standards Review Mechanism. The group hoped that the current stalemate would soon be broken. The enterprises initiative was particularly relevant to job creation and to putting an end to poverty. The group welcomed the inclusion of decent work and social protection as a stand-alone goal in the post-2015 development agenda and the ILO's continued involvement in the Ouagadougou +10 process. Taking note of the impact of climate change on enterprises, labour markets and women in the world of work, the group endorsed the components of the strategic action plan set out in paragraph 15. The group supported the objective of the women at work initiative set out in paragraph 16, as gender inequality and discrimination in the workplace were prevalent in the African region, and endorsed the lines of work proposed in paragraph 19. The group also took note of the components of the organizational framework proposed in paragraph 24 and looked forward to discussing the future of work initiative at the 2015 session of the ILC. The group endorsed the draft decision.
- 313.** *Speaking on behalf of ASPAG*, a Government representative of China said that his group recognized the increasingly significant global action on climate change, its impact on enterprises and labour markets and the efforts that would be required of the ILO to meet

the conditions of the new agreement to be signed in 2015 to supplement the United Nations Framework Convention on Climate Change (UNFCCC). It agreed with the proposed enhanced components of the ILO's strategic action plan set out in paragraph 15.

314. With regard to the women at work initiative, he pointed out that there was already a wealth of literature on the subject and encouraged the Office to go beyond conducting more policy-oriented research by launching a wide range of initiatives such as establishing a major tripartite forum on gender equality at work, honouring women who had served the ILO and its constituents during the past 100 years and providing advocacy support to tripartite constituents in implementing gender equality measures.
315. ASPAG supported making the future of work initiative the centrepiece of events to mark the centenary and developing an organizational framework. Young people must be involved and the composition of the high-level advisory panel should reflect a regional balance. His group welcomed the proposal for the Director-General to devote his Report to the 104th Session (2015) of the ILC to the future of work initiative.
316. *Speaking on behalf of IMEC*, a Government representative of Canada stressed that ILO engagement with a broad range of actors such as civil society and research institutions would provide an opportunity to increase the quality and impact of the ILO's work. Any such engagement should be transparent and allow for the participation of other interested parties. The initiatives must, however, be firmly rooted in the tripartite structure of the ILO, with the involvement of the tripartite constituents in all projects. The proposals regarding the green initiative and the women at work initiative provided a good base for ILO activities. Research and action-oriented activities were needed in both areas. However, IMEC would have liked to see a more ambitious initiative regarding women at work.
317. The policy outcomes and cross-cutting strategies in the ILO's Programme and Budget proposals for 2016–17 should feed into the discussion concerning the future world of work in 2019. The future of work initiative could be based on themes such as the changing character of work, how to adapt worker protection and social security to new forms of work, the importance of the digital economy and the impact of new technology. IMEC expected the Office to consult with tripartite constituents on the details of the future of work initiative. The group supported the draft decision and encouraged greater visibility of the centenary initiatives in the strategic plan.
318. *The Minister of Labour of Italy* said that the centenary initiatives marked a historic moment for the ILO. The Organization continued to be the champion of social justice, with a strong identity, clear strategic direction and measures in place to face social and economic changes. The ILO had to adapt to remain relevant and the initiatives proposed by the Director-General reflected its adaptability. Italy supported the efforts of the Director-General to give new impetus to the Organization and to lead it through its next century. The tripartite spirit that made the Organization unique among the international agencies would provide a firm foundation for the implementation of the measures outlined.
319. A key issue was to ensure that men and women had access to the labour market. The financial and economic crisis had affected all people worldwide and one of the worst repercussions was the loss of jobs for hundreds and thousands of workers, affecting the poorest the most. Furthermore, although the added value of women in the world of work was undeniable, they still did not have the same access to the labour market as men, or equal pay, and tended to be employed in the worst jobs, often in the informal economy.
320. The fight for better-quality jobs required a comprehensive approach, which tackled not only the economy, but also social, environmental and other aspects. How young people

were trained at the beginning of their professional careers and how that training was developed throughout their lives should receive special focus.

