



Governing Body

350th Session, Geneva, 4–14 March 2024

Institutional Section

INS

Minutes of the Institutional Section

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Opening remarks

1. **The Chairperson** welcomed participants and opened the 350th Session of the Governing Body.
(The Governing Body adopted the agenda published in document [GB.350/Agenda\(Rev.2\)](#).)
2. **The Director-General** made an introductory statement to the Governing Body. The statement is reproduced in its entirety in [Appendix I](#).
3. **The Worker spokesperson** said that the Governing Body was meeting in dark times, with more than 60 armed conflicts raging around the world. In Myanmar, the military regime was strengthening its grip on the population, including through the recent introduction of mandatory conscription. The Russian aggression in Ukraine continued relentlessly, causing immense human suffering, loss of life and destruction. Worldwide, there were some 25 million refugees and tens of millions of internally displaced persons.
4. The ongoing conflict in Gaza had escalated, with 2 million civilians under constant threat of death through bombing, disease and famine. The United Nations (UN) had warned that child and infant deaths in Gaza were likely to increase rapidly unless food and medical supplies were sent immediately. While her group would always strongly condemn terrorist attacks on civilians, no attack could legitimize the destruction being wrought in Gaza. At the 349th Session of the Governing Body (October–November 2023), the Workers' group had called for an immediate ceasefire, full humanitarian aid access to Gaza and the release of hostages. It now looked on in shock and disbelief as the abhorrent and inhumane situation was allowed to continue by a Security Council paralysed by vetoes.
5. The ILO could not succumb to similar inaction. The Governing Body had to make decisions equipping the ILO to play its unique role in speaking out for peace and social justice and in upholding human rights and international labour standards through its supervisory bodies and technical support, including emergency relief. Most, if not all, of the conflicts globally centred on the rights to self-determination and to freedom of association and expression. Her group stood in solidarity with all workers who risked their lives and livelihoods fighting for those fundamental rights and freedoms.
6. In the face of the existential threats of nuclear war and climate change, in combination with a toxic mix of rising poverty and inequality, extremism, nationalism, gender violence and shrinking democratic space, and the struggle of women in certain countries, there was a need to renew the social contract between governments, business and labour. An effective social contract hinged on democracy, which required workers' full enjoyment of the enabling rights of freedom of association and collective bargaining. The Governing Body would discuss how the ILO could contribute, through the Working Party on the New Social Contract for Our Common Agenda and the Global Coalition for Social Justice, to the debate within the United Nations on the new social contract.
7. The agenda for the current session also included a discussion on the further democratization of the ILO's governance, a concept which the Workers' group had always supported. It was regrettable, however, that the discussion would focus only on the ILO's internal governance, as the Organization also had a broader mandate to defend democracy, as set out in the ILO Centenary Declaration for the Future of Work. A February 2024 report by Freedom House had concluded that, in 2023, global freedom had declined for the 18th consecutive year, that political rights and civil liberties had diminished in 52 countries and that flawed elections and armed conflict had contributed to the decline. The report's findings should serve as a clarion call to billions of voters to reverse the trend.

8. Unfortunately, the trend was reflected within the ILO in an unprecedented number of country cases involving serious and persistent violations of fundamental rights and freedoms. The ILO, through its unique supervisory system, had to continue to monitor and enforce respect for fundamental and other international labour standards in all Member States without exception. ILO constituents had a responsibility to demonstrate that they could achieve progress towards peaceful conflict resolution and the protection of workers' rights and that diplomacy and multilateral solutions were more effective than military aggression and the oppression of rights. To those ends, there was a need for a robust and up-to-date body of international labour standards to address long-standing and emerging challenges and for the recommendations of the Standards Review Mechanism Tripartite Working Group to be taken seriously when developing ambitious agendas for future sessions of the International Labour Conference. Strengthened technical assistance was required for countries seeking to ratify and implement international labour standards.
9. **The Employer spokesperson** recalled that the 349th *bis* (Special) Session of the Governing Body had been marked by a decision made through a forced vote, without proper efforts to achieve consensus. Her group was concerned about the risk that that posed to the ILO's reputation. It would take time to redress the situation, which had highlighted governance failures and a lack of balanced involvement both among the three constituent groups and within the Government group. Change needed to begin with a shift in attitudes and a forward-looking and constructive spirit. Her group was convinced that the substance of the question concerning the right to strike would need to be discussed and agreed upon in a tripartite manner by the International Labour Conference after the International Court of Justice had issued its advisory opinion. As part of the readjustment required to restore good governance, impartiality and trust, the ILO leadership had to adopt a different approach based on commitments to serve the three constituents in a balanced and genuinely impartial manner.
10. The Employers' group had requested the inclusion of an agenda item to review the functioning of the Governing Body. Existing rules and practices had to be improved where necessary, balance needed to be restored among the regions, and the roles of the Screening Group and of the Officers of the Governing Body had to be preserved.
11. Given the current global context, it was all the more important for the ILO to focus strictly on its mandate and not be diverted by polarization and geopolitics. The tripartite constituents from all countries had a duty and a responsibility to work together constructively on matters concerning the world of work, which applied to the conflicts in Gaza and Ukraine and to the situations in Belarus, Myanmar, the Bolivarian Republic of Venezuela and Nicaragua that were on the agenda of the current session.
12. The Employers' group looked forward to discussing how the ILO could contribute to the second World Summit for Social Development in 2025. As at the first Summit in 1995, the ILO had a unique, leading role to play. Accordingly, a timely tripartite contribution to the Summit's preparation was essential to ensuring an outcome that established social dialogue, the real economy, people's livelihoods, decent work and sustainable enterprises as crucial priorities for future UN initiatives.
13. Her group was pleased at the progress made by the Global Coalition for Social Justice and looked forward to more organizations joining it. However, it was important to stress that the Coalition's task was not to replace the ILO's input to the Summit. In response to the prediction made by business representatives at the World Economic Forum that multinational enterprises would reduce employment as a result of increased productivity, the ILO had to focus on

creating an enabling environment to support entrepreneurs in setting up their own businesses and creating employment.

14. Her group welcomed the consensus-based outcome of the recent tripartite meeting of experts on wage policies, including living wages, which took into account not only the needs of workers but also economic factors that were crucial for employment creation. The meeting's conclusions strengthened the role of employers' and workers' organizations in wage-setting policies and placed the ILO at the forefront of efforts to set up a credible and consistent methodology for living wages.
15. She expressed her group's profound empathy for and solidarity with the individuals, families and small and medium-sized enterprises affected by the terrible situation in the Occupied Palestinian Territory. When conditions allowed it, the ILO should be ready to respond with an impactful action plan to address the severe employment and economic losses caused by the conflict. The plan should provide for an enabling environment for enterprises to promote decent job creation, business resilience, economic growth and solid social dialogue institutions.
16. The Employers' group looked forward to contributing to the high-level discussion on the challenges and opportunities of digitalization, which would provide insight into how technological changes, including artificial intelligence, were transforming the labour market and would help to identify relevant future actions for the ILO.
17. As for the agenda of future sessions of the International Labour Conference, a strategic perspective was needed to ensure that the ILO remained relevant by addressing practical, topical issues, and not only with a view to standard-setting. Of the country cases that would be considered by the Governing Body at the current session, two involved serious violations of the freedom of association rights of employers' organizations; she called on all constituents to be as sensitive to those situations as they were to situations concerning workers' organizations.
18. **Speaking on behalf of the Government group**, a Government representative of Namibia said that her group looked forward to providing guidance to the Governing Body on the modalities and road map of the Working Party on the New Social Contract for Our Common Agenda, which had been established to prepare tripartite input to the 2025 World Summit for Social Development. That input would strengthen the ILO's engagement in the multilateral system and catalyse the promotion of policy coherence for social justice through decent work and the achievement of the Sustainable Development Goals. The Government group also looked forward to the high-level discussion on the implications of digitalization for the world of work and stood ready to engage with the panel of experts.

1. Approval of the minutes of the 349th Session and the 349th *bis* and 349th *ter* (Special) Sessions of the Governing Body (GB.350/INS/1)

Decision

19. **The Governing Body approved the minutes of the 349th Session and the 349th *bis* and 349th *ter* (Special) Sessions, as amended.**

(GB.350/INS/1, paragraph 2)

2. Agenda of the International Labour Conference

2.1 Agenda of future sessions of the Conference (GB.350/INS/2/1)

20. **The Worker spokesperson** recalled that the agendas for the 112th Session (2024) and 113th Session (2025) of the International Labour Conference had already been decided by the Governing Body. Regarding standard-setting on occupational safety and health in the context of the Standards Review Mechanism follow-up, she stressed that the follow-up to the recommendations of the Standards Review Mechanism Tripartite Working Group (SRM TWG) was a matter of institutional priority. However, only one standard-setting item on biological hazards had been placed on the International Labour Conference agenda for a double discussion in 2024 and 2025, and no starting date had been decided for the discussions on chemical hazards, ergonomics and manual handling, or the guarding of machinery. So as to lose no further time in implementing the recommendations of the SRM TWG, and in the light of the 2022 Conference resolution to include a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work, the Workers' group supported the option of starting the standard-setting discussion on chemical hazards in 2026 and would therefore prefer the first option set out in subparagraph (a) of the draft decision. In view of governments' reluctance to have more than one standard-setting item on the same Conference agenda, the Workers' group agreed that such a situation should remain an exception. Her group supported a double discussion on ergonomics and manual handling in 2028 and 2029 and a single discussion on the guarding of machinery in 2030, preceded by a preparatory technical meeting in 2029.
21. Turning to subparagraph (b) of the draft decision relating to an agenda item on harnessing the fullest potential of technology for decent work, she highlighted that any discussion on technology at the Conference should be held only after the standard-setting on decent work in the platform economy had been completed, which precluded a discussion in 2026. In order to take stock of all the Office's work on technology and digitalization, the item should be placed on the Conference's agenda no earlier than 2028. Her group could therefore support the option of placing the item on the 2028 Conference agenda, although a decision on the specific date could be deferred. It would be useful to have information on the exact scope of the exercise and how it would add value to other work in the area. She asked whether the Office would consider merging the item on harnessing technology with the item on structural transformation of the economy towards higher levels of productivity proposed by the Employers' group. Another discussion on such a combined item could be held at the 352nd Session (October–November 2024) of the Governing Body, and the Office could present a more concrete proposal on possible content at the 353rd Session (March 2025). Her group would not support a discussion on structural transformation that was limited to productivity.
22. While the Workers' group supported subparagraph (d) of the draft decision on the convening of a tripartite meeting of experts on the protection of personal data in the digital era, the meeting should be scheduled after the possible adoption of a standard on the platform economy. Meetings of experts should also be held on issues including just transitions, working time and the impact of extreme weather events and climate change on occupational safety and health. She recalled the recommendation of the SRM TWG to hold a tripartite meeting on paternity and parental protection. Such issues should be kept on the table for further reflection on possible meetings in the future.
23. Recalling that an action programme on decent work in supply chains was being developed, she drew attention to the importance of moving forward with the supply chain agenda through a

standard-setting item, which could be placed on the 2027 or 2028 Conference agenda. She repeated her group's request, made at the Governing Body's previous session, for a report on the implementation of the conclusions of the technical meeting on the protection of whistle-blowers in the public service sector. She supported the Office's proposal to wait until the outcome of the 112th Session (2024) of the Conference before giving further consideration to a possible general discussion on advancing the transformative agenda for gender equality at work.

24. The Workers' group supported holding a discussion in the Governing Body on the modalities of recurrent discussions under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022. Recurrent discussions continued to be relevant, even if some improvement was required. The Governing Body should discuss the preparation of reports for recurrent discussions, the organization of those discussions and their outcome and follow-up. In preparation for the Governing Body's discussion, the Office should analyse the synergies between the General Surveys, items related to international labour standards and the recurrent discussions. With regard to subparagraph (c) of the draft decision, her group preferred the option to place the item on the agenda of the 355th Session (October–November 2025) of the Governing Body.
25. On the abrogation and withdrawal of ILO Conventions and Recommendations following the recommendations of the SRM TWG, the Workers had strong concerns at the lack of progress in relation to the ratification of up-to-date technical Conventions by Member States bound by outdated Conventions that had been placed on the Conference agenda for abrogation, as well as at the scheduled abrogations and withdrawals listed in the document if no such progress was made. All Member States concerned should ratify the corresponding Conventions, follow up on the recommendations of the SRM TWG with the technical support of the Office and consult the Office regarding any associated obstacles. The Office should take all necessary steps to raise awareness among the Member States concerned of the recommendations and the necessary action to be taken at the national level by all constituents to avoid gaps in worker protection. With those comments, and reserving the right to withdraw the continued engagement of her group should the situation not improve, she supported the draft decision.
26. **The Employer spokesperson** expressed her group's view that the approach to setting the Conference's agenda should prioritize emerging issues impacting the world of work that demanded timely attention by the ILO while allowing for flexibility to address any pressing or unexpected issues. Placing two standard-setting items on the agenda in the same year was neither appropriate nor practical in terms of time and resources for the Office and constituents and was not in line with ILO practice. The exception granted for the 2025 agenda should not become the rule. Moreover, as indicated in the Compendium of rules applicable to the Governing Body, standard-setting processes took the form of double discussions; single discussions would place severe strain on the resources of the Office and the constituents.
27. While the Employers' group had previously stated that standard-setting on chemical hazards should take place at the earliest opportunity, including it on the agenda of the 114th Session (2026) would result, once more, in two standard-setting items being addressed in the same year. The item should therefore be placed on the 2027 and 2028 Conference agendas in a two-year standard-setting process. Double discussions on ergonomics and manual handling and on the guarding of machinery were required to allow for sufficient time for negotiation, especially given the complexity of the topics. They should be included on the agenda no earlier than 2029 and 2030, following a meeting of experts. An item on harnessing the fullest potential of technology for decent work should be included on the Conference agenda for 2026.

28. Further consideration of the protection of workers' personal data in the digital era could take place once the related items on the platform economy and harnessing the fullest potential of technology had been addressed. Her group looked forward receiving additional details on the proposed agenda and modalities for the meeting on the matter. Advancing the transformative agenda for gender equality at work should be addressed after two related items – decent work and the care economy, and the strategic objective of fundamental principles and rights at work – had been discussed at the Conference's 112th Session (2024). She noted with appreciation that the Office had developed further her group's proposal on the structural transformation of the economy towards higher levels of productivity. Assessing the barriers to increasing productivity was crucial in order to enable a full discussion at the Conference that led to tripartite guidance on key questions, such as the structural steps that should be taken by Member States to enhance productivity-driven, inclusive economic growth. In that context, her group continued to support the inclusion of the item on the Conference agenda at the earliest opportunity.
29. She suggested placing an item on the review of modalities of recurrent discussions on the agenda of the 356th Session (March 2026) of the Governing Body. The Employers' group remained of the view that no further action should be taken on protection of whistle-blowers in the public service until more information had been obtained and the Office had conducted an analysis of the implementation of the recommendations of the technical meeting held in 2022. The Office should use its resources efficiently to implement those recommendations and inform the Governing Body of any developments.
30. The reference in the document to the wish of some Governing Body members to schedule a standard-setting discussion on decent work in supply chains as early as the 115th Session (2027) of the Conference was surprising. It was also surprising that the document mentioned preparatory work on the topic, which had not received significant support in the past. As the ILO strategy on decent work in supply chains and its priority action programme would run until 2027, it would be both inappropriate and premature to discuss any standard-setting on the issue before that date. It was extremely unfortunate that, almost one year since the adoption of the strategy, the Office had not yet consulted the constituents on options for both normative and, importantly, non-normative action, as required under the strategy. The Office should focus on properly and actively following up on the strategy with the respective groups, rather than suggesting a standard-setting discussion for the Conference. The Employers proposed amending the first three subparagraphs of the draft decision, which would read:
59. The Governing Body:
- (a) decided to place on the agenda ~~[of the 114th Session (2026)]~~ OR ~~[of the 115th Session (2027)]~~ of the Conference an item on the consolidation of instruments on chemical hazards for standard-setting on the basis of a double discussion;
 - (b) decided to place on the agenda ~~[of the 114th Session (2026)]~~ OR ~~[of the 115th Session (2027)]~~ OR ~~[of the 116th Session (2028)]~~ of the Conference an item on harnessing the fullest potential of technology for decent work for a general discussion;
 - (c) decided to place on the agenda ~~[of the 355th Session of the Governing Body (October–November 2025)]~~ OR ~~[of the 356th Session of the Governing Body (March 2026)]~~ an item on the review of modalities of recurrent discussions under the follow-up to the ILO Declaration on Social Justice for a Fair

Globalization (2008), as amended in 2022, and requested the Office to take into account its guidance in preparing the document for discussion;

31. **Speaking on behalf of the Africa group**, a Government representative of Niger, noting the unprecedented pace of development of new technology and consequent urgent need to address technology in the world of work, said that an item on harnessing the fullest potential of technology for decent work should be placed on the agenda of the 114th Session (2026) of the Conference for a general discussion. Furthermore, an item on the review of modalities of recurrent discussions should be placed on the agenda of the 356th Session of the Governing Body. The scope of the proposed meeting of experts on the protection of workers' personal data should include broader issues. His group agreed that the Government group should nominate eight experts – two from each of the four regions – to attend the meeting and that the Governing Body should decide on arrangements for the meeting, as outlined in paragraph 37 of the document. An item on a structural transformation of the economy towards higher levels of productivity should be placed on the agenda of the Conference for a general discussion as soon as possible given its importance for the African continent.
32. To avoid imposing too heavy a burden on the Office and the Governments of his group, it would be preferable not to hold two standard-setting discussions at the same session. Accordingly, an item on chemical hazards should be placed on the agenda of the 115th Session (2027) of the Conference, while items on ergonomics and manual handling and on the guarding of machinery should be considered under the single discussion procedure at the 119th Session (2031) of the Conference, to be preceded by a tripartite technical meeting in 2030. The group agreed with the proposal to take into account the outcome of the discussions on the care economy and the strategic objective of fundamental principles and rights at work at the 112th Session (2024) of the Conference before giving further consideration to placing an item on gender equality at work on the agenda of a future session. More information on the issue of protection of whistle-blowers in the public service should be gathered through tripartite discussions, meetings of experts and surveys. With those comments, he supported the draft decision.
33. **Speaking on behalf of the Asia and Pacific group (ASPAG)**, a Government representative of Australia said that her group remained open to placing an item on chemical hazards on the agenda of the 114th Session (2026) of the Conference for standard-setting on the basis of a double discussion, although it would be important to take into consideration the burden of addressing two standard-setting items at one session, especially for delegations with limited capacity. While, in its view, an item on harnessing the fullest potential of technology for decent work should be placed on the Conference agenda for a general discussion as soon as possible, her group could also see an argument for scheduling the discussion after the conclusion of the standard-setting process on decent work in the platform economy, including for reasons of knowledge-sharing and the attendance of experts. If necessary, a decision on the agenda of the 115th Session (2027) of the Conference could be deferred until the 353rd Session of the Governing Body.
34. ASPAG was in favour of placing an item on the review of modalities of recurrent discussions on the agenda of the Governing Body. While it was flexible as to timing, it agreed with the rationale presented in paragraph 47 of the document for choosing the 356th Session. Her group supported the proposal to hold a tripartite meeting of experts on the protection of personal data in the digital era in 2027, the proposed approach to budgeting and planning for such a meeting and the placing of items concerning the abrogation and withdrawal of instruments on the agenda of future sessions of the Conference as indicated in subparagraph (e) of the draft decision.

- 35. Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)**, a Government representative of Mexico highlighted the importance of the discussions on biological hazards and decent work and the care economy at the 112th Session (2024) of the Conference. The latter topic required a gender-sensitive approach, given that women accounted for the majority of carers and were largely unpaid. The Programme and Budget for 2024–25 provided strategic guidance on strengthening and modernizing standard-setting. Her group welcomed the inclusion of a standard-setting discussion on decent work in the platform economy on the 2025 and 2026 Conference agendas and was in favour of placing an item on chemical hazards on the 2027 and 2028 Conference agendas for standard-setting on the basis of a double discussion.
- 36.** GRULAC supported the proposal for the Conference to consider an item on harnessing the fullest potential of technology for decent work in 2028. Although rapid technological advances made a discussion on the topic urgent, sufficient time would be needed to consider the outcome of the standard-setting process on decent work in the platform economy. Given the danger that technology could contribute to a deterioration in working conditions, it was important to adopt well-designed and effective policies for a just digital transition. Her group supported the proposals relating to a tripartite meeting of experts on the protection of personal data in the digital era, provided that they were financially viable, and requested the Office to ensure that sufficient funds were allocated to planned activities in future programme and budget proposals.
- 37. Speaking on behalf of the group of industrialized market economy countries (IMEC)**, a Government representative of the United Kingdom of Great Britain and Northern Ireland stressed that the Conference agenda-setting process should reflect an ambition to tackle key and emerging issues in the world of work, the priorities of constituents and the recommendations of the SRM TWG. Following up on those recommendations was crucial to ensuring respect for the Office's normative mandate. Accordingly, rapid follow-up to the recommendations concerning occupational safety and health was needed. He supported the proposal to place, on the agenda of the 115th (2027) and 116th (2028) Sessions of the Conference, an item on chemical hazards for standard-setting on the basis of a double discussion.
- 38.** His group wished to keep open the option of scheduling a standard-setting discussion on decent work in supply chains in 2027, although that would imply holding two parallel standard-setting discussions at the same session, which should remain an exception given the heavy burden that it would place on some Member States and the social partners. It would be helpful for the Office to explore whether there were any organizational solutions or tools that could help to alleviate that burden. IMEC supported the proposal to place an item on the review of modalities of recurrent discussions on the agenda of the 355th or 356th Session of the Governing Body. It also supported the proposals relating to a tripartite meeting of experts on the protection of personal data in the digital era. At future sessions of the Conference, priority should be given to discussions pertaining to the Office's core mandate. With that in mind, the Office should elaborate on the proposal for an agenda item on gender inequalities in the world of work. With that guidance, his group supported the draft decision.
- 39. A Government representative of Barbados** said that his country viewed the Office's ongoing work through the lens of rapid technological developments and what was, in its case, an existential climate crisis. The use of technology to accelerate development in a human-centred manner was an issue that needed to be addressed urgently. He was therefore in favour of holding a general discussion on harnessing the fullest potential of technology for decent work,

although not at the same time as the standard-setting discussion on decent work in the platform economy in view of the overlap between the two.

40. Regarding the structural transformation of the economy towards higher levels of productivity, it was important for a discussion to be held on ensuring a just transition from fossil fuels to renewable energy sources, including through the provision of access to affordable finance for mitigation and adaptation and the establishment of reasonable trading arrangements that enabled sustainable, people-centred development. Moreover, an item on achieving gender equality should be placed on the agenda of future sessions of the Conference at the earliest opportunity.
41. **A Government representative of Indonesia** said that the achievement of the Sustainable Development Goals and of objectives related to decent work, social protection and labour justice should be given the utmost importance on the Conference agenda. There was also a need to prioritize the implementation of the recommendations of the Standards Review Mechanism Tripartite Working Group.
42. His country supported the proposal to place an item on occupational safety and health protection against chemical hazards on the Conference agenda. It would welcome standard-setting items on chemical hazards and on ergonomic hazards, including manual handling and the guarding of machinery. It would also welcome an item on harnessing the fullest potential of technology for decent work. However, the proposal in that regard should be refined to explore both the opportunities and challenges of technological integration and to include a careful examination of how to safeguard workers' personal data in the digital era.
43. There was a crucial need to address issues related to gender discrimination and equal opportunities in the workplace, while the structural transformation of the economy towards higher levels of productivity was vital for promoting sustainable economic growth, reducing poverty and fostering innovation.
44. **A representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue Cluster) said that differing opinions had been expressed on when to begin discussions on the consolidation of instruments on chemical hazards for standard-setting. There had been consensus on the relevance and strategic importance of engaging in a discussion on harnessing the fullest potential of technology for decent work, although again, differing views had been voiced as to timing. Due note had been taken of the proposal by the Workers' group to merge that discussion with a possible item on the role of the ILO and its constituents in supporting a structural transformation of the economy towards higher levels of productivity.
45. **The Worker spokesperson** said that her group was not interested in engaging in a general discussion on technology. However, it could support a broader approach to addressing the issue that encompassed the structural transformation of the economy, among other matters. While it would prefer to place the item on the agenda of the 116th Session (2028) of the Conference, it could accept the 115th Session (2027) if there was general agreement in that regard.
46. **The representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue Cluster) said that placing an item on the review of modalities of recurrent discussions on the agenda of the 356th Session (March 2026) of the Governing Body would give time to take stock of the 2025 Second World Summit for Social Development. All speakers had agreed that a tripartite meeting of experts on the protection of personal data in the digital

era should take place after the completion of the standard-setting process on decent work in the platform economy, with 2027 emerging as the preferred year.

47. **The Employer spokesperson** said that her group could accept the merger proposed by the Workers' group, provided that attention was not deflected from the key issue of productivity, which the Office needed to address, preferably in 2026. She would appreciate confirmation of her understanding that there was consensus on placing an item on the impact of the Social Justice Declaration on the agenda of the 356th Session of the Governing Body, and that a large majority of speakers supported placing an item on the consolidation of instruments on chemical hazards for standard-setting on the 2027 Conference agenda.
48. **The representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue Cluster) said that while, in the former case, there was no consensus in favour of March 2026, with the Workers' group preferring October–November 2025, in the latter case a large majority of speakers had indeed voiced support for 2027.
49. **The Worker spokesperson** reiterated that her group would prefer to review the modalities of recurrent discussions at the 355th Session (November 2025) of the Governing Body in order to provide the Office with the guidance it would require to the start of the new cycle of recurrent discussions in 2026. That said, she asked the Office to clarify whether it had a preference.
50. With regard to the proposed standard-setting item on the consolidation of instruments concerning chemical hazards, she noted that its inclusion in 2027 would come 11 years after the Standards Review Mechanism had called for that item. Her group was prepared to join the consensus and place that item on the Conference agenda for 2027. However, she did not agree that the number of standard-setting items on the agenda of a single session of the Conference should be limited to one, and noted that others had expressed that view.
51. Other proposals had been made concerning two items on ergonomics and manual handling, and guarding of machinery, the former of which could not be combined into a single discussion from an occupational safety and health perspective. She echoed that the item on the guarding of machinery could be addressed by means of a technical meeting and a single standard-setting discussion, but recognized that the decision on that item could be postponed to a later date. Looking ahead, the Governing Body should consider the general effectiveness of combining a technical meeting and a single or double standard-setting discussion.
52. Should the item on chemical hazards be included on the 2027 Conference agenda, then the Governing Body would need to decide on an additional item for the agenda of the 114th Session (2026) of the Conference. While opinions were divided on when to initiate a discussion on harnessing the fullest potential of technology for decent work, she had proposed combining that discussion with the one on structural transformation of the economy towards higher levels of productivity and placing it on the 2027 Conference agenda. Such a combined discussion could include, but should not be limited to, productivity; she expressed the hope that the Office could prepare the requisite documents to facilitate what would be an interesting and complex discussion. She emphasized that any item on technology should not be discussed in 2026. She asked the Office to clarify its position on all matters relating to recurrent discussions.
53. With regard to the protection of workers' personal data in the digital era, she recalled that the Employers' group had requested postponing discussion of that item until the item on decent work in the platform economy had been concluded. Should the Governing Body decide to place the item on harnessing the potential of technology on the 2027 Conference agenda, she could agree to convene a technical meeting on data protection towards the end of 2027 or later.

54. Lastly, she proposed that a general discussion item on advancing the transformative agenda for gender equality at work could be placed on the 2026 Conference agenda, and strongly encouraged the Governing Body to consider gender equality beyond the care sector. She asked whether the Office could prepare the necessary background for that item and proposed deferring the decision on that item to the 352nd Session (October–November 2024) of the Governing Body.
55. **The representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue Cluster) said that there was agreement on placing the first discussion on chemical hazards on the 2027 Conference agenda. Acknowledging that opinion had been split regarding whether to hold the discussion on harnessing the fullest potential of technology in 2026, 2027 or 2028, she noted the proposal made by the Worker spokesperson to combine that discussion with the discussion on structural transformation of the economy. While the Employer spokesperson had expressed her agreement with that proposal, governments would need time to discuss it. As it was not a standard-setting item, there was no urgency to make that decision. The Office would hold consultations and prepare a proposal for the 352nd Session of the Governing Body.
56. Concerning the planned discussion on the modalities of recurrent discussions, she said that whether that discussion took place in November 2025 or March 2026, the resulting guidance would not be included in the report to be submitted to the 114th Session (2026) of the Conference. However, she called on the Governing Body to provide guidance at its 356th Session in March 2026 on how to conduct the discussion of that report, the outcome of which could have an impact on the recurrent discussion on social dialogue at the 114th Session of the Conference.
57. **The Worker spokesperson** reiterated that her group could accept the consensus on placing the standard-setting item on chemical hazards on the 2027 Conference agenda. In the light of the Office's response, the discussion on the modalities of recurrent discussions should be scheduled for the 356th Session of the Governing Body in March 2026. The discussion on the potential of technology could not be scheduled before the end of the standard-setting discussion on decent work in the platform economy and should not be too limited, hence her proposal to combine the discussion with that on structural transformation of the economy. She called on the Office to provide an outline of a possible agenda item on advancing the transformative agenda for gender equality at work for the 114th Session of the Conference, and, also, to prepare an agenda item on the potential of technology and structural transformation of the economy for the 115th Session (2027) of the Conference, which should include the Employer spokesperson's request to address productivity.
58. **The representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue Cluster) said that there appeared to be consensus on all subparagraphs of the draft decision, except for the theme of the general discussion to be held at the 114th Session of the Conference. The Governing Body needed more time to discuss the best way forward, in particular with regard to the possible discussion of a combined item on harnessing the full potential of technology and structural transformation of the economy at the 2027 Conference.
59. **Speaking on behalf of GRULAC**, a Government representative of Mexico requested clarification from the Office that the outstanding decision was whether to combine the items on harnessing the potential of technology and structural transformation of the economy and place them on the 2026 Conference agenda. Her group supported the scheduling of a standard-setting discussion on decent work in supply chains on the 2027 Conference agenda,

particularly as such a discussion was required by the ILO strategy for achieving decent work in supply chains.

60. **The Worker spokesperson** said that there was a mistake in the highlighted text displayed on the screen. She had proposed that an item combining discussions on harnessing the potential of technology and structural transformation of the economy be placed on the 2027 Conference agenda, not the 2026 agenda.
61. **The Employer spokesperson** said that the highlighted text displayed on the screen was her group's proposal, which had been supported by several governments. The Employers' preference was to hold a general discussion on harnessing the fullest potential of technology for decent work at the 2026 Conference. That should form the basis of the draft decision, not the proposal made by the Worker spokesperson.
62. **The Worker spokesperson** said that there had been support for both her proposal and that of the Employer spokesperson, but recognized that her proposal required further consultation before it could be adopted. She reiterated that the subject of the general discussion at the 2026 Conference could be decided upon at the 352nd Session of the Governing Body. She urged the Chairperson to give the Governing Body more time to reach a consensus decision and reiterated her request to the Office to develop a proposal for a general discussion item on advancing the transformative agenda for gender equality at work.
63. **The representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue Cluster) said that the date for the discussion of the proposed combined item remained open. Two diverging opinions had emerged, one in favour of holding that discussion at the 114th Session (2026) of the Conference and the other in favour of doing so following the conclusion of the discussion on decent work in the platform economy at the 115th Session (2027) of the Conference.

(The Governing Body resumed consideration of the item at a later sitting.)