- 321.** The problems of employment could only be tackled with a holistic approach and called for an integrated macroeconomic policy that included measures based on social objectives. Italy was undergoing a comprehensive reform to provide its citizens, especially young people, with a brighter future. For that reform to succeed, jobs growth was vital. The ILO would play a key role in that regard, which would require a strategic vision on employment.
- 322.** *A Government representative of France* said that his Government supported the centenary initiatives, which would set the course of the Organization's action for many years to come. In particular, the future of work initiative would promote a world which was more inclusive, provided decent work and recognized the right to social protection for all. His Government was committed to contributing constructively to the debate and would be hosting meetings between its Labour Minister, the Office and leading social and economic researchers on the future of work. The conclusions of those events could be used by the Office in the context of discussions within the tripartite framework.
- 323.** *A Government representative of India* said that her Government supported the future of work initiative, and encouraged the Office to build on the lessons learned from national initiatives on enforcement of international labour standards. She endorsed the ILO's strategic action plan regarding the green initiative, but cautioned against green protectionism, and urged the Office to allow countries to define their own sustainable development strategies as per their national priorities and respective stages of development. The centenary initiatives and the transitional strategic plan should focus efforts on issues relating to the rural economy and decent work. India was committed to achieving decent work and inclusive growth, and supported the women at work initiative. Furthermore, growth, job creation and poverty reduction should be linked to efforts to achieve environmental sustainability. India endorsed the draft decision.
- 324.** *A Government representative of Turkey* said that there had been a significant increase in the number of women participating in the labour market, yet significant barriers remained in terms of accessing quality education, equal opportunities and treatment. The Office should assess its existing policies and take action in order to increase women's labour market participation and to remove barriers to equal treatment. Promoting greater participation of women in the labour market and improving the quality of their employment would contribute to stronger and more inclusive growth. The G20 had committed to reducing the gender gap in labour participation rates by 25 per cent by 2025, and Turkey looked forward to cooperating closely with the ILO in that connection during its presidency of the group in 2015.
- 325.** *A Government representative of the Republic of Korea* said that his Government recognized the efforts to reform the Governing Body, the Conference and Regional Meetings to improve the efficiency and effectiveness of the ILO's governance. Concerning the standards initiative, he urged the tripartite constituents to reach a consensus on the Committee on the Application of Standards at that session of the Governing Body. Regarding the women at work initiative, the rapid demographic changes would require increased participation of women in the labour market. His Government supported the initiatives.
- 326.** *A Government representative of Cuba* noted that several of the centenary initiatives were being discussed elsewhere in the Governing Body and would also require subsequent discussions. He welcomed the fact that the draft decision in the document on the standards initiative (GB.322/INS/5(Add.)) recognized the need to reconvene the Working Group on

the Working Methods of the Conference Committee on the Application of Standards to prepare recommendations for the 323rd Session of the Governing Body, and said that that should be clearly mentioned in the report on the centenary initiatives. He expressed concern at the use of the term “green initiative” and, referring back to the discussion on the draft transitional strategic plan, reiterated that the “Just transition to a green economy” strategy should be renamed to include “sustainable production and consumption patterns”.

327. *A Government representative of the Islamic Republic of Iran* said that his Government welcomed the aim of the green initiative, as environmental issues would increasingly affect enterprises and labour markets. In order to gain a better understanding of the impact of the green sector on the economy and formulate effective policy measures, it was vital to have reliable statistics on production and employment in that area. The Office should therefore clearly outline the conceptual and measurement framework, taking into consideration the different circumstances of countries, produce guidelines and disseminate the findings of its research. On the women at work initiative, it was important to empower women in order to increase their labour market participation, and the Office should conduct further research to identify how that objective could be achieved. He emphasized the importance of the future of work initiative and concurred that it should be the main focus of events marking the centenary. His Government supported the draft decision.