64. **The Chairperson** said that consensus appeared to have been reached on all but subparagraph (b) of the draft decision. The Governing Body had to decide whether it wished the Conference to have a general discussion in 2026, 2027 or 2028, and whether that discussion should focus on harnessing the fullest potential of technology for decent work or on a broader topic that also encompassed the role of the ILO and its constituents in supporting a structural transformation of the economy towards higher levels of productivity.
65. **Speaking on behalf of ASPAG**, a Government representative of Australia said that her group was open to either 2026 or 2027 and would appreciate further information on the content of the broader topic that had been proposed. If necessary, the Governing Body could defer a decision to its 352nd Session (October–November 2024).
66. **Speaking on behalf of GRULAC**, a Government representative of Mexico said that her group was in favour of scheduling standard-setting discussions on decent work in supply chains and on the consolidation of instruments on chemical hazards for the 115th Session (2027) of the Conference. Its preference would be to place an item on harnessing the fullest potential of technology for decent work on the agenda of the same session. It was interested in expanding the scope of the item to include not only structural transformation and productivity but also other issues, if appropriate. The discussion of the item should not take place at the same time as the standard-setting discussion on decent work in the platform economy scheduled for 2025 and 2026. The transformative agenda for gender equality was an ambitious attempt to address the structural gaps faced by women in the world of work. A discussion on the matter should take place at the 114th Session (2026) of the Conference, should include a focus on the concept

of intersectionality and should be consistent with the outcomes of the general discussion on the care economy planned for the 112th Session (2024), without forgetting that the agenda went considerably further than just the care economy.

67. **A Government representative of China**, recalling the need to take into consideration the potentially heavy burden on delegations of addressing two standard-setting items at one session, and reaffirming his country's commitment to the SRM TWG, said that harnessing the fullest potential of technology for decent work was highly relevant to the Organization's mandate and should thus be discussed as soon as possible, perhaps at the 114th Session (2026) of the Conference. In the spirit of consensus, he could accept merging the issue with that of structural transformation.
68. **Speaking on behalf of IMEC**, a Government representative of the United Kingdom said that his group would be grateful for details of the interesting proposal for an item on the transformative agenda for gender equality.
69. **The Employer spokesperson** said that while her group had demonstrated an openness to merging the issues of technology and structural transformation, she had seen no flexibility from the Workers' group with regard to addressing the issue of technology in 2026. The argument that it would be desirable to avoid overlap with the standard-setting discussion on decent work in the platform economy was unconvincing, firstly because technology was a broader, separate issue and secondly because discussions on the matter would result in specific conclusions that would in no way interfere or conflict with the standard-setting item. Her group therefore proposed that a general discussion on both technology and structural transformation should be held in 2026. While the two issues had elements in common, the structural transformation of the economy towards higher levels of productivity went far beyond technology, and discussions on it could include a focus on the Office's important efforts in respect of productivity ecosystems for decent work. The general discussion on technology could then be taken up again in 2027. The group did not agree with deferring a decision to the 352nd Session (October–November 2024) of the Governing Body, as doing so would reduce the time available to prepare properly for the discussion.
70. **The Worker spokesperson** said that different groups had different understandings of the term "flexibility". Her group had already shown flexibility by accepting the placement of an item on the consolidation of instruments on chemical hazards on the agenda of the 115th Session (2027) of the Conference, rather than the 114th Session (2026). It had also been creative in proposing that the issue of structural transformation, which was of particular interest to the Employers' group, should be merged with that of technology, its only proviso being that there should not be too much emphasis on productivity alone. Her group did not believe that a decision on subparagraph (b) had to be made at the current session and continued to view as strongly desirable the avoidance of overlap with the standard-setting discussion on decent work in the platform economy, the outcomes of which could usefully inform the debate on technology. While its preference would be to have the discussion on technology and structural transformation in 2028, it could accept 2027, but would in any case need further information on the content of the broader topic combining the two issues. Deferring a decision on subparagraph (b) to the 352nd Session (October–November 2024) of the Governing Body would still leave ample time to prepare for a discussion in 2026 or later. At the same session, the Governing Body could consider two proposals that had received support from several groups: to place an item on the transformative agenda for gender equality on the agenda of the 114th Session (2026) of the Conference; and to schedule a standard-setting discussion on decent work in supply chains for the 115th Session (2027) of the Conference.

71. **Speaking on behalf of GRULAC**, a Government representative of Mexico requested the Office to elaborate on the content of the proposed broader topic and on the possible item on the transformative agenda for gender equality with a view to informing the decisions that the Governing Body hoped to make on the two issues at its 352nd Session (October–November 2024).
72. **A representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue Cluster) said that the issues of technology and structural transformation were closely interconnected. For example, technology could be harnessed to assist countries in escaping a low-productivity trap. The proposal for a broader topic would need to be explained in greater detail by the Office taking into account the comments made by the tripartite constituents. It would be helpful to hear the views of more groups on whether a broader topic should be developed and, if so, when it should be discussed. Deferring a decision on subparagraph (b) to the 352nd Session (October–November 2024) of the Governing Body would not hinder the Office’s preparations for the discussion.
73. **The Employer spokesperson** said that, as it seemed no agreement would be reached on subparagraph (b) at the current session, her group’s proposal would be to defer the decision to the 352nd Session and to keep the issues of technology and structural transformation separate.
74. **The Worker spokesperson** said that the Employers’ group had previously been open to merging the two issues. If its stance had changed, the only remaining option acceptable to her group would be to have just one item, on technology. However, she had heard plenty of support for developing a broader topic, which would bring in some interesting and relevant perspectives. Her group’s preferred next step was therefore for the Office to elaborate on the idea of a broader topic and on the possible item on the transformative agenda for gender equality.
75. **Speaking on behalf of GRULAC**, a Government representative of Mexico said that, in view of the variety of preferences expressed with regard to subparagraph (b), the language of the subparagraph should be kept as general as possible and refer only to the deferral of a decision.
76. **The Employer spokesperson** said that the procedure for deferring the decision was clear. Her group would not accept any further changes to the draft decision, which had been negotiated during the course of the discussion.
77. **The Worker spokesperson** said that, since a decision had been deferred, subparagraph (b) was not needed. If it was retained, it should be worded generally and refer to the deferral of a decision not on the item itself but on the Conference session at which the item should be considered.
78. **A representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue Cluster) said that subparagraph (b) had to be read in conjunction with subparagraph (f), in which the Governing Body requested the Office to take into account the guidance provided by the tripartite constituents during the current session. In that regard, the constituents could rest assured that all the ideas and proposals that they had put forward would be reflected in a paper concerning the agenda of future sessions of the Conference that the Office would prepare ahead of the 352nd Session (October–November 2024) of the Governing Body. The outcomes of a discussion on fundamental principles and rights at work that was planned for the Conference’s 112th Session (2024) would help the Office to provide more precise guidance on the possible item on the transformative agenda for gender equality.

Decision

79. The Governing Body:

- (a) decided to place on the agenda of the 115th Session (2027) of the Conference an item on the consolidation of instruments on chemical hazards for standard-setting on the basis of a double discussion;
- (b) decided to defer to its 352nd Session (October–November 2024) the decision to place on the agenda of the 114th Session (2026), the 115th Session (2027) or the 116th Session (2028) of the Conference, an item on harnessing the fullest potential of technology for decent work for a general discussion;
- (c) decided to place on the agenda of the 356th Session (March 2026) of the Governing Body an item on the review of modalities of recurrent discussions under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022, and requested the Office to take into account its guidance in preparing the document for discussion;
- (d) endorsed the proposals made in Appendix II relating to the tripartite meeting of experts on the protection of personal data in the digital era and requested the Office to include the budget for this meeting in the Programme and Budget proposals for 2026–27 and to present for approval any necessary adjustments to the modalities of the meeting in accordance with the outcome of the standard-setting process on decent work in the platform economy;
- (e) decided to:
 - (i) place an item concerning the abrogation of Conventions Nos 10, 33, 59 and 123 and the withdrawal of Convention No. 5 and Recommendations Nos 41, 52 and 124 on the agenda of the 116th Session of the International Labour Conference (2028);
 - (ii) place an item concerning the abrogation of Conventions Nos 35, 36, 37, 38, 39 and 40 on the agenda of the 121st Session of the International Labour Conference (2033);
 - (iii) place an item concerning the abrogation of Conventions Nos 3 and 103 and the withdrawal of Recommendation No. 95 on the agenda of the 121st Session of the International Labour Conference (2033), subject to the possible reconsideration of the date by the Governing Body following an evaluation in 2028;
- (f) requested the Office to take into account the guidance provided in preparing the document concerning the agenda of future sessions of the Conference for its 352nd Session (October–November 2024).

(GB.350/INS/2/1, paragraph 59, as amended by the Governing Body)

2.2 Arrangements for the 112th Session (2024) of the Conference (GB.350/INS/2/2)

- 80. Recalling that the President of the UN General Assembly had appointed Belgium and Morocco as co-facilitators of the 2025 Second World Summit for Social Development, **the Director-General** informed the Governing Body that the Office was exploring the possibility of inviting the representatives of those two countries to a discussion with participants at the

112th Session of the Conference. Noting that those two countries were also co-chairs of the ILO Group of Friends of Decent Work for Sustainable Development in New York, the Office was investigating the feasibility of organizing that dialogue, with a view to ensuring that the ILO played a prominent role at that Summit as it had done at the first Social Summit in 1995.

81. **The Employer spokesperson** welcomed the plan to extend the registration desk opening hours, as referred to in paragraph 14(c) of document INS/2/2. She proposed further extending those hours to 10 a.m. to 10 p.m. on 1 June 2024 and 10 a.m. to 7 p.m. on 2 June 2024, so as to enable registration for delegates arriving late in the evening and, thereby, reducing congestion on the first day of the 2024 Conference. Concerning the proposed programme of work for the Committee on Biological Hazards set out in paragraph 40, she requested that the submission of amendments be moved to the end of the first day in order to enable groups to adequately review the proposals. She called on the Office to consult constituents on the Conference programmes of work and working methods, prior to their publication. She noted the steady erosion of the number of sessions dedicated to general discussions and called on the Office to reinstate a minimum of four discussion sessions, in addition to the two days allocated to the drafting group. She further requested that the proposed programme of work contained in the appendix should reflect the fact that group meetings would be held on Sunday 2 June 2024, enabling constituents to demonstrate that that day would be a working day.
82. She expressed concern regarding the scheduling of extended sittings during the first week of the Conference. Any extended sittings should be limited to the final days of the Conference to create an incentive for efficiency, and extended sittings during the first week should end by 9 p.m. at the latest. Points for discussion should be concise and contain no more than three questions. She further expressed concern regarding the issuance of special badges for the inauguration of the Global Coalition for Social Justice, in the light of previous negative experience with access to special events. The procedure for gaining access to that event should be simplified; the Office should either issue two badges per delegation or remove attendance restrictions altogether.
83. Limiting late sittings, effective time management and clear scheduling should allow the Office to produce the tentative conclusions earlier, preferably by 6 p.m. on Wednesday 5 June 2024. She further requested that the submission of amendments be limited to Saturday 8 June 2024. Lastly, she reiterated that language agreed in a drafting group should not be subject to amendments or renegotiation in plenary sessions. Her group supported the draft decision.
84. **The Worker spokesperson** welcomed the confirmation of the venue as the Palais des Nations. However, the unavailability of the Assembly Hall for plenary sittings would reduce delegates' capacity to participate effectively in discussions. She called on the Office to make every effort to mitigate such difficulties, in consultation with the groups. With regard to format, she welcomed the return to physical attendance, which should be encouraged over remote participation in the interest of effective engagement in discussions. The delivery of statements in person should also be encouraged over the use of pre-recorded videos, for the same reason.
85. Her group was committed to meeting the deadline for the nomination of committee chairpersons. She sought confirmation from the Office that draft points for discussion by the various committees would be shared in March and requested that the briefing sessions for Government delegates on Conference procedures, practices and tools be extended to Workers' delegates. Timely information sharing would better prepare and enable delegates to engage. As to accreditation and registration procedures, delegates would benefit from early guidance prior to departure from their countries. The proposed collection of badges by proxy was appreciated. The possibility of extending registration desk opening hours on 31 May and 1 June

could be further explored, in order to enable the maximum number of Workers' delegates to attend the group's preparatory discussions. With regard to the election by secret ballot of Governing Body members, she requested information sessions for Workers' delegates prior to the Workers' electoral college on 10 June.

86. She further requested information on the high-level inaugural forum of the Global Coalition for Social Justice, as well as early and ongoing consultations with the secretariat on concept and arrangements. She proposed that a discussion with the co-facilitators of the United Nations World Summit for Social Development on the new social contract be combined with that event, in order to limit the number of potentially distracting events during the Conference. She concurred with the Employers' group on the importance of ensuring proper access to rooms on such occasions.
87. With regard the work of the committees, she proposed an additional special sitting of the Committee on the Application of Standards to discuss the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the implementation of the recommendations of the Commission of Inquiry by the Government of Belarus. In addition, she requested further details on the theme and planned activities for the World Day Against Child Labour. Lastly, she asked the Legal Adviser to clarify whether proposing amendments to points agreed in drafting groups was incompatible with the Organization's procedural rules, as the Workers' group did not believe that was correct. Her group supported the draft decision.
88. **Speaking on behalf of the Africa group**, a Government representative of Cameroon said that the early availability of reports on the website would better enable delegates to prepare. While her group welcomed the fact that the Conference venue was the Palais des Nations, the unavailability of the Assembly Hall was regrettable. Steps should be taken to remedy potential difficulties arising from that situation, including the availability of interpretation for those without access to Room XX. Her group appreciated the efforts to identify potential Conference committee chairpersons based on merit as well as the tutorials on Conference procedures, practices and tools for delegates. The collection by diplomatic missions of delegates' badges by proxy was welcome, and access codes should be sent out early. Accreditation forms should include boxes for observers, in accordance with article 2(e) of the Standing Orders of the Conference. While her group approved the election measures planned, it regretted that the Instrument for the Amendment of the Constitution of the International Labour Organization, 1986, would not enter into force for its lack of ratification by three Members of chief industrial importance. Her group supported the five parts of the plenary and requested that the Reports of the Director-General and of the Chairperson of the Governing Body be made available as early as possible on the website and that the list of speakers be opened earlier than usual. Her group supported the technical committees and timelines outlined and requested that sessions not run beyond 10 p.m. She expressed support for the World Day Against Child Labour and asked which issues would be addressed. Her group supported the draft decision.
89. **Speaking on behalf of ASPAG**, a Government representative of Japan expressed regret that the Assembly Hall would be unavailable and requested the Office to ensure adequate seating and proper logistics in the alternative venues. The materials on Conference procedures were welcome; clear communication on improved badge distribution procedures would be helpful. The new initiatives relating to the nomination of committee chairpersons were also welcome; the Office should ensure that chairpersons had sufficient assistance in advance in order to facilitate discussions. With regard to format, consideration should be given to the matter of remote attendance at future events, with the possibility of allowing online participants to make

statements remotely on an exceptional basis. In respect of elections, delegates should be provided with clear guidance on the electronic voting system in order to ensure that Governing Body elections ran smoothly. It was important to enforce time limits in the work of committees in order to adhere to the Conference schedule. Special arrangements should be made where late-night sittings occurred, for the safety of delegates and Conference staff. Her group supported the draft decision.

- 90. Speaking on behalf of GRULAC**, a Government representative of Mexico requested that the Office ensure sufficient space was available for tripartite delegations, in view of the allocation of Room XX for the plenary sessions. With regard to format, he reiterated his group's request to maintain remote access to all Conference deliberations with the option of speaking, on the understanding that in-person participation would be given priority. The Office should ensure the equal participation of all constituents, including online access. Delegates who requested access links during accreditation should receive them without having to make additional requests. That was the case at the current Governing Body session and was greatly appreciated by her group. Concerning logistical and substantive preparation, the early distribution of a schedule of briefings and tripartite consultations would facilitate better preparation of discussions in technical committees, as well as participation by all delegations. Measures to streamline accreditation and the issuance of badges were welcome. With regard to voting, the guidance provided should include a detailed section on registration, credentials, format, deadlines and other considerations in relation to matters to be voted on in the Conference plenary. His group supported the Office proposal for time management of the work of the committees while maintaining Member States' prerogative to speak in their national capacity or in groups. He reiterated his group's call for working documents to be published in advance and for tripartite consultations to be held at least four weeks prior to the Conference. The committees should maintain a transparent and inclusive approach to their work and avoid excessively lengthy discussions. With regard to online registration for committee membership, an automatic confirmation message would reassure delegations that the Office had received their request. As to future sessions of the Conference and the possible use of the Palexpo convention centre as a venue, it would be important to inform the Governing Body about possible fluctuations in projected costs and continue exploring ways to generate savings. The experience of the Office of the United Nations High Commissioner for Refugees (UNHCR), which had held the 2023 Global Refugee Forum in that location, could prove informative. GRULAC supported the draft decision.
- 91. Speaking on behalf of IMEC**, a Government representative of Canada expressed support for the Office's proposal on format, and for the early nomination of committee chairpersons, who should be adequately prepared ahead of the Conference to ensure their thorough understanding of procedural issues, the tripartite nature of the ILO and the role of the chairperson in establishing consensus. She underscored the importance of ensuring that full tripartite consultations and preparatory meetings were open to all Member States prior to the Conference, in order to build consensus and facilitate discussions in committees. The measures proposed to address accreditation and registration difficulties faced by delegates in 2023 were commendable, in particular the collection of badges by proxy and extended registration desk opening hours. Her group looked forward to the inaugural forum of the Global Coalition for Social Justice and called on the Office to ensure the allocation of adequate badges for each delegation to ensure the participation of Members in that high-profile event. With regard to the recurrent and general discussion committees, her group preferred the option proposed in paragraph 41. With reference to the second bullet point, she asked whether the Office could prepare and provide tentative conclusions by noon on 5 June, to allow groups and drafting committee members sufficient time to prepare for meetings on 6 June. Regarding

practical arrangements, she encouraged the Office to provide sufficient power strips for delegates to charge electronic devices in meeting rooms, and to limit late sittings in the interest of ensuring focused and productive discussions, as well as participants' health and safety. In the event of late sittings, adequate sustenance and transportation arrangements should be provided. She encouraged the Office to enhance existing facilities and provisions relating to women's specific needs. As to the outlook for the 2025 and 2026 sessions of the Conference, she encouraged the Office to identify all cost-saving measures in line with the programme and budget. IMEC supported the draft decision.

92. **A representative of the Director-General** (Director of the Official Meetings, Documents and Relations Department) noted the concerns raised about the space available at the Palais des Nations. The Office would ensure that optimal use was made of the available space and that it met participants' needs, although there would be some unavoidable restrictions. With respect to accreditation and badge registration, he noted the request to extend registration desk opening hours. Relevant information would be communicated in advance, including on the use of proxies. Extended registration desk hours should be possible on 31 May and 1 June. With regard to Governing Body elections, information sessions had been organized upon request and the Office remained available. A tutorial on use of the electronic voting system was available; a prior information session would be held, and support provided in the room on the day of the elections. The need to avoid evening sittings had been noted, as had IMEC's remarks about catering and transport arrangements. Discussions were under way in that respect, with specific attention to women's needs. The calendar of briefings and tripartite consultations would be shared as soon as possible. Invitations to tripartite consultations, envisaged for 18 April, would be issued shortly, and briefings provided on logistical and other matters. It should be possible to make the draft point for discussion available by the end of March, and to organize a specific briefing session. The World Day Against Child Labour would be celebrated in a tripartite, constituent-led event held in the context of the recurrent item discussion on the fundamental principles and rights at work. He noted IMEC's preference for and questions regarding paragraph 41, which would be taken into account. Regarding questions relating to the Conference venue in 2025 and Palexpo-related arrangements, the Office would submit a document to the 352nd Session (October–November 2024) of the Governing Body. The Office was in contact with the host country and had set up a working group with the Swiss authorities and the World Health Organization, which normally held its annual World Health Assembly immediately prior to the Conference. The needs of UNHCR at Palexpo had been substantially different from those of the Conference, which required further design and definition. He noted the request to ensure that working documents were posted on the website sufficiently in advance of the Conference to allow delegations to prepare.
93. **A representative of the Director-General** (Assistant Director-General, External and Corporate Relations Cluster) said that during the consultation process, the majority of stakeholders and constituents had specifically requested that the inaugural forum of the Global Coalition be held during the Conference, in order to ensure large-scale participation in the event, over a single day. Although shorter than the previous year, a good discussion should be possible. The objective was to have three spaces working in parallel, dedicated to different topics. In plenary, the two co-chairpersons and two co-vice-chairpersons would make an opening presentation or statement; different Coalition partners that had agreed to engage in collective initiatives would then make presentations on those initiatives, in order to inform others and elicit their comments. In parallel, there would be a space in which discussions on potential collaboration or issues in different thematic domains could take place, at specific hours. Lastly, there would be a social media space to lend visibility to those wishing to make a statement or comment. The forum would be open to Coalition partners and other ILO

constituents or registered organizations participating in the Conference. With regard to access, the security concerns that had caused participation to be limited in 2023 did not apply in 2024, as fewer Heads of State would be attending. Informal meetings would be held to share information on developments in that regard.

94. **A representative of the Director-General** (Legal Adviser), responding to the Worker spokesperson's request for clarification concerning the appropriateness of reopening agreed points in the plenary, said that the working methods of any subcommittee or drafting group were not regulated in the Standing Orders of the Conference. However, reopening agreed points would seriously compromise the negotiation efforts already made at the level of the drafting group. Accepting that points agreed within a drafting group could subsequently be reopened in the plenary would be tantamount to "square-bracketing" the entire text. In the interest of orderly and efficient conduct of business, it would be highly advisable to discuss and adopt the working methods of any subcommittee or drafting group beforehand, and for the officers of the "parent" Conference committee to present the proposed working methods to the committee for approval at the earliest opportunity.
95. **The Worker spokesperson** said that the starting point in Conference committees should be good faith negotiations, rather than the imposition of rules. The practice of square bracketing matters on which it was difficult to reach agreement was a bad practice that reflected lack of appetite for compromise. The purpose of a drafting group was to reduce the number of issues remaining for discussion in the committee.
96. **The Employer spokesperson** said that the Legal Adviser had expressed the situation well. She clarified that the Employers had not said that the Standing Orders did not permit the discussion on texts prepared by drafting groups to be reopened, but had said that there should be some kind of gentlemen's understanding not to reopen in the committee the discussion on points agreed upon in the drafting group following lengthy and arduous discussions.

Decision

97. **The Governing Body:**
 - (a) **endorsed the proposed programme of work appended to document GB.350/INS/2/2, subject to any adjustments that might be necessary until its adoption by the International Labour Conference at the opening sitting of the 112th Session; and**
 - (b) **requested the Office to implement all the arrangements outlined in the document, taking into account the guidance provided.**

(GB.350/INS/2/2, paragraph 48)

3. Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022 (GB.350/INS/3)

98. **The Employer spokesperson**, observing that ratifications alone were not a reliable indicator of progress, called for further efforts to implement the fundamental principles and rights at work through effective policies and capacity-building. Technical assistance to Member States in that area should remain a priority. In that regard, the Employers' group welcomed the requests for technical assistance focusing on the transition from the informal to the formal economy, as that transition was a prerequisite for the effective realization of those principles

and rights. However, it was disappointing that limited requests had been received regarding child labour and discrimination, especially given the growing challenges in those areas.

99. Monitoring and reporting were key to providing effective technical assistance. Yet the Office's review once again focused on ratification, failing to devote sufficient attention to efforts to give effect to the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, that fell short of ratification. The review should contain fewer ratification figures and more qualitative information, which would promote learning and the adoption of best practices. The capacity to provide qualitative information would, however, depend on the standards of reporting. The annual review was an important opportunity for governments and social partners to identify steps towards the effective implementation of the Declaration, but there appeared to be persistent impediments to robust reporting. The global reporting rate was just 43 per cent, while the rate of below 40 per cent for the Protocol of 2014 to the Forced Labour Convention, 1930, was a particular concern. In addition, fewer reports than expected had been received on the Protocol of 2014 from pathfinder countries for Sustainable Development Goal target 8.7.
100. Observing that the quality of reporting was also an issue, he stressed that the annual review was not an end in itself, but a starting point to identify actions required of Members and the ILO. The lack of meaningful and consistent reporting impaired the ability of the Organization to identify needs, target resources and effectively assist Member States. There had been some positive developments, notably more widespread use of the online questionnaire. However, many governments still struggled to meet the deadline. Both Member States and the Office must strive to ensure reports were detailed and timely. To that end, the Office should consider asking governments what difficulties they faced, offer direct support in preparing questionnaire responses, reinforce the value and constructive purpose of the reports, and promote the engagement of social partners in reporting. Some of those changes could be introduced alongside the adaptations to include a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work. The format and wording of the questionnaire could also be modified as necessary. Reporting would only succeed when it informed efforts to create enabling environments for Member States to meet their human rights obligations. His group supported the draft decision.
101. **The Worker spokesperson** called upon Member States that had not yet done so to increase efforts to ratify the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), pointing out that, as of 2024, the scope of the annual review would be broader as a result of the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work. She noted the widespread uptake of the online questionnaire, but stressed the need to continue supporting Member States with its use. Commending the Member States that had indicated their intention to ratify one or more of the fundamental Conventions, she recalled that national trade unions could provide support and should be included in consultations on the matter.
102. Turning to the specific Conventions, she expressed regret that there had been only one further ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and no further ratifications of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). It was vital for Member States to work towards the universal ratification of both Conventions; she encouraged those that had reported that ratification was likely to seek support from the Office in that respect. It was positive that the reporting rate had improved for both Conventions, and she urged governments to meet their obligations in that regard in a timely manner.

- 103.** She noted with concern the lack of universal ratification of the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105). It was particularly regrettable that Convention No. 105 had been denounced by the Governments of Malaysia and Singapore; the Workers' group reiterated its call for ratification of that Convention. It was also regrettable that not all the pathfinder countries for Sustainable Development Goal target 8.7 had submitted reports on the Protocol of 2014. The Office should strengthen follow-up among those countries.
- 104.** The Workers' group called on Member States that had not yet done so to complete ratification of the Minimum Age Convention, 1973 (No. 138), the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). It was disappointing that no further ratifications of the latter two Conventions had been recorded in the latest reporting cycle. She reminded Member States that the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), could help support effective social dialogue for progress towards ratification of the fundamental Conventions.
- 105.** In the context of the forthcoming recurrent discussion on the strategic objective of fundamental principles and rights at work, she recalled that the conclusions of the Independent high-level evaluation of ILO's strategies and action on fundamental principles and rights at work and the ILO programme implementation report had indicated weaknesses in the Organization in upholding the rights to freedom of association and collective bargaining. Experience had shown that ratification of Conventions Nos 87 and 98 had a positive impact on the ratification and application of the other fundamental Conventions, thereby improving the situation of workers. Given the shrinking democratic space worldwide, the forthcoming recurrent discussion presented an opportunity to make the defence of democracy a key pillar of the ILO's work to promote social justice and fight against poverty, inequality, discrimination and oppression by upholding the fundamental rights of workers. Her group supported the draft decision.
- 106. Speaking on behalf of the Africa group,** a Government representative of Senegal welcomed the progress made in the four categories of fundamental principles and rights at work, notably with regard to promotional activities, and policy and legal developments, and their application. Particular progress had been made in her region, especially in terms of reporting on the elimination of discrimination in respect of employment and occupation. It was positive that most Member States now used the online reporting tool. However, she also welcomed the flexibility of the Office in allowing governments to continue to submit paper reports. More generally, the technical assistance of the Office was essential to the application of the ILO's fundamental instruments; its support was particularly valuable in overcoming legal or practical difficulties, implementing the Conventions and helping governments to create an enabling environment for the respect of human rights, and closing gaps in the application of the Declaration. She reiterated her group's commitment to further work in that area and called on the Office to continue technical cooperation in that regard. She supported the draft decision.
- 107. Speaking on behalf of GRULAC,** a Government representative of Mexico welcomed the introduction of the online questionnaire and the future inclusion of reports on Conventions Nos 155 and 187. Highlighting that 101 ratifications were still required to achieve universal ratification of the fundamental Conventions, she said that the lack of ratification often reflected practical difficulties in terms of the dialogue between stakeholders and the political variables involved in the process. Her own group had been relatively successful with regard to ratification thanks to the highly advanced labour and social protection legislation in the region, where fundamental rights were frequently enshrined in national constitutions. Concerning the ratification of the Protocol of 2014 specifically, she observed that failure to ratify in that case

did not necessarily indicate a lack of willingness to combat forced labour at the national level. The Office should consider providing data on domestic legislation on the subject in future reports, to provide a clearer view of long-term national commitments in that regard. It should also strengthen its technical assistance to Member States. Her group supported the draft decision and remained open to collaboration on the campaign to advance universal ratification of the fundamental Conventions.

- 108. Speaking on behalf of the European Union (EU) and its Member States**, a Government representative of Belgium said that Türkiye, North Macedonia, Montenegro, Serbia, Albania, Ukraine, the Republic of Moldova, Georgia, Iceland and Norway aligned themselves with the statement. The EU and its Member States attached great importance to the ILO core principles, including in its international trade policies, and looked forward to learning more about the status of Conventions Nos 155 and 187 following their forthcoming addition to the annual review process. They also encouraged Member States to consider ratifying the Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023 (No. 191), another instrument promoting occupational safety and health as a fundamental principle and right at work.
- 109.** She commended the efforts made by Member States to promote and implement the fundamental principles and rights at work. It was particularly encouraging to see that several Member States had expressed their intention to ratify the fundamental instruments and the However, the low reporting rate and delays in submission among Member States that had not ratified the Conventions remained a concern. In that regard, she supported the Office's work to assist the pathfinder countries in Alliance 8.7, and its efforts to strengthen the supervisory system. It should continue improving the online reporting process for Member States, seeking simplifications where possible and ensuring that any difficulties regarding credentials were resolved. The Office should also increase technical assistance to support Member States in ratifying the broader labour standards and upholding the fundamental principles and rights at work. Her group supported the draft decision and would continue to support the Office in further action.
- 110. A representative of the Director-General** (Director, International Labour Standards Department) thanked speakers for their comments, especially the positive feedback on the Office's efforts to facilitate the reporting process. Those contributions would be taken on board when considering further improvements, including to the online tool. As both the Employers' and Workers' groups had noted, preparation of the reports provided a unique opportunity for tripartite social dialogue at the national level. More work could be done to facilitate that dialogue, not only in terms of reporting, but also on the application of the fundamental principles in law and in practice at the national level. The recurrent discussion on the strategic objective of fundamental principles and rights at work at the 112th Session of the International Labour Conference would be an ideal opportunity to examine those possibilities. She further noted the concern expressed regarding the limited requests for technical assistance on discrimination and freedom of association, and the calls to strengthen Alliance 8.7 on forced labour and child labour. Lastly, she welcomed the suggestion to incorporate into the review information on legislation in Member States that gave effect to the fundamental principles and rights.

Decision

111. The Governing Body:

- (a) took note of the information presented in the Annual Review under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work for the 2023 period;
- (b) invited the Office to continue its support to Member States to ensure timely reporting on all unratified fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930, and to ensure priority follow-up to requests for technical assistance to address obstacles to ratification and realization of the fundamental principles and rights at work;
- (c) reiterated its support for the mobilization of resources with a view to further assisting Member States in their efforts to respect, promote and realize fundamental principles and rights at work, including through universal ratification of all fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930.

(GB.350/INS/3, paragraph 128)

4. Mid-term report on the implementation of the ILO Action Plan for Gender Equality 2022–25 (GB.350/INS/4)

112. The Governing Body had before it an amendment to subparagraph (b) of the draft decision, proposed by the Workers' group and circulated by the Office, which read:

- (b) report to its 356th Session (March 2026) on the results of the ILO Action Plan for Gender Equality 2022–25, along with the proposed approach for the subsequent action plan, with a view to a heightened strategic positioning of the ILO's work on gender equality ~~in its pursuit of~~ as intrinsic to social justice.

113. The Governing Body had before it another amendment to the draft decision, proposed by IMEC and circulated by the Office, to add the following new subparagraph (c):

- (c) the Governing Body invited the Director-General to publish as a document for information every March Governing Body the UN-SWAP 2.0 ILO performance results, along with the annual letter from UN Women to the ILO Director-General, and the Office response letter, in order to keep the Governing Body informed on progress in advancing gender mainstreaming.

114. **The Worker spokesperson** said that her group had proposed its amendment to the draft decision as it considered that gender and social justice should not be seen as two different topics. She welcomed the inclusion in the Action Plan for Gender Equality 2022–25 of a new indicator on supporting constituents' capacity to deliver on gender equality. However, the Office should provide further clarification on how the implementation of the Action Plan and the implementation of the Programme and Budget for 2024–25 could be better aligned. She welcomed the improvement in the percentage of women occupying senior ILO positions, but said that it would be useful to have information disaggregated by age to ascertain whether women and men reached similar positions at similar ages.