328. *A Government representative of Brazil* said that his Government welcomed the women at work initiative, and advocated a special emphasis on the care economy. With regard to the end to poverty initiative, the UN post-2015 development agenda and the sustainable development goals offered an opportunity to harmonize ILO action with the international community; the Governing Body would be better placed to decide on how to proceed with the initiative after the 2015 UN General Assembly. Technology transfer, capacity building and funding would be essential to support the achievement of the sustainable development goals. Noting that there was a link between the end to poverty initiative and the green initiative, he underscored the importance of taking into account the conclusions of the 102nd Session of the Conference, in particular the goal of a just transition for all to an environmentally sustainable economy. Employment opportunities could be created by investment in sustainable practices in various sectors, and new vocational training courses should be provided for workers. The scope of the green initiative should be broader than reducing carbon emissions. He agreed that the future of work initiative was an important topic and should be a priority, and welcomed the proposal to make it the subject of the Director-General’s Report to the centennial session of the Conference. Lastly, Brazil proposed the impact of 3D printing on manufacturing as a topic of interest in the context of the future of work initiative.

329. *The Director-General* thanked the Governing Body for their comments and broad support. The Office had taken note of the remarks about the terminology of the green initiative. It would reflect further on how it could characterize the green initiative and the women at work initiative as activities with the same weight as the other initiatives. He agreed that the ongoing work on poverty matters in the multilateral system would help the Office to develop its end to poverty initiative; however, it was not necessary to await decisions at the UN. He welcomed the extensive support for the process outlined for the future of work initiative. The outreach to academia, civil society and others referred to in paragraphs 24 and 25 was a way of gathering knowledge to enrich the initiative, but, as always, it would be the tripartite constituents who would decide on policy. The first step for the Office would be to determine the range of broad thematic issues that would structure the initiative, and it would conduct further consultation with the constituents. Furthermore, a progress report would be submitted to the November 2015 session of the Governing Body.

Decision

330. *The Governing Body:*

- (a) *provided guidance to the Director-General with regard to the framework suggested in this report for the implementation of the green initiative and the women at work initiative;*
- (b) *indicated its views on the future of work initiative, in particular as concerns the thematic issues to be taken up by the initiative and which would provide its basic structure; and*
- (c) *would consider the next annual report on progress regarding the centenary initiatives at its 325th Session (November 2015).*

(GB.322/INS/13/2, paragraph 26.)

Third Supplementary Report: Follow-up to the Minamata Convention on Mercury (GB.322/INS/13/3)

- 331. *The Worker Vice-Chairperson* said that the Workers' group had taken note of the information contained in the document and endorsed the draft decision contained in paragraph 18. The ILO should continue to promote the ratification and implementation of the Chemicals Convention, 1990 (No. 170), as part of its strategy to protect workers from exposure to mercury.
- 332. *The Employer coordinator* said that the Employers' group had taken note of the information contained in the document and endorsed the draft decision.
- 333. *Speaking on behalf of GRULAC*, a Government representative of Cuba said that the Minamata Convention on Mercury was the first global legally binding United Nations instrument to be adopted following the Rio +20 Conference. The Convention represented a landmark in his region's leadership in the global sustainable development agenda. Fifty States needed to ratify the Convention in order for it to enter into force. Nine States had already done so, and many had signed it, including from his region, which demonstrated the region's firm commitment to its ratification and implementation. Article 16 of the Convention was devoted to health aspects and focused on vulnerable and at-risk population groups, which included certain categories of workers and their families. The ILO should assist labour ministries in raising the awareness of workers and employers of the risks associated with exposure to mercury. The ILO should support the work of the Conference of the Parties to the Minamata Convention on Mercury by consulting, collaborating and exchanging information with it on health-related issues or activities, and the interim work of the intergovernmental negotiating committee, until the Convention entered into force. He commended the Office on having started to prepare fact sheets on occupational health and exposure to mercury and on having organized awareness-raising seminars in high-risk sectors of the informal economy. The group would like to receive guidance from the ILO on the health aspects mentioned in Article 16 of the Convention and their bearing on national and sectoral policies, companies, workers and the labour inspection system.
- 334. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that an EU mercury strategy had been adopted in 2005 with the aim of reducing mercury emissions, cutting supply and demand, and protecting against mercury exposure.