115. She requested additional details on the integration of Sustainable Development Goal (SDG) 5 on gender equality in all policy outcomes of the Programme and Budget for 2024–25. Further clarification regarding the emphasis placed on gender equality and disability inclusion in the ILO Global Communication Strategy (2022) was also necessary, as gender equality strategies

were not the same as inclusion strategies. Her group wished to know how gender equality was reflected in the ILO's communication strategies and, in particular, how efforts made by the social partners with regard to gender equality, the normative mandate and horizontal gender inequalities were strategically communicated. It would also be pertinent to know how the conclusions of the General Discussion Working Party: Inequalities and the world of work that had been adopted at the 109th Session (2021) of the International Labour Conference were being reflected in the implementation of the Action Plan. She requested further information on the incorporation of a concrete gender equality component in development cooperation projects to support constituents in their efforts to achieve gender equality, and called for the inclusion of at least two representatives of constituents in activities and consultations carried out at field offices and with UN Resident Coordinators to facilitate equal participation of women and men. The ILO should support constituents in improving equal participation in official tripartite meetings, including by considering childcare facilities and costs in the planning stages, and work should be done to address the root causes of gender imbalances in ILO activities. Promotional activities on the ratification of international labour standards on non-discrimination and gender equality were essential. The promotion of gender equality should also be part of the work of national and international social dialogue instances.

116. The Action Plan should better differentiate between indicators and activities aimed at field-based staff and management and those concerning constituents. The involvement of the ILO Staff Union was crucial to the development of new internal policies that could be embraced by all workers. In addition, the Action Plan should acknowledge the specific experiences and realities of women workers with intersecting identities, such as migrant women and women with disabilities, as well as those of lesbian, gay, bisexual, transgender and intersex (LGBTI+) workers. In that regard, application forms should allow for non-binary self-identification. Her group could accept the amendment proposed by IMEC.
117. **The Employer spokesperson** noted with appreciation that her group's concerns regarding the gap between the number of women and men occupying P5 positions had been taken into account in the Action Plan for Gender Equality 2022–25. Although the progress made was encouraging, further efforts were required to fulfil the Office's commitment to achieving a gender balance at all levels while maintaining skills and competencies. The Office should pursue a workplace diversity policy that went beyond a quantitative approach, including by examining lessons learned from ongoing capacity-building programmes that had produced substantial results on gender mainstreaming and equality. To improve gender equality performance indicators, it would be vital to align the Organization's strategy, operational model and culture; however, the Office-wide theory of change remained theoretical at present, and further efforts were needed to change staff mentalities regarding gender equality.
118. To allow progress against performance indicators to be measured effectively, the Office should refrain from modifying the indicators in future action plans and avoid linking targets to organizational structures, which were liable to change over time. The action plan for 2026–29 should contain a limited number of relevant and easily measurable indicators. She wished to know more about how the 30 capacity-building exercises conducted in field offices had been carried out in order to inform lessons learned. To meet the targets in the Action Plan, the Office should encourage directors and managers to invest in more inclusive structures that promoted gender equality and should meet regularly with other UN agencies to share best practices on gender-sensitive organizational change.
119. **Speaking on behalf of IMEC**, a Government representative of Canada called on the Office to continue improving gender parity at the P5 and D1 levels and requested further details on concrete actions planned to address the lack of data and limitations in measuring indicators

under the Action Plan for Gender Equality 2022–25. It was regrettable that the ILO had not achieved most targets in the performance area of capacity assessment and development of the United Nations System-wide Action Plan on Gender Equality and the Empowerment of Women (UN-SWAP). Noting that the ILO lagged behind other organizations in the UN system in meeting UN-SWAP targets and had met fewer targets in 2022 than in 2021, she requested the Office to explain how it intended to prevent any further backsliding. Greater efforts were required in the areas of organizational culture, policies on the specific needs of women and the allocation and tracking of financial resources; additional information on how the Office expected to improve its tracking of financial resources in line with UN-SWAP would therefore be useful. All constituents should improve gender parity in delegations sent to the 112th Session of the International Labour Conference, and the Office should continue to improve facilities for women to encourage their participation. To address inequalities, the ILO should strengthen its capacity to address intersecting identities and the manner in which diverse groups might experience policies and initiatives. Aligning the Action Plan with the United Nations Disability Inclusion Strategy could be a first step in that process.

120. She encouraged the Office to continue making progress in the implementation of the current Action Plan while addressing gaps and challenges identified when developing the action plan for 2026–29. Although it recognized the complexities in comparing the performance of the current Action Plan with previous action plans owing to variations in their indicators, her group recommended that the Office should continue to review and update indicators and methodologies to ensure relevancy and accuracy in its assessment. Publishing the ILO's UN-SWAP performance results, as suggested by IMEC in its proposed amendment, would keep the Governing Body informed about progress in that regard. That practice was in line with the practices of other UN agencies and would not create any additional work for the Office. She expressed support for the amendment proposed by the Workers' group.
121. **Speaking on behalf of the Africa group**, a Government representative of Rwanda noted with appreciation the positive change in all three priorities of the Action Plan for Gender Equality 2022–25 and welcomed the inclusion of the new indicators. Regarding staffing, he encouraged the Office to pursue its efforts towards achieving gender parity at all levels of the Organization and across the regions. The Office should take the necessary steps to make progress against the targets of all UN-SWAP performance areas, particularly those in which it was underperforming. He supported the amendment proposed by the Workers' group.
122. **Speaking on behalf of GRULAC**, a Government representative of Mexico asked how the Office planned to ensure that future action plans on gender equality would contain indicators and measurements that were easily comparable with those in previous action plans. She agreed with the Office's assessment that performance indicators that had been consistently met in previous action plans should be retained in future action plans and that more ambitious targets should be set where appropriate. It would be important to maintain the positive trend concerning the number of cooperation agreements and UN-wide initiatives that reflected the ILO's transformative agenda for gender equality.
123. Sufficient financial resources should be allocated to gender equality initiatives; in particular, investments should be made in enhancing the expertise of the Office to enable it to better support constituents and promote gender-related activities through a cross-cutting, intersectional approach. Effective mechanisms should be in place to monitor the allocation of funding. The indicators in the Action Plan for Gender Equality 2022–25 must be improved to allow the collection of disaggregated data on structural barriers faced by women and on employment discrimination experienced by marginalized groups. She requested clarification on the suggestion that the Action Plan could be aligned with the United Nations Disability

Inclusion Strategy, highlighting the importance of maintaining the difference between the two initiatives. She endorsed the amendments proposed by the Workers' group and IMEC.

124. **Speaking on behalf of the EU and its Member States**, a Government representative of Belgium said that North Macedonia, Montenegro, Serbia, Albania, Ukraine, the Republic of Moldova, Georgia, Iceland and Norway aligned themselves with her statement. Regarding the targets not met owing to data limitations, she invited the Office to further develop its capacities and methodologies to address data gaps and actively explore innovative solutions to overcoming challenges in measuring indicators. Increased efforts were required to achieve results in the UN-SWAP performance area concerning representation of women, organizational culture and financial resource allocation, and further work was needed to achieve gender parity in all regions. Introducing financial resource allocation and tracking mechanism, as well as improving methodologies to quantify the disbursement of funds for the promotion of gender equality, would enable the ILO to achieve a fair distribution of resources and ensure investment in structures that supported women's empowerment. While recognizing the challenges in comparing the performance of the Action Plan for Gender Equality 2022–25 against previous action plans, she encouraged the Office to foster continuity across plans to allow for more effective comparisons and accurate assessments of progress over time. She endorsed the amendments proposed by IMEC and the Workers' group.
125. **A Government representative of Cuba** said that the Cuban Revolution had introduced measures that had made it possible to change the situation of women in the country and to eradicate the legacy of discrimination, lack of protection and marginalization to which they had been subjected for centuries. The priority given by the Government of Cuba to those issues had resulted in indisputable achievements, making Cuba a regional and international reference. She emphasized that Cuban women had achieved a great deal, despite the obstacles to the country's development posed by the economic, commercial and financial blockade to which it was unjustly subjected. It recognized that, despite the results achieved, there was still a long way to go. For that reason, in recent years, additional high-impact measures had been adopted, such as the new Cuban Constitution, which explicitly enshrined the principle of equality and non-discrimination, and the new Family Code, which recognized the right to full equality between women and men, the equal distribution of time spent on domestic and care work, and co-parental responsibility in the upbringing of children. In addition, there were specialized standards on the criminal and administrative prosecution of cases of discrimination, violence and harassment at work and based on gender, allowing for identification, prevention and monitoring; the provision of training for workers and employers; and the provision of assistance to those affected. In turn, the Cuban courts had developed gender strategies and a protocol for action that included the collection of statistical data on violence against women, children and adolescents, as well as on sexual orientation and gender identity, as part of the administration of justice. She stressed that the country had a Gender Equality Observatory, which was a mechanism for compiling, processing and ensuring the visibility of indicators relating to socio-economic conditions and the situation of women and men in Cuba from a gender and rights perspective. That made it possible to strengthen public policies aimed at closing gaps.
126. **A Government representative of Indonesia** expressed support for the continued implementation of the Action Plan and the proposed approach to the formulation of subsequent action plans aimed at strengthening the strategic positioning of the ILO's efforts to promote gender equality in the pursuit of social justice. His Government remained committed to bolstering the protection of all workers, especially in the sectors most affected

by gender inequality, for example by encouraging businesses and institutions to provide equal opportunities to all. He supported the draft decision.

127. **A Government representative of the United Kingdom** called on the Office to be a multilateral leader in demonstrating best practices for the advancement of social and economic justice for all women and men and to remove barriers to women's career progression within the ILO, for example by providing workplace support for women experiencing menopausal symptoms. The Office should also increase the cultural representation of women in its buildings, for example by displaying more artwork by female artists. Furthermore, it should use more reports authored by women – information on concrete proposals in that regard would be welcome – and increase gender parity in official meetings, including by enhancing its facilities for women to encourage their participation. She supported the draft decision as amended by IMEC.
128. **A Government representative of Pakistan** said that his Government was taking proactive steps to combat gender-based discrimination, for example by establishing effective grievance redress mechanisms and conducting a gap assessment of the implementation of several relevant ILO Conventions.
129. **A Government representative of Colombia** welcomed the progress achieved towards the Action Plan's priorities and noted the areas in which improvement continued to be needed, including in women's representation among ILO staff in Latin America and the Caribbean. His Government's action on gender equality included the adoption of a protocol on violence against women, gender-based violence and discrimination in the workplace. In recent years, considerable progress had been made in integrating gender equality into the Office's research, capacity-building and policy development activities. However, it was essential to take stock of other gender-related activities conducted outside the framework of the Action Plan, including important technical work. He supported the draft decision as amended by the Workers' group.
130. **A representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue Cluster) said that the Office was optimistic that it would meet most, if not all, of the targets in the Action Plan; the percentage of unmet targets was significantly smaller than at the same point in the implementation of the previous action plan. The lack of data on the achievement of targets relating to senior management was attributable to the changes in the Office's organizational structure at that level, which would need to be considered, including in the development of new indicators. In that regard, she welcomed the suggestion by the Employers' group to establish indicators designed to hold senior managers accountable irrespective of the organizational structure. Steps were already being taken to modify certain indicators in order to overcome limitations in measuring them, for example to remedy the misrepresentation of the proportion of gender-sensitive projects under way in each region.
131. The Office's resource tracking methodology was being modified to ensure that it provided a full and accurate picture of the staff and non-staff resources from all sources of funding – including non-staff resources from the regular budget and Programme Support Income – allocated to activities carried out at the country, regional and global levels to promote gender equality. The Office had no intention of merging the Action Plan with the ILO Disability Inclusion Policy and Strategy 2020–23, which dealt with a distinct subject matter. However, since both initiatives aimed to improve the capacities of the Office and the constituents, promoted mainstreaming and targeted interventions, and relied on a network of focal points at headquarters and in the field, it made sense to facilitate learning between the two to ensure that disability issues were dealt with under the Action Plan and that gender equality concerns were addressed under the Disability Inclusion Policy and Strategy, without forgetting that

women and men had different characteristics that needed to be taken into account in order to achieve their full inclusion in the labour market.

- 132.** She had noted the specific suggestions made for achieving gender parity in official meetings; indeed, some measures had already been taken at the current session of the Governing Body to improve facilities for women. Although the Office had been slow to develop a capacity assessment plan, work was well under way to identify the training needs to be reflected in a capacity development plan. There had also been some encouraging progress: all new job descriptions for technical specialists included specific tasks related to gender equality, a skills mapping project had been carried out and steps had been taken to rejuvenate the ILO Global Gender Network.
- 133. A representative of the Director-General** (Director, Conditions of Work and Equality Department) said that gender equality was one of the priorities of the ILO's new communication strategy. Accordingly, senior management sent out regular internal communications on the issue, the ILO's website contained information on the gender distribution of staff, and high-level events were organized to promote gender equality on International Women's Day, International Equal Pay Day and the International Day of Care and Support. A strong focus had been placed on gender equality in the ILO's global "This Way to Social Justice" campaign, and the Organization had participated in the 16 Days of Activism against Gender-Based Violence. More could be done, however, and outcome 5 of the Programme and Budget for 2024–25 placed emphasis on communication strategies for gender equality. The Gender, Equality, Diversity and Inclusion Branch of the Conditions of Work and Equality Department was responsible for coordinating efforts to increase constituents' capacity to deliver on gender equality initiatives. Steps were taken to verify whether development cooperation projects met the ILO marker on gender equality.
- 134. The Employer spokesperson** said that she could accept the amendments to the draft decision proposed by the Workers' group and IMEC; in the latter case, on the proviso that no additional burden would be placed on the Office.

Decision

- 135. The Governing Body requested the Office to:**
- (a) **continue the implementation of the ILO Action Plan for Gender Equality 2022–25, taking into account the Governing Body's guidance and lessons learned;**
 - (b) **report to its 356th Session (March 2026) on the results of the ILO Action Plan for Gender Equality 2022–25, along with the proposed approach for the subsequent action plan, with a view to a heightened strategic positioning of the ILO's work on gender equality as intrinsic to social justice;**
 - (c) **publish, as a document for information every March session of the Governing Body, the ILO's performance results under the United Nations System-wide Action Plan on Gender Equality and the Empowerment of Women (UN-SWAP 2.0), along with the annual letter from UN Women to the ILO Director-General and the Office's response letter, in order to keep the Governing Body informed on progress in advancing gender mainstreaming.**

(GB.350/INS/4, paragraph 28, as amended by the Governing Body)

5. Update on the Global Coalition for Social Justice (GB.350/INS/5)

136. **The Employer spokesperson** noted with appreciation the progress made, through informal consultations and Governing Body discussions, towards the establishment of the Global Coalition for Social Justice, and commended the efforts of the Office's leadership in that regard. She noted the work of the Coalition secretariat to bring new partners on board and welcomed its efforts to maintain regular contact with the International Organisation of Employers (IOE) and the Bureau for Employers' Activities (ACT/EMP) and to engage with employers' and workers' organizations. The IOE, as the coordinating body on the employers' side, was actively promoting the Coalition among its members and would continue to contribute to and coordinate business engagement in the Coalition.
137. She noted with satisfaction that the thematic policy domains reflected those previously agreed on by the Governing Body. It was now time to develop those domains further. The provision of more detailed information would help demonstrate the added value of the Coalition and encourage more partners to sign up. In that regard, she welcomed the Office's briefing document for employers and businesses and looked forward to the publication of more such documents. She recognized the need to take into account the views of international partners but noted with concern the expectation that Coalition partners would be encouraged to drive the development of the key actions and initiatives that they found particularly promising. Social justice could not be achieved without social dialogue, and the ILO, with its unique mandate in that respect, must play a leading role in establishing the priorities of the Coalition, with the support of Coalition partners. The tripartite constituents should be the ones to drive the work to promote the thematic policy domains. A results-oriented strategy to promote social dialogue and strengthen the role of the social partners in the Coalition should be developed and promoted, as a precondition for the Coalition's success.
138. More should be done to explain the added value of the Coalition, especially to constituents at the country level. She encouraged the Office, in collaboration with the IOE, to reach out to employers to ensure that there was clarity on the purpose of the Coalition and to provide practical information on how they could contribute to it. The ILO's technical contribution to the Coalition should be focused on delivering services to the constituents to ensure the implementation of its programme of work. While non-ILO partners were welcome to contribute, under no circumstances should funds from the ILO's budget be diverted to them. If the planned new report on the state of social justice in the world was to provide input to the Second World Summit for Social Development, to be held in 2025, it should reflect the deliberations of the Working Party on the New Social Contract for Our Common Agenda and undergo a meaningful consultation process. She noted that the report would build on the framework presented in the 2023 Report of the Director-General, *Advancing social justice*. It should present a balanced view of social justice, recognizing the distributive elements as well as the conditions needed by individuals to fulfil their potential.
139. She welcomed the proposal to convene webinars for exchanging views on the thematic development of the Coalition. However, the Office should provide more information on the proposed outcomes of those webinars. Pending an answer to her questions, she would reserve her opinion on the draft decision. Lastly, she said that her group looked forward to participating in the inaugural Forum of the Coalition at the 112th Session (2024) of the International Labour Conference.
140. **The Worker spokesperson** welcomed the general convergence of views on the item and the positive energy generated by the initiative. She noted that a large number of governments and partners had already joined the Coalition and called on others to prioritize efforts to join. Her

group was in favour of the early submission of nominations for members of the Coordinating Group and of convening a first virtual meeting of the Group prior to the 112th Session (2024) of the International Labour Conference and a second meeting at the end of 2024.

141. The thematic development of the Coalition should be aligned with the ILO's mandate and should not divert the Office's resources away from activities under its agreed programme of work. While she broadly agreed with the thematic policy domains, she reiterated her group's request for more detailed information in future discussions about possible future initiatives, prior to the Office embarking on any major new partnership. She asked how the Coalition's initial priorities related to its thematic policy domains, and how those related to the Programme and Budget for 2024–25. Expressing concern that adding another layer of priorities would cause confusion, she proposed that, rather than developing additional operational structures, the emphasis should be on initiatives that could be considered within the Governing Body. There was no need for additional thematic priorities beyond those identified in the Decent Work Agenda and the ILO Centenary Declaration for the Future of Work, 2019.
142. The Coalition should be the ILO's vehicle for engagement and partnerships with external organizations, while the Working Party on the New Social Contract for Our Common Agenda would develop the ILO's strategic and political vision for the Second World Summit for Social Development. It would be important to appoint appropriate representatives to ensure that the work of the Coalition complemented, rather than duplicated or contradicted, that of the Working Party.
143. While she understood the need to encourage the engagement of external partners, she did not agree that "champions" should be encouraged to step forward without any accountability mechanism, as that would create a significant reputational risk for the ILO. She agreed that the Office should invest in a series of webinars and workshops to develop concrete proposals, but was concerned about the impact on the ILO's capacity and budget of the ambitious proposal put forward in the report. The Office should focus on results and outcomes, rather than on the process.
144. She reiterated her request for clarification regarding how the new report on the state of social justice in the world would relate to and build on the existing reports produced by the ILO. She asked how often that new report would be produced and stressed that it should complement and inform the resolution that the Conference would send to the Second World Summit for Social Development. To that end, rather than exploring the concept of social justice further, the report should focus on data-driven outputs that would push forward action under the six thematic domains, complemented by a range of practical initiatives to address rising inequality. She reiterated that the report should complement the work of the Working Party. Consultations should take place to ensure coherence between the parallel streams. The report should build on the common understanding of social justice that had been developed over the ILO's 100 years, without devoting too much space to the further discussion of the concept.
145. She welcomed the plan to hold the inaugural Forum of the Coalition on 13 June 2024, during the 112th Session of the Conference, which would not require the mobilization of significant additional resources. She proposed that the Forum should follow the procedures of the World of Work Summit, and in that respect asked whether the Forum would replace the Summit. The Forum should not detract from the work of the Conference, and the Office should avoid scheduling parallel meetings and interactive working discussions of any kind that drew members away from plenary sittings. Moreover, the budgetary, time, space and capacity

implications of any bilateral meetings or communication forums envisaged should be taken into account.

146. Her group was prepared to support the draft decision. However, she called on the Office to coordinate with constituents to ensure the alignment of the work of the Coalition and the Working Party.
147. **Speaking on behalf of the Government group**, a Government representative of Namibia noted with satisfaction that 187 partners had joined the Coalition to date. She looked forward to their contributions towards fostering action towards social justice and decent work through increased multilateral cooperation and partnerships. She welcomed the establishment of the Coordinating Group, and asked whether the Office envisaged a role for governments in mobilizing partners on specific themes or projects. Her group expressed support for the inclusive approach to developing the priority thematic areas and looked forward to the outcome of the series of webinars and workshops.
148. The inaugural Forum of the Coalition should serve as a high-level, inclusive and transparent platform to outline the priority thematic areas and programme of activities, highlighting the Coalition's initial priorities. The Office should contribute to the Coalition by promoting social dialogue and engaging social partners with other UN organization partners in the Coalition, including through the Global Accelerator on Jobs and Social Protection for Just Transitions.
149. She asked how the Office intended to coordinate the new report on the state of social justice in the world with the work of the Working Party on the New Social Contract for Our Common Agenda and called on the Office to involve the constituents in the preparations for the launch of the Coalition. She supported the draft decision.
150. **Speaking on behalf of the Africa group**, a Government representative of Eswatini reiterated his group's commitment to the Coalition, which complemented the Abidjan Declaration of 2019, and called on the Office to redouble its efforts in assisting Member States to fully implement it. He commended the Office for its timely communication with constituents to promote the Coalition and to invite a variety of stakeholders to join the Coalition as partners. He noted the interest in joining the Coalition, which provided an exciting opportunity for collaboration. He welcomed the new partners and applauded the governments that had expedited the approval processes to join the Coalition. He looked forward to the finalization of the governance structures of the Coalition and reiterated the importance of having the four regional groups equally represented in the Coordinating Group. The Coordinating Group should convene its first meeting sufficiently in advance of the inaugural Forum of the Coalition, so that a second meeting could be convened prior to the 112th Session of the Conference if necessary. Participation at that inaugural Forum should be expanded to include constituents that had not yet joined the Coalition, as that might encourage them to accelerate the process of becoming partners.
151. He reiterated that the Coalition should not create any additional reporting obligations or act as a policy-setting organ. He noted with relief that the new recurrent report on the state of social justice in the world would not include country-by-country benchmarking information or an index, or create new reporting obligations. He looked forward to receiving the draft annotated outline of the report and urged the Office to conduct consultations thereon. It was important to ensure that the work of the Coalition was not confused with that of the Working Party on the New Social Contract for Our Common Agenda. When developing the modalities of the Working Party, the Office should ensure that its work complemented and did not duplicate that of the Coalition.

152. Lastly, he emphasized the importance of treating all Coalition partners equally. In that regard, he questioned the suggestion to designate some partners as “champions”. The responsibility for the organization of work for the Coalition must lie solely with the Coordinating Group in order to preserve the principle of equality. Affording certain partners a superior status would defeat the spirit of the Coalition. His group supported the draft decision.
153. **Speaking on behalf of ASPAG**, a Government representative of the Islamic Republic of Iran applauded the efforts that had led to so many partners joining the Coalition and commended the diversity that had thus far been attained. He expressed support for the planned series of webinars and workshops to develop the priority thematic areas in a collaborative manner, which would ensure that those areas were relevant and responded to partners’ needs. Such opportunities for constructive dialogue were vital to continue to enhance the thematic development in a results-oriented manner and to provide a platform for the regular review of progress. To that end, regional or national events could be beneficial. The Coalition’s work should be aligned with the Sustainable Development Goals.
154. His group looked forward to the establishment of specific actions to meet the goals set out by the Coalition, taking into account the concerns and limitations of the ILO’s constituents. He called on the Office to operationalize mechanisms and tools to that end and to provide technical assistance, especially to poor and developing countries and small island developing States. The Office should also institutionalize social justice as an approach across all ILO activities. The Coalition should mobilize resources to tackle poverty, inequality, child labour, youth unemployment and informal labour by enhancing advocacy, policy coherence and knowledge-sharing. The ILO could not resolve those crises alone. The Office should provide mechanisms for engaging other international institutions and report periodically on the high-level coordination undertaken with those bodies. He reiterated his group’s support for the Coalition.
155. **Speaking on behalf of GRULAC**, a Government representative of Mexico noted with satisfaction that 187 partners had joined the Coalition to date. Her group supported the thematic policy domains and was prepared to add additional topics as relevant. The Coalition should incorporate and build on the international labour standards enshrined in the fundamental Conventions and recognized in the ILO’s declarations and the recommendations of the supervisory bodies, and should lead to an increased rate of adherence to those standards. GRULAC supported the initial priorities endorsed by the Governing Body for the ILO’s contribution to the Coalition. The Office should ensure that the proposed series of webinars and workshops was open to all interested parties, including from the diplomatic missions in Geneva and ministries of labour. The Office should provide more information about the communication tools mentioned in the report, and about the website. She sought clarification regarding how those tools could be used to promote the Coalition. Consideration should be given to whether the annual Forum of the Coalition could take place in locations other than Geneva, should a country wish to host it and had the resources required to do so. She also suggested that regional forums could be convened in the future. GRULAC supported the draft decision.
156. **Speaking on behalf of the EU and its Member States**, a Government representative of Belgium said that North Macedonia, Montenegro, Serbia, Albania, Ukraine, Türkiye, the Republic of Moldova, Georgia, Iceland and Armenia aligned themselves with his statement. He noted that the ILO was very well placed, by virtue of its mandate, to advance social justice across the multilateral system and beyond. He commended the diversity of the stakeholders that had joined the Coalition, which included the European Commission on behalf of the EU, and several EU Member States. Other Member States had indicated their intention to join. He

highlighted the EU's efforts to promote decent work and social inclusion in all its policies and its continued advocacy for the importance of including social justice and just transition in all relevant discussions at the international level. He welcomed the continued collaboration between the EU and the ILO in that regard and mentioned by way of example their co-hosting of the EU-ILO Just Transition Pavilion at the 28th Session of the UN Climate Change Conference (COP28) in late 2023. The ILO should pursue its efforts to promote social dialogue and engage the social partners with other UN organizations partnering in the Coalition, and enhance partnerships and action to tackle social inequalities, including through the Global Accelerator on Jobs and Social Protection for Just Transitions.

157. He noted the planned introductory meeting and thematic webinars and would welcome further details on those as soon as possible. He expressed support for an inclusive approach to developing the thematic priorities and asked the Office to clarify how the Coalition secretariat planned to manage the expanding network and ensure the involvement of all stakeholders. He asked the secretariat to share details of the actions mentioned by partners that had already joined the Coalition. The inaugural Forum of the Coalition should serve as a high-level, inclusive and transparent platform to outline the Coalition's priority thematic domains and highlight the Coalition's initial priorities. The secretariat should make sure that practical details of the Forum were available well in advance.
158. The new recurrent report on the state of social justice in the world should complement the action-oriented initiatives undertaken by Coalition partners, in alignment with the ILO's values and its Decent Work Agenda. The first report should feed into the Second World Summit for Social Development. He asked how the Office intended to coordinate that report with the work of the tripartite working party tasked with preparing the ILO contribution to the Summit. He supported the draft decision.
159. **Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)**, a Government representative of Indonesia said that the commitment of ASEAN Member States to the pursuit of social justice remained stronger than ever. After outlining some of the challenges and opportunities that existed in the ASEAN region, he said that the Coalition would provide an opportunity for ASEAN Member States, and workers and employers and their organizations in the ASEAN region, to engage in constructive dialogue with partners in other regions. It would also provide an opportunity to share lessons learned and experiences, and to showcase the region's resilience. By collaborating with other partners, it would be possible to leverage collective strengths, increase impacts and champion concrete actions to address the multifaced challenges hindering social justice. Coordinated action was urgently needed to attain the Sustainable Development Goals and the objectives of the Decent Work Agenda. Social justice was at the heart of the shared mandate and cooperation was imperative to ensure its realization for all individuals, regardless of nationality or socio-economic status.
160. **A Government representative of Barbados** noted with appreciation that the document reflected the discussions that had been held on the item. Barbados was happy to be a partner in the initiative. The social justice championed by the ILO was vitally important for small island developing States, which were still facing an uphill climb in terms of development. The ILO should focus its advocacy efforts on ensuring that multilateral financial institutions took into consideration the realities of such States and on ensuring that collaboration between those institutions and small States was human-centred. In small societies such as Barbados, social dialogue was the only way to achieve an engaged population focused on a common development agenda. His Government therefore remained convinced that the ILO, as the expert agency on that subject, should lead the efforts on the initiative. It was well-positioned

to encourage other institutions to engage with all stakeholders, particularly the social partners, in the design of policy recommendations and solutions. He supported the draft decision.

161. **A Government representative of Gabon** said that, as a member of the Coalition, his Government was committed to achieving the Coalition's objectives. In that regard, it hoped to forge partnerships with other members in respect of projects with high social value added and to share experiences and best practices with other members so that they could support each other. It also hoped to participate in the mobilization of resources for social development and in programmes to support local social justice initiatives. The Coalition would play a crucial role in the achievement of the Sustainable Development Goals and in building a better future for all, and his Government was prepared to shoulder responsibilities needed for the implementation of the programme of activities that would be agreed upon in the following months.
162. **A Government representative of India** said that the Coalition's thematic development should be centred around the core work and values of the ILO. Clarity was required on the procedure and criteria for the designation of partners as champions. Checks and balances should be incorporated into the Coalition to ensure that the policy priorities or agendas of a few partners, champions or members of the Coordinating Group did not drive the thematic development and work of the Coalition. Adequate safeguards must be installed to prevent the collaborative and voluntary nature of the Coalition from becoming normative and based on policymaking. The preparation of the recurrent report on the state of social justice in the world should take into account the fact that social justice was an evolving concept with national and regional variations depending on different factors. He supported the draft decision.
163. **A Government representative of China** said that the composition of the Coordinating Group should take into consideration geographical representation and partner diversity, and should fully reflect the open and inclusive nature of the Coalition. The Office should continue to strengthen communication and coordination with all parties, in particular to understand and incorporate the concerns of the tripartite constituents and other stakeholders in the thematic development of the Coalition and in the preparation of related activities. The Coalition was in the early stages of its establishment, which was a critical period for the exploration and improvement of its operating model. His Government hoped that the Office would promptly report to the Governing Body on important issues such as the establishment of the Coordinating Group and the collection of extrabudgetary funds. He endorsed the draft decision.
164. **A Government representative of Cameroon** urged the Office to continue its advocacy efforts to encourage the tripartite constituents and development partners to join the Coalition. She appreciated the progress that had been made in developing the thematic domains, all of which were topical and needed, and expressed the hope that the topics would be given further consideration. She welcomed the organization of yearly interactive forums for Coalition partners and expressed the hope that the meetings would be open to tripartite constituents that had not yet joined the Coalition, which could help to facilitate the membership process. Her Government fully supported the initiative and welcomed the convening of the inaugural Forum during the 112th Session of the Conference. She supported the draft decision.
165. **A Government representative of Japan** noted that his Government had expressed its intention to join the Coalition. It welcomed the schedule presented in the document, including with regard to the process to set up the Coordinating Group and to hold interactive sessions with partners. Cooperation with other international organizations was essential in order for the Coalition to demonstrate its value as a voluntary platform for all stakeholders committed

to the advancement of social justice and to engage in collaborative efforts to achieve shared objectives. In that respect, it would be meaningful for the Coalition to work towards resolving social issues such as refugee assistance and development. Several international organizations that could truly contribute to the Coalition had not yet joined it. He therefore requested the Office to continue its efforts to increase the number of partners. He reiterated his Government's support for the Coalition and its willingness to participate in the inaugural Forum.