A comprehensive body of legislation on mercury was in force throughout the EU. However, domestic and regional policies alone were not sufficient to reduce the risk of mercury exposure to an acceptable level on account of its long-range transport properties. The EU had signed, and intended to ratify, the Minamata Convention on Mercury. The process of aligning EU law with the provisions of the Convention was under way. She welcomed the renewal of ILO involvement in international activities relating to mercury. The ILO should continue to participate in activities related to the implementation of the Convention and contribute to coordination within the Inter-Organization Programme for the Sound Management of Chemicals (IOMC). The ILO also had an important role to play in ensuring the sound management of chemicals and waste through the implementation of appropriate long-term, sector-specific policies. The EU therefore welcomed the ILO's involvement in the Strategic Approach to International Chemicals Management. The ILO should bring its specific expertise on chemical safety to bear on actions concerning occupational exposure to mercury. The EU endorsed the draft decision.

- 335.** *A Government representative of Japan* said that the Government had used its experience of Minamata disease to help other countries. The adoption of the Minamata Convention on Mercury was a milestone in protecting human health and the environment. The Government of Japan appreciated the ILO's participation in the Conference of Plenipotentiaries, which had adopted the Convention. Efforts should continue to ensure the rapid entry into force of the Convention and its full implementation. The Convention encouraged States parties to collaborate and exchange information with the ILO on health-related issues or activities. States parties could draw upon ILO expertise to improve occupational safety and health and to establish a national chemical safety system.
- 336.** *Speaking on behalf of the Africa group*, a Government representative of Sudan said that there was a pressing need to address the adverse effects of mercury use through concerted global action. A holistic and multi-sectoral approach to managing the mercury life cycle in an environmentally sound manner would help protect human health and the environment from anthropogenic mercury emissions. There needed to be controls on mercury from the initial mining phase right through to its disposal as waste and final storage. The Convention provided for a compliance mechanism to assess whether States parties needed additional help in fulfilling their obligations. The Convention also provided for financial and technical assistance. The ILO was to be commended on the role that it had played in the negotiations on the Convention and should continue to help coordinate the work of the IOMC. The group endorsed the draft decision.

Decision

337. The Governing Body:

- (a) took note of the adoption of the Minamata Convention on Mercury; and*
- (b) requested the Office to continue collaborating with the interim secretariat of the Minamata Convention and other participating organizations of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) in the areas under the ILO's mandate, in particular in the protection of worker safety and health from exposure to mercury.*

(GB.322/INS/13/3, paragraph 18.)

Fourth Supplementary Report: Follow-up to Governing Body decisions (GB.322/INS/13/4(Rev.))