166. **A Government representative of Indonesia**, reiterating his Government's support for the Coalition, said that the Coalition should concentrate on specific programmes that aligned with the ILO's responsibilities, while ensuring maximum effectiveness and promoting policy coherence. The efforts must benefit all partners, especially those in developing and least developed countries. It was necessary to ensure equitable access for least developed countries to join the Coalition, which could be facilitated by measures such as establishing a dedicated fund for the participation of such countries. It was imperative to consider fair distribution principles across the regions. Concerning governance, the Coalition should ensure the alignment of the Coordinating Group and the Governing Body. Consideration should be given to whether the Coalition's financial resources would stem primarily from the ILO's budget, and be supplemented by robust monitoring and evaluation mechanisms. He supported the draft decision.
167. **A Government representative of the Republic of Korea** noted with appreciation that the Office had taken into account the Governing Body's previous discussions when preparing the document. He also noted with appreciation the inclusion of the Global Accelerator on Jobs and Social Protection for Just Transitions as a major tool to implement the Coalition. His Government would actively engage in the initiative and supported the draft decision.
168. **A Government representative of Cuba** also noted with appreciation that the Office had taken into account the Governing Body's previous discussions when preparing the document. Once the Coordinating Group had been established, details of its composition should be shared with all ILO constituents. It would also be useful to have information on the membership of the Coalition secretariat. The draft decision should include a reference to a regular report to the Governing Body on the progress achieved by the Coalition. The provision of such information might encourage other Member States and Governing Body members to join. Although the Coalition could contribute to the Second World Summit for Social Development, it should not take over the role that must be played by the ILO on behalf of its broader membership. She reiterated her Government's commitment to social justice.
169. **A Government representative of Brazil** said that his Government was proud to be a Coalition partner and requested more detailed information on the establishment of the Coordinating Group. He endorsed the draft decision.
170. **A Government representative of Pakistan** acknowledged the progress made in the thematic development of the Coalition and described his Government's efforts to establish a national coalition for social justice in collaboration with workers' and employers' organizations. He expressed support for the draft decision.
171. **A Government representative of Chile** said that international labour standards and the ILO supervisory system should constitute a priority for the Coalition to ensure that it could stand out from other initiatives in the multilateral system. He supported the draft decision.
172. **A Government representative of the United States of America** said that her Government was pleased to be a Coalition partner and valued the fact that United States employers' and

workers' organizations had also joined. Additional information on the commissioning of background papers exploring the concept of social justice from the perspective of different cultural and philosophical traditions would be appreciated. She supported the draft decision.

173. **A Government representative of Bangladesh** said that the prioritization of employment creation and universal social protection through the Coalition, if funded adequately by partners, could help to achieve development goals in developing economies. He requested the Office to continue its promotional activities to attract partners to the Coalition to ensure that all thematic areas and priorities would be backed by appropriate actions and financial resources. His Government would appreciate regular updates on the Coalition and its progress on thematic and practical matters. He endorsed the draft decision.
174. **A Government representative of Colombia** said that his Government was proud to have joined the Coalition. Holding the Coalition's annual Forum in venues other than Geneva could help to strengthen global social dialogue. Regional social justice forums could also be held to decentralize and deepen discussions of the Coalition's activities, which would have a greater impact if common regional visions were taken into account. It would be useful to hear the Office's ideas for ensuring that the Coalition would be a platform for concrete action towards social justice and not simply a talking shop. Corruption and tax evasion, as well as their impact on social justice, constituted an issue that could be considered by the Coalition.
175. **A Government representative of Canada** said that his Government was pleased that the country had tripartite representation in the Coalition. He expressed appreciation for the Director-General's leadership on its establishment and welcomed its thematic policy domains. His Government looked forward to the inaugural Forum of the Coalition and to further consultations on its objectives.
176. **A representative of the Director-General** (Assistant Director-General, External and Corporate Relations Cluster) thanked speakers for their comments and said that further discussions could be held on a bilateral basis if desired. She reassured Governing Body members that the Coalition was not intended to duplicate work or divert resources from other ILO activities. Rather, the aim was to support the pursuit of social justice through the Organization's existing work, including activities already included in the Programme and Budget for 2024–25. The Governing Body would receive regular reports on its implementation, and informal consultations could be held between sessions if necessary.
177. While the ILO and its constituents would remain at the helm of the initiative, the Coalition's objective was to expand the ILO's activities and impact; as such, it was important for all members to engage in advocacy and encourage other parties to participate. It was therefore positive that many Governments and employers' and workers' organizations had joined the Coalition, particularly as they would be driving its thematic development and setting its thematic priorities. She agreed that the Coalition must lead to action, rather than more words. The forthcoming webinars would make it possible to identify the specific priorities of partners and examine how they aligned with the thematic policy domains endorsed by the Governing Body.
178. The concept of "champions" did not refer to a formal role but was a general term for partners that wished to promote a specific interest; for instance, workers' and employers' organizations might wish to champion social dialogue. Champions would not form part of the governance arrangements for the Coalition, which would remain relatively light as agreed, with the Coordinating Group and the Forum of the Coalition as the key components.

- 179.** The suggestion of creating a fund to support the participation of developing countries in the Coalition could be discussed further; if any such support was provided, it should naturally include the social partners. As to whether the Forum could be held in other locations, she noted that the inaugural event had been planned to take place on the occasion of the 112th Session (2024) of the International Labour Conference to facilitate attendance by constituents. However, there was no reason why the Forum could not be held elsewhere in future, especially if a Government was prepared to bear the costs of hosting it. A similar approach could also be taken to smaller regional and national events associated with the Coalition. On that note, she welcomed the steps taken in Pakistan to create a national coalition and would appreciate more information on that initiative.
- 180.** Responding to concerns expressed regarding the link between the new recurrent report on the state of social justice in the world and the deliberations of the Working Party on the New Social Contract for Our Common Agenda, she explained that the idea of having a regular report on the state of social justice had been developed before the decision to create the Working Party. It had also been agreed that the report on the state of social justice would not be a report of the Coalition per se, but a report of the Organization. In the same vein, the ILO's contribution to the Second World Summit for Social Development was separate to its work on the Coalition. However, it was naturally expected that Coalition partners would advocate for the importance of social justice in their interventions at the UN General Assembly in the lead-up to the Summit, and it was to be hoped that the Coalition would be taken into consideration in the Summit's outcome.
- 181.** She reiterated that the Coalition would not bring any additional reporting obligations. It was also important to note that the Coordinating Group would be fully representative of all constituents, in line with the established rules. Regarding concerns that the inaugural Forum might detract from the International Labour Conference, she stressed that the envisaged Forum activities would take place on one day only. She remained open to any further suggestions, particularly regarding ways to attract more partners to the Coalition.
- 182. Another representative of the Director-General** (Director, Global Coalition for Social Justice) drew attention to the recent launch of the Coalition website, which contained an up-to-date list of partners and would be updated with more content as work on the Coalition progressed. The webinars on the six thematic policy domains would kick-start the thematic development work by enabling partners to set the level of collective ambition and overarching goals within the six thematic priorities, identify concrete initiatives and establish a plan of action on the basis of existing priorities and their own expertise. The Governing Body would receive an update on that process at its 352nd Session (October–November 2024). The advancement of social justice through decent work is the overall objective of the ILO's Programme and Budget for 2024–25, and the Coalition was one of the mechanisms for improving coherence in multilateral support for the development and financing of integrated policy responses in that area.
- 183. Another representative of the Director-General** (Assistant Director-General, Jobs and Social Protection Cluster) said that the activities of the Global Accelerator on Jobs and Social Protection for Just Transitions, such as its work on national road maps in pathfinder countries, would help to show that investing in social justice brought high returns. There would be strong links between the advocacy work of the Coalition and the Global Accelerator, and it was hoped that knowledge exchange facilitated by the Coalition would enable the Global Accelerator to make a greater impact on the ground, including through the promotion of South–South cooperation. As the Global Accelerator was a UN initiative led by the ILO, it would naturally involve collaboration with the wider UN system. In addition, the ILO was leading a technical support facility consisting of six UN agencies to provide technical assistance to countries. The

Global Accelerator was bringing the ILO into the conversation on financing for development and would hopefully lead to linkages with other mechanisms, such as the Global Gateway strategy of the European Commission.

184. **Another representative of the Director-General** (Director, Research Department) stressed that the report on the state of social justice in the world would indeed take a balanced view of the various dimensions of social justice. As the issue of social justice was particularly broad, the report would be much more cross-cutting than other ILO reports and would build upon and cross-reference many other elements of the ILO's work. The aim of the exercise was not to redefine the concept of social justice but rather to strengthen understanding of the universality of the concept and gather evidence on progress in that regard. The report would target not only the ILO constituents but a wider global audience that might not be as familiar with the concept of social justice; it would therefore be important to consider how best to raise awareness of the issue in a way that established it as a priority for other parts of the international community. Lastly, concerning the coherence between the report and the work of the Working Party on the New Social Contract for Our Common Agenda, he said that the current priority was to hold robust consultations and develop a good system of communication between the two processes.
185. **The Director-General** called those Member States that had not yet done so to join the Coalition, as they would only be able to fully engage in the initiative – including as members of the Coordinating Group – if they became partners. He emphasized that the Coalition was not intended as a means for resource mobilization or the establishment of a new fund, but as a space for like-minded partners to work on the issue of social justice and promote it on the global agenda. The idea behind the “champions” concept was to encourage Coalition partners with a shared interest in a specific cause to collaborate on that issue. Champions would be able to set their own objectives for that work; if resource mobilization was one of those objectives, then Coalition partners could look into options for achieving that goal. However, there were currently no plans to engage in fundraising for the Coalition itself.
186. With regard to the modalities of the Forum, he agreed that consideration should be given to holding it outside the International Labour Conference in future and in a different location. As for the ILO's contribution to the Second World Summit for Social Development, the Office would be guided by the input of the constituents. However, as the date of that Summit had not yet been set, there might not be sufficient time to agree on the Organization's contribution if that discussion was left to the 113th Session of the International Labour Conference (2025); further consideration of the way forward would be needed once the details of the Summit were available. Lastly, he reiterated that the recurrent report on the state of social justice in the world was intended to provide a broad overview of the matter for a wide audience and to help the Coalition to make decisions on its future work.
187. **The Employer spokesperson** reiterated that social justice could only be achieved if the conditions for decent work were met, which in turn required an enabling environment for enterprises. It was therefore vital for the thematic work of the Coalition to focus on a comprehensive concept of social justice, rather than reducing it to a matter of distribution of income. In that context, it was encouraging to hear that a coherent approach would be taken with regard to the Global Accelerator. She agreed with the Director-General that discussions on the ILO's contribution to the Second World Summit for Social Development should be held promptly to allow time for meaningful, balanced tripartite consultation. It would also be essential to ensure that the views of all tripartite constituents would be reflected in the report on the state of social justice in the world. Her group supported the draft decision.

- 188. The Worker spokesperson** welcomed the explanations provided on the scope of the report on the state of social justice in the world and on the term “champion”, but noted that “ambassador” might be more appropriate given that it referred to an advocacy role. Regarding the definition of social justice and the redistribution of income, she drew attention to the fact that, since 2020, the richest five men in the world had doubled their fortunes, while almost five billion people had become poorer in the same period. The concentration of corporate and monopoly power was exacerbating inequality worldwide, but a more equal world was possible if Governments effectively regulated the private sector. That was an important consideration in the social justice debate and one that had been at the heart of the ILO since its inception.

Decision

- 189. The Governing Body took note of the update on the Global Coalition for Social Justice provided in document GB.350/INS/5 and requested the Director-General to take into account its guidance in the further development of the Coalition.**

(GB.350/INS/5, paragraph 18)

6. Follow-up to the decision to report on the modalities of the Working Party on the New Social Contract for Our Common Agenda (GB.350/INS/6 and GB.350/INS/6(Add.1))

- 190.** The Governing Body had before it an amendment to the draft decision, which had been proposed by the Workers’ and the Employers’ groups and circulated by the Office. According to the proposal, subparagraph (c) would be amended to read:

- (c) approved in principle the road map as amended ~~set out in paragraph 12 of the document, including its meetings as a Committee of the Whole at its 351st (June 2024), 352nd (October–November 2024) and 353rd (March 2025) Sessions, with a view to providing guidance on the work of the Working Party;~~

In addition, subparagraph (e)ii would be amended to read:

- (ii) make other necessary arrangements for the implementation of the road map as amended ~~set out in paragraph 12 of document GB.350/INS/6;~~

- 191. A representative of the Director-General** (Assistant Director-General, External and Corporate Relations Cluster) recalled that, since the document had been drafted, the UN General Assembly had, in February 2024, adopted a resolution to convene a world social summit under the title “Second World Summit for Social Development” in 2025. In accordance with that resolution, the President of the General Assembly had appointed two co-facilitators, the Ambassadors and Permanent Representatives of Belgium and Morocco to the United Nations in New York, to steer the intergovernmental preparatory process leading up to the Summit. The intention seemed to be to reach agreement on the modalities of the Summit by mid-2024 and then subsequently to consider its scope and possible outcome. It was not yet clear whether the General Assembly would adopt a single resolution or decision in that regard, or two. By way of comparison, she recalled that, in the case of the Summit of the Future to be held in September 2024, the General Assembly had adopted a resolution on its modalities in September 2022 and a decision on its scope in September 2023. Negotiations on the zero draft of the Pact for the Future, which would become the outcome document of the Summit of the Future, were currently under way. There was therefore no expectation that negotiations on the possible outcome of the Second World Summit for Social Development would start before October or November 2024 and that a zero draft of the outcome document would be issued

before January or February 2025. The road map proposed by the Office for the Working Party on the New Social Contract for Our Common Agenda had been based on that understanding. However, the Office was willing to review it as appropriate.

192. **The Worker spokesperson** observed that, in order to be effective in shaping the content and outcome of the Second World Summit for Social Development, the ILO would have to work against the clock. On the modalities of the Working Party, her group agreed to the proposed composition of 16 members. Groups should autonomously nominate their representatives, with priority being given to present and future Governing Body members and countries with leadership roles in the preparations for the Summit.
193. Her group agreed with the proposed mandate of the Working Party and the proposal to take a flexible approach towards the tripartite input to the Summit. Noting that the Report of the Director-General to the International Labour Conference at its 112th Session (2024) would be on the theme of the new social contract, she said that the plenary discussion by the Conference of that report could be a first opportunity to hold an inclusive discussion on the subject. Her group supported the Director-General's proposal to invite the co-facilitators to speak at the Conference.
194. As any outcome from the 352nd Session (October–November 2024) of the Governing Body might come too late to influence the scope of the Summit and the preparation of the zero draft outcome document, she proposed that, at its 351st Session (June 2024), the Governing Body should adopt a statement based on the Conference's discussions on the Report of the Director-General. That statement should be prepared by the Office and the Working Party and should build on existing ILO declarations, emphasize the centrality of the Decent Work Agenda, social dialogue and tripartism for social development, and request the United Nations to closely coordinate with the ILO in the preparations for the Summit. The statement and the Report of the Director-General should then be transmitted to the United Nations Department of Economic and Social Affairs (UNDESA) and the co-facilitators of the Summit.
195. The Working Party could work on the basis of those texts, and meet as required between September and November 2024 to prepare the key messages of the tripartite input to be submitted to the Governing Body for approval at its 352nd Session. Those key messages could take into account the resolution on the modalities of the Summit to be adopted by the General Assembly in mid-2024 and feed into the preparations at the UN level. The Governing Body could meet as a Committee of the Whole at its 353rd Session (March 2025) to discuss and agree on the final draft resolution to be sent to the Conference for adoption at its 113th Session (2025).
196. Together with the Employers' group, and following consultations with the different regions, her group had submitted an amendment to the draft decision, to adjust the road map in accordance with those proposals. While her group largely agreed with the rest of the road map, it called on the Office to include a clear calendar for the ILO's outreach and engagement activities. She suggested that, in addition to ensuring tripartite representation at the Summit, the Office could organize meetings between the Working Party and the organizers of the Summit and the President and Vice-President of the United Nations Economic and Social Council (ECOSOC). ILO representatives could also participate in relevant ECOSOC committee meetings and forums and in the Summit of the Future. The Office could consider seconding an official to the UN team organizing the Summit to assist with preparations, promote the inclusion of the social partners and ensure close collaboration between the ILO and UNDESA. As well as including the social partners in national delegations to the Summit, she proposed adding the new social contract to the agenda of national social dialogue processes. Meetings

could also be organized between the national social partners, the ILO and UN Resident Coordinators where possible.