338. *The Chairperson* said that the report was necessarily voluminous because the Governing Body decisions requiring follow-up dated back to November 2011. In paragraph 5(b) it was proposed that the current format of the report be re-examined in March 2015, as part of the review of the implementation of the Governing Body reform.
339. *The Employer coordinator and the Worker Vice-Chairperson* endorsed the report.
340. *Speaking on behalf of IMEC*, a Government representative of Canada said that the report provided a useful overview of the Office's efforts to implement the decisions adopted by the Governing Body since November 2011, while highlighting the breadth of action resulting from those decisions. A reassessment of the current format and status of the document might be helpful, because it had grown considerably since 2011. The tabular format was user-friendly, and information was given in the appropriate context by citing the wording of Governing Body decisions. However, the order of the information supplied on items within the different sections appeared to be random. Information on similar items, such as follow-up to the reports and conclusions of regional meetings, should be grouped together. The Office should adopt a consistent approach to reporting on follow-up action, as more information was provided on some items than on others. The detailed information on the follow-up to decisions made in the Policy Development Section could be shortened. A more concise report could be submitted to the Governing Body for consideration earlier. IMEC looked forward to considering the format and content of the document further in March 2015 and endorsed the draft decision.
341. *Speaking on behalf of the Africa group*, a Government representative of Kenya said that the group had taken note of the information provided. The group was in favour of re-examining the current format of the document as part of the review of the implementation of the Governing Body reform to take place in March 2015. The report was an effective monitoring tool, enabling the Governing Body to keep track of the work done and to assess both its own performance and that of the Office, and to see which decisions took longer than others to implement. He suggested that the status of implementation of decisions should be shown through measurable indicators, such as percentages, and that the tabular format should be refined to include an explanation of the issues that had a positive or a negative impact on implementation. An impact assessment of the action taken would also be useful.

Decision

342. *The Governing Body:*

- (a) *requested the Office to prepare, for its 325th Session (November 2015), a Supplementary Report on the follow-up to Governing Body decisions adopted since November 2011; and*
- (b) *decided to re-examine the current form of the Report as part of the review of the implementation of the Governing Body reform to take place at the 323rd Session (March 2015).*

(GB.322/INS/13/4(Rev.), paragraph 5.)

**Fifth Supplementary Report: Documents
submitted for information only
(GB.322/INS/13/5)**

Outcome

- 343.** *The Governing Body took note of the information contained in the documents listed in the appendix to document GB.322/INS/13/5.*

(GB.322/INS/13/5, paragraph 4.)

**Sixth Supplementary Report: Committee
of Experts on the Application of Conventions
and Recommendations: Honorarium
(GB.322/INS/13/6)**

- 344.** *The Chairperson said that the honorarium of members of the Committee of Experts on the Application of Conventions and Recommendations had last been revised in 1994. It was accordingly proposed, in paragraph 4 of the report, that the honorarium be increased.*
- 345.** *The Employer coordinator and the Worker Vice-Chairperson expressed their agreement with the proposal.*

Decision

- 346.** *The Governing Body approved the proposed increase of the honorarium paid to each member of the Committee of Experts on the Application of Conventions and Recommendations from CHF4,000 to CHF5,200 per session.*

(GB.322/INS/13/6, paragraph 4.)

Seventh Supplementary Report: Report of the Committee set up to examine 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), made 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 Federation of Professionals (VCP) (formerly the Trade Union Confederation of Middle and Higher Level Employees' Unions (MHP))
(GB.322/INS/13/7)

Decision

347. The Governing Body:

- (a) approved the report;*
- (b) invited the Government, in light of the conclusions set out in paragraphs 83, 88, 92, 102, 106, 137, 145, 152, 159 and 166 of document GB.322/INS/13/7 to take such measures without delay as might be necessary to ensure the effective implementation of the provisions 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);*
- (c) entrusted the Committee of Experts on the Application of Conventions and Recommendations with following up on the issues raised in the report in respect of the application of Conventions Nos 81, 129 and 155; and*
- (d) made the report publicly available and closed the procedure initiated by the representation made by the Netherlands Trade Union Confederation (FNV), the National Federation of Christian Trade Unions (CNV) and the Trade Union Federation of Professionals (VCP) (formerly the Trade Union Confederation of Middle and Higher Level Employees' Unions (MHP)) alleging non-observance by the Netherlands of Conventions Nos 81, 129 and 155.*

(GB.322/INS/13/7, paragraph 170.)

Fourteenth item on the agenda

Reports of the Officers of the Governing Body

First report: Complaint alleging non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), and the Labour Inspection Convention, 1947 (No. 81), made by delegates to the 103rd Session (2014) of the International Labour Conference under article 26 of the ILO Constitution (GB.322/INS/14/1)

348. *The Worker Vice-Chairperson* recalled that, at the 103rd Session of the ILC, Worker delegates from every region, including several from the Middle East, had filed a complaint against Qatar alleging serious violations of Conventions Nos 29 and 81. Once verified, the allegations contained in the complaint would support the finding that Qatar had violated the two Conventions. As the conditions governing receivability set out in article 26 of the ILO Constitution had been met, the Governing Body should proceed to adopt the draft decision contained in paragraph 7.
349. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the following countries aligned themselves with the statement: Montenegro, Iceland, Serbia, Albania, Norway and the Republic of Moldova. The EU welcomed the Government of Qatar's announcement in May 2014 that it intended to review its legislation on migration, and its active engagement with the Universal Periodic Review process. The Government of Qatar should take steps to enhance enforcement measures, including through the strengthening of its labour inspection system. The EU stood ready to support Qatar in that regard. The Government of Qatar and the social partners should continue to work closely with the ILO, in particular to implement the recommendations made in the context of the representation concerning forced labour submitted under article 24 of the ILO Constitution.
350. *A Government representative of the United States* said that the complaint alleging non-observance by Qatar of Conventions Nos 29 and 81 should be given careful consideration. He noted that the Officers of the Governing Body had found the complaint to be receivable and that the Government of Qatar had begun a dialogue with the ILO on a broad range of labour issues. The Government of Qatar should continue to cooperate with the ILO and supply the relevant information in response to the complaint to allow the Governing Body to take a decision on further action at its March 2015 session. He endorsed the draft decision.
351. *A Government representative of Qatar* said that his Government had taken note of the report of the Officers of the Governing Body on the complaint alleging non-observance by Qatar of Conventions Nos 29 and 81, and had noted that no discussion of the substance of the complaint had taken place at the current session. The Government of Qatar was ready to cooperate with the ILO to improve workers' rights and would transmit the relevant information to the Office as soon as possible.

Decision

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

- (a) *requested that the Director-General transmit the complaint to the Government;*
- (b) *invited the Office to obtain relevant information from the Government and employers' and workers' organizations of Qatar, and to report to the Governing Body at its 323rd Session (March 2015); and*
- (c) *placed this issue on the agenda of its 323rd Session (March 2015) in order to decide whether further action on the complaint was required in the light of the information provided by the Office in connection with paragraph (b).*

(GB.322/INS/14/1, paragraph 7.)

Second report: Arrangements for the 13th African Regional Meeting

(GB.322/INS/14/2)

- 353. *The Chairperson* said that the Government of Egypt had offered to host the meeting but that the offer had come at too late a stage to be taken up. On behalf of the Governing Body, he thanked the Government of Egypt for its generous offer. The meeting would instead take place in Addis Ababa from 30 November to 3 December 2015 and would consider the progress made in implementing the Decent Work Agenda in Africa during the period 2007–15.
- 354. *The Employer coordinator and the Worker Vice-Chairperson* endorsed the draft decision.
- 355. *The Clerk of the Governing Body* said that interpretation and translation services would be provided in the official languages of the meeting.

Decision

- 356. *On the recommendation of its Officers, the Governing Body:*
 - (a) *approved the following agenda for the Meeting: to review, on the basis of the Report of the Director-General, progress on the implementation of the "Decent Work Agenda in Africa 2007–15" since the 12th African Regional Meeting (Johannesburg, South Africa, 11–14 October 2011) and adopt the strategic orientation of the ILO's support to its tripartite African constituents for the next decade. The imperative of promoting an inclusive and job-rich growth through decent work in Africa would be the guiding priority in the development of a conceptual framework for the Meeting; and*
 - (b) *confirmed that the Regional Meeting would be held in Addis Ababa, Ethiopia, from 30 November to 3 December 2015, and that the official languages of the Meeting would be Arabic, English and French.*

(GB.322/INS/14/2, paragraph 4.)

Third report: Representation alleging non-observance by Qatar of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the International Trade Union Confederation and the International Transport Workers' Federation
(GB.322/INS/14/3)

Decision

357. On the recommendation of its Officers, the Governing Body decided that the representation was receivable and set up a tripartite committee to examine it.

(GB.322/INS/14/3, paragraph 5.)

Fourth report: Representation alleging non-observance by Portugal of the Forced Labour Convention, 1930 (No. 29), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the National Federation of Unions of Workers in the Public and Social Services (FNSTFPS)
(GB.322/INS/14/4)

Decision

358. On the recommendation of its Officers, the Governing Body decided that the representation was receivable and set up a tripartite committee to examine it.

(GB.322/INS/14/4, paragraph 5.)

Fifth report: Representation alleging non-observance by the United Arab Emirates of the Forced Labour Convention, 1930 (No. 29), made under article 24 of the ILO Constitution by the International Trade Union Confederation
(GB.322/INS/14/5)

Decision

359. On the recommendation of its Officers, the Governing Body decided that the representation was receivable and set up a tripartite committee to examine it.

(GB.322/INS/14/5, paragraph 5.)

Sixth report: Representation alleging non-observance by France of the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), made under article 24 of the ILO Constitution by the Federation of Salaried Employees and Managerial Staff of the General Confederation of Labour–Force Ouvrière (GB.322/INS/14/6)

Decision

360. On the recommendation of its Officers, the Governing Body decided that the representation was receivable and set up a tripartite committee to examine it.

(GB.322/INS/14/6, paragraph 5.)

Seventh report: Representation alleging non-observance by Spain of the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), made under article 24 of the ILO Constitution by the Independent Judicial Forum professional association (GB.322/INS/14/7)

Decision

361. On the recommendation of its Officers, the Governing Body decided that the representation was receivable and set up a tripartite committee to examine it.

(GB.322/INS/14/7, paragraph 5.)

Eighth report: Representation alleging non-observance by Spain of the Minimum Wage Fixing Convention, 1970 (No. 131), made under article 24 of the ILO Constitution by the General Union of Workers (UGT) and the Trade Union Confederation of Workers' Commissions (CC.OO.) (GB.322/INS/14/8)

Decision

362. On the recommendation of its Officers, the Governing Body decided that the representation was receivable and set up a tripartite committee to examine it.

(GB.322/INS/14/8, paragraph 5.)

**Ninth report: Representation alleging non-observance by Slovakia of the Medical Care and Sickness Benefits Convention, 1969 (No. 130), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the Slovak Trade Union of Health and Social Services
(GB.322/INS/14/9)**

Decision

363. *On the recommendation of its Officers, and in view of the fact that it had been submitted jointly, and in solidarity with parties that were not trade union organizations, the Governing Body decided that the representation was not receivable.*

(GB.322/INS/14/9, paragraph 6.)

Fifteenth item on the agenda

**Composition and agenda of standing bodies and meetings
(GB.322/INS/15)**

Decisions

Committee of Experts on the Application of Conventions and Recommendations

Reappointments

364. *On the recommendation of its Officers, the Governing Body reappointed for a period of three years the following members of the Committee of Experts on the Application of Conventions and Recommendations:*

- *Mr Lelio Bentes Corrêa (Brazil);*
- *Mr Rachid Filali Meknassi (Morocco);*
- *Mr Abdul G. Koroma (Sierra Leone);*
- *Mr Vitit Muntarbhorn (Thailand);*
- *Mr Paul-Gérard Pougoué (Cameroon).*

(GB.322/INS/15, paragraph 1.)

Joint ILO-UNESCO Committee of Experts on the Application of
the Recommendations concerning Teaching Personnel (CEART)

Appointment

- 365. *On the recommendation of its Officers, in order to fill a vacancy in the CEART, the Governing Body appointed Ms Denise Vaillant (Uruguay) as a member of the CEART for a period until 31 December 2018.***

(GB.322/INS/15, paragraph 2.)

Meeting of Experts concerning Convention No. 185
(Geneva, 4–6 February 2015)

Composition

- 366. *On the recommendation of its Officers, and taking into account the high level of interest on the part of Governments, the Governing Body approved an increase in the number of experts representing Governments from 16 to 32, on the understanding that there would be no budgetary implications for the Office. The new composition was thus 32 experts nominated after consultation with Governments, 16 Employer experts nominated after consultation with the Employers' group and 16 Worker experts nominated after consultation with the Workers' group of the Governing Body.***

(GB.322/INS/15, paragraph 4.)

Meeting of Experts to Adopt Flag State Guidelines
for the Work in Fishing Convention, 2007 (No. 188)
(Geneva, 23–27 February 2015)

Invitation of international non-governmental organizations

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

- *International Seafarers' Welfare and Assistance Network (ISWAN);*
- *International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF).*

(GB.322/INS/15, paragraph 8.)

Global Dialogue Forum on Employment Relationships in Retail
Commerce: Their Impact on Decent Work and Competitiveness
(Geneva, 22–23 April 2015)

Invitation of international non-governmental organizations

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

- *UNI Global Union;*

- *Global Social Observatory.*

(GB.322/INS/15, paragraph 10.)

Tripartite Sectoral Meeting on Occupational Safety and Health and Skills in the Oil and Gas Industry Operating in Polar and Subarctic Climate Zones of the Northern Hemisphere (Geneva, 22–25 September 2015)

Invitation of international non-governmental organizations

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

- *International Petroleum Industry Environmental Conservation Association (IPIECA);*
- *IndustriALL Global Union;*
- *International Association of Drilling Contractors (IADC);*
- *International Association of Geophysical Contractors (IAGC);*
- *International Association of Oil and Gas Producers (OGP);*
- *International Gas Union (IGU);*
- *International Marine Contractors Association (IMCA);*
- *International Organization for Standardization (ISO);*
- *International Transport Workers' Federation (ITF);*
- *Marine Offshore Oil and Gas Association (MOOGAS);*
- *Oil Companies' European Association for Environment, Health and Safety in Refining and Distribution (CONCAWE);*
- *Oil Companies International Marine Forum (OCIMF);*
- *Petroleum Equipment & Services Association (PESA);*
- *Society of Petroleum Engineers (SPE);*
- *World Energy Council;*
- *World Petroleum Council (WPC).*

(GB.322/INS/15, paragraph 13.)

Tripartite Sectoral Meeting on Safety and Health in
the Road Transport Sector
(Geneva, 12–16 October 2015)

Invitation of international non-governmental organizations

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

- *Global Fund to Fight Aids, Tuberculosis and Malaria (Global Fund);*
- *International Federation of Freight Forwarders Associations (FIATA);*
- *International Road Transport Union (IRU);*
- *International Transport Workers' Federation (ITF);*
- *International Union of Public Transport (UITP).*

(GB.322/INS/15, paragraph 16.)

Global Dialogue Forum on Employment Relationships in
Telecommunications Services and in the Call Centre Industry
(Geneva, 27–28 October 2015)

Invitation of international non-governmental organizations

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

- *European Telecommunications Network Operators' Association (ETNO);*
- *International Confederation of Private Employment Agencies (CIETT);*
- *UNI Global Union.*

(GB.322/INS/15, paragraph 19.)

Global Dialogue Forum on Good Practices and Challenges in
Promoting Decent Work in Construction and Infrastructure Projects
(Geneva, 19–20 November 2015)

Invitation of international non-governmental organizations

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

- *Building and Wood Workers' International (BWI);*
- *Confederation of International Contractors' Associations (CICA).*

(GB.322/INS/15, paragraph 22.)