197. Regarding the new social contract, she said that the importance of decent work for social justice and inclusive societies needed to be recognized. She welcomed the recognition of the centrality of decent work for social justice in the resolution on fostering social development and social justice that had recently been approved by the ECOSOC Commission for Social Development at its 62nd session. The new social contract should build on texts such as the 1995 Copenhagen Declaration on Social Development, the 2023 Political Declaration adopted by the High-level Political Forum on Sustainable Development, the 2024 Pact of the Future and the ILO declarations. It needed to be bold and politically ambitious to ensure the necessary paradigm shift in global governance to achieve true social justice. It should also be built on solidarity, justice, peace, freedom and democracy. It should aim to deliver climate-friendly jobs with just transitions; rights for all workers; universal social protection; equality; and inclusion.
198. The ILO, with the social partners, must have a central role in the global governance of finance and trade, in the reform of international financial institutions and the World Trade Organization, and in the establishment of a transparent and multilateral debt relief architecture. It must also play a key role in the multilateral promotion of progressive fiscal reforms, the reallocation of special drawing rights of the International Monetary Fund and the alignment of all investments with ILO standards. The Global Coalition for Social Justice must play an important role in delivering that agenda through its broad engagement with governments and partner organizations. The Second World Summit for Social Development should be used as a key opportunity to demonstrate ILO leadership and a vision that could revitalize multilateralism, bridge divisions and rebuild trust among governments and peoples across the world.
199. **The Employer spokesperson** said that it was essential to ensure tripartite input to the Second World Summit for Social Development, which would secure the relevance of the ILO within the UN system. The aim of the Summit was to address gaps, renew the commitment to the principles outlined in the 1995 Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, and give momentum towards the implementation of the 2030 Agenda for Sustainable Development (2030 Agenda). Therefore, the ILO input should be developed and framed accordingly.
200. On the proposed modalities of the Working Party, her group agreed to a composition of 16 members, and would nominate the 4 employer members before the deadline, recognizing the time-sensitive nature of the work. Regarding the proposed mandate, she said that the Working Party should not spend time discussing the conceptual elements of the new social contract; rather, it should base its work on the broader concept of social development as set out in the resolution on the Summit adopted by the UN General Assembly in February 2024, and focus on the elements to be included in the tripartite input. While some higher-level guiding principles or building blocks on what constituted a new social contract could be provided, the details would need to be further defined at the national level. Any such guiding principles should build on existing tripartite declarations, such as the ILO Centenary Declaration for the Future of Work. If a drafting and negotiating exercise on defining a new social contract were to go ahead, the Employers would propose the inclusion of elements from the background note on the new social contract submitted to the Office by the International Organisation of Employers.
201. The discussion at the 112th Session (2024) of the Conference of the Report of the Director-General would offer an opportunity for all the tripartite constituents to contribute

their ideas on what should be reflected in the tripartite input. Past achievements and future strategies of the ILO should also be taken into account.

- 202.** Her group supported the proposed amended road map as outlined by the Workers' group. Concerning the appointment of two co-facilitators, she trusted that the Governing Body members from Belgium and Morocco would work closely with their respective ambassadors in New York and inform them of the progress and discussions taking place in Geneva. Given the urgency of the situation, the Employers were in favour of the adoption by the Governing Body at its 352nd Session (October–November 2024) of a resolution on the tripartite input to the Summit, in addition to the adoption of the key messages of the input.
- 203. Speaking on behalf of the Africa group,** a Government representative of Gabon supported the proposed composition of the Working Party and recommended that the members representing governments be appointed from all of the ILO's four regions, to ensure geographical balance. He asked the Office to explain its position regarding the participation of other governments as observers at the Working Party's meetings; his group was of the view that a limited number should be permitted. Further clarification on the format of the meetings would also be welcome. The Africa group was in favour of in-person meetings, with the option of virtual participation. Concerning the participation of the tripartite constituents in the preparations for the Summit, the Report of the Director-General on the new social contract should be shared with the constituents sufficiently in advance, so that they could hold consultations at the national level prior to the discussion at the 112th Session (2024) of the Conference. The Africa group was in favour of the Governing Body meeting as a Committee of the Whole at its 351st, 352nd and 353rd Sessions. He proposed an amendment to replace, in subparagraph (e)(i) of the draft decision, the word "virtual" by the word "in-person".
- 204. Speaking on behalf of ASPAG,** a Government representative of the Republic of Korea said that the composition of the Governing Body for 2024–27 could be taken into account when considering the composition of the Working Party, as in-person meetings would be more efficient in producing outputs. The Working Party had an important role to play in ensuring that the views of the tripartite constituents were reflected at the Summit. The Report of the Director-General to the Conference at its 112th Session (2024) would be a good starting point for stimulating discussions at the national level. It would be helpful if the Office could prepare additional reports, explanatory materials and key policy examples to be shared with the constituents. ASPAG agreed in principle with the proposal that the Governing Body should discuss the outcome of the Working Party's meetings and the final tripartite input as a Committee of the Whole. However, the proposal to meet as a Committee of the Whole at the 352nd and 353rd Sessions and to add the adoption of a draft resolution to the agenda of the 113th Session (2025) of the Conference would place a heavy burden on the constituents, given the already full agendas of those sessions. Meticulous preparation would be required to keep the number of agenda items to a minimum at sessions where the Governing Body would meet also as a Committee of the Whole, and to ensure that the usual nine-day Governing Body schedule could be accommodated. It would also be necessary to prepare the schedule of meetings at the Conference well in advance, to ensure effective time management. She noted with appreciation the identification of five building blocks and invited the Office to share best practices in the promotion of social justice in each country. She endorsed the draft decision as amended by the Workers' and Employers' groups.
- 205. Speaking on behalf of GRULAC,** a Government representative of Mexico said that it was important to approve the modalities of the Working Party at the present session. GRULAC supported the proposal to establish a Working Party with 16 members. It was fundamental to ensure active communication between Geneva and New York with the appointed

co-facilitators. The ILO Office for the United Nations in New York would play an important role in that regard. The new social contract should promote training and the continuous updating of skills. Tripartite cooperation was essential in order to build an equitable and sustainable social contract. The inclusion of vulnerable groups must be at the centre of the discussions of the Working Party and at the Second World Summit for Social Development. The new social contract could serve as a link between the 1995 World Summit for Social Development and the Sustainable Development Goals. The proposed road map should be adapted to make sure that the ILO's key messages were taken into account in the zero draft outcome document of the Second World Summit. The new social contract should take into account the fact that developments at the international level, such as globalization, climate change and technological progress, had profound implications for social contracts and labour markets at the national level. GRULAC endorsed the draft decision as amended by the Workers' and the Employers' groups.

- 206. Speaking on behalf of IMEC**, a Government representative of France expressed her appreciation to the Office for having organized consultations on the subject at the end of January 2024. Regarding the proposed modalities of the Working Party, she commended the Office on striking a balance between expediency and inclusive participation in the preparation of the ILO's tripartite input and welcomed the proposal to convene the Governing Body as a Committee of the Whole after its 351st Session (June 2024) and to establish a small tripartite working group. IMEC remained flexible as to the composition of the Working Party: it could either have 16 members, including 8 representing governments; or 32 members, including 16 representing governments. IMEC welcomed the intention of the Director-General to devote his report to the Conference at its 112th Session (2024) to the new social contract, as the discussion in plenary of that report would provide an opportunity for all constituents to express their views on the matter. The content of that discussion would then serve as guidance for the Working Party.
- 207.** Recalling the fact that the details of the Summit were yet to be finalized, she stressed that the ILO should be ready to adjust its road map, if necessary, so as to ensure that its input would be taken into consideration. As the Summit was scheduled to take place in 2025, the aim should be to adopt the key messages of the tripartite input during the 352nd Session (October–November 2024) of the Governing Body. She acknowledged the tight deadline, but was confident that the constituents could collectively meet that challenge. As to the initial discussion on the new social contract based on the five building blocks, she said that that discussion should take place during plenary sittings of the 112th Session (2024) of the Conference. For the purpose of that discussion, the Working Party should strive to determine the definition of the new social contract in line with the vision of the UN Secretary-General. As the sole tripartite organization in the UN system, the ILO had an important role to play in that regard. She welcomed the nomination of Belgium and Morocco as the two co-facilitators to lead the preparatory process of the Summit and trusted that, as the co-chairs of the Group of Friends of Decent Work for Sustainable Development, they would ensure due consideration of the ILO's contribution. She also welcomed the Director-General's plans to invite them to attend the 112th Session (2024) of the Conference. IMEC supported the draft decision as amended by the Employers' and Workers' groups.
- 208. Speaking on behalf of the EU and its Member States**, a Government representative of Belgium regretted the late publication of the document, which had complicated the organization of national tripartite consultations on the important item. She emphasized the importance of remaining attentive to developments in New York and adjusting the ILO's work plan accordingly. She expressed concern, moreover, that the proposed road map might not

allow sufficient time to prepare a tripartite input that would have effective and significant influence on the political declaration on the Summit. To be sure of contributing meaningfully to the Summit, the first tripartite input should be ready by November 2024. The modalities of the Working Party and the proposed road map should therefore be adapted to accommodate that deadline.

209. She made some further suggestions for changes to the proposed road map: the Working Party should adopt the work plan in the revised road map at its first virtual meeting to be held by the end of April 2024; the discussion of the Report of the Director-General to the 112th Session (2024) of the Conference should be the starting point of discussions on the new social contract; and the Office should present a statement, prepared in consultation with the constituents, to the Governing Body during its 351st Session (June 2024) for adoption and subsequent transmission, along with the aforementioned Report of the Director-General, to the co-facilitators leading the preparatory process of the Summit. In addition, the Governing Body should instruct the Working Party to use the Report of the Director-General and the subsequent discussions during the Conference plenary sittings as a basis for drafting the key messages of the tripartite input, which should be submitted for consideration and adoption to the Governing Body at its 352nd Session (October–November 2024). The Working Party should meet as often as necessary; three meetings, as put forward in the proposed road map, may be insufficient. As the constituents would already have had the opportunity to share their views on the new social contract during the plenary discussion of the Conference, the EU and its Member States saw no added value in the Governing Body meeting as a Committee of the Whole at its 351st Session (June 2024).
210. The EU and its Member States welcomed the preservation of the 8:4:4 ratio in the composition of the Working Party. To ensure that the Working Party was inclusive, its membership should not be restricted to Governing Body members.
211. The substance of the new social contract would, of course, be fully determined in future discussions, but should build on the ideas set out on the Report of the Secretary-General *Our Common Agenda*; be anchored in human rights and the ILO's fundamental principles and rights at work; integrate employment, sustainable development and social protection; be based on equal rights and opportunities for all; and address major global inequalities and transformative challenges.
212. Contrary to the suggestion in paragraph 16 of the document, the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, was not composed of essential and non-essential elements. Furthermore, referring to building block 4, she said that the contribution of actors and stakeholders of the new social contract should be limited to the ILO's mandate.
213. She asked the Office to duly modify the proposed road map. She supported the changes to the proposed road map put forward by the Workers' and Employers' groups.
214. **Speaking on behalf of the Arab group**, a Government representative of Algeria said that the ILO must champion its principles and its tripartite nature in its participation at the Summit. Regional balance in the composition of the Working Party was important to ensure that regional challenges were fully taken into account. As such, he wondered whether the proposed composition of 16 members was enough to ensure regional inclusiveness. His group supported the proposals on the Working Party's mandate and meetings and would be prepared to consider other proposals. The Report of the Director-General to the Conference at its 112th Session (2024) should contain an in-depth analysis of regional challenges relating to the implementation of the Sustainable Development Goals, to enable the Working Party to

propose solutions that were realistic, robust and viable. He supported the proposed road map and asked that all dates should be finalized as soon as possible to allow governments and the different groups to conclude their national and regional discussions in good time. Lastly, he asked the Office to clarify the role it expected the Global Coalition for Social Justice to play in the outcomes of the Summit.

215. **A Government representative of Bangladesh** said that his Government attached huge importance to the establishment of the new social contract, which should place people, gainful employment and sustainable enterprises at its core. The Summit would be a great platform on which to present the ILO's core principles as part of a new framework of multilateral diplomacy. His Government supported the five building blocks outlined in the document but called on the Office to take into account the suggestions made by the Government groups, including ASPAG.
216. **A Government representative of Indonesia** supported the composition and mandate of the Working Party but nevertheless stressed the importance of equitable participation and fair representation throughout the process of determining the tripartite input to the Summit. He supported the proposed road map but emphasized the need to incorporate feedback from all stakeholders to ensure inclusivity and effectiveness. He also emphasized the need for flexibility with the timeline, in order to accommodate different perspectives and unforeseen challenges. Periodic reviews might help in that regard. Setting out clear guidelines for the Director-General regarding the consideration of views on the new social contract might be helpful. He supported the draft decision.
217. **A Government representative of France** said that her Government considered the preparations for the Summit to be of the utmost importance. As such, France had participated actively in the negotiations in New York not only to secure a sufficiently high level of ambition for the Summit's outcomes but also to ensure that the ILO played a key role in its development in view of its specific mandate and tripartite structure. As a decision on the modalities and the outcome of the Summit had yet to be finalized, she urged the ILO constituents to convey to the relevant parties in New York the added value of the ILO's contribution to defining a new social contract based on social justice, the fundamental principles and rights at work, universal social protection and social dialogue. A new social contract should address the social challenges arising from digital, demographic and environmental transformations; help workers and families torn between making ends meet and environmental concerns; and help businesses to meet their social and environmental due diligence responsibilities without sacrificing productivity and jobs. In conclusion, she said that her Government and the social partners in her country had agreed to issue a joint statement in the ILO discussions.
218. **A Government representative of China** agreed in principle with the proposed mandate and composition of the Working Party. The timeline for preparing the tripartite input to the Summit should be adjusted where necessary to ensure that the ILO was able to submit its input in good time. She called for greater transparency in relation to the participation of the tripartite constituents in the consultation process: the constituents should be kept informed throughout the process and duly given the opportunity to have their views heard, also in good time. In addition, efforts should be made to ensure that discussions on the new social contract should be aligned with those on the Global Coalition for Social Justice to guarantee consistency in the ILO's message to the United Nations and the international community. She supported the draft decision.
219. **A Government representative of Spain** said that, at a meeting in June 2023 between his Government and a number of Ibero-American governments, participants had called for strengthened coordination at the international level to protect labour rights and had agreed

to develop a global charter of labour rights to strengthen the protection and the rights of workers in the twenty-first century. Emphasis would be placed on the need for labour policies on equality and diversity, green jobs, democracy at work, protection against climate change and digital rights. His Government intended to present the charter to the Working Party following the plenary discussion by the Conference at its 112th Session (2024) to ensure the inclusion of those elements in the outcomes of the Summit.

- 220. The representative of the Director-General** (Assistant Director-General, External and Corporate Relations Cluster) noted the general support for the proposal that the Governing Body would meet as a Committee of the Whole with a view to providing on the work of the Working Party. She noted, however the reservations about doing so at the 351st Session (June 2024), given the half-day format of the session and given that there would be an opportunity during the 112th Session (2024) of the Conference for the constituents to express their views during the discussion of the Report of the Director-General. Accordingly, the Office would revise the road map to arrange for the Governing Body to meet as a Committee of the Whole only at its 352nd Session (October–November 2024) and its 353rd Session (March 2025). She acknowledged the general approval for the proposed composition of the Working Party, which would enable inclusive regional representation while allowing each member to take an active part in the preparation of written documents, and the comments in favour of the participation of observers, to which the Office had no objection. Neither did the Office object to the proposal for the Governing Body at its 351st Session to adopt a statement to be transmitted to the co-facilitators in New York together with the Report of the Director-General.
- 221.** She stressed the fundamental importance of the key messages of the tripartite input, which must be substantive, as they would be used in the negotiations on the Summit, and agreed that they should be adopted by the Governing Body at its 352nd Session together with a resolution on the tripartite input. The Office would be willing to accelerate the process if considered feasible. She recalled that it had been agreed during the January 2024 consultations that the constituents would organize their own tripartite consultations at the national level on the Director-General's report, prior to the 112th Session of the Conference. She assured the Governing Body that arrangements would be made to ensure that the road map was sufficiently flexible to adapt as necessary to developments. One element of that flexibility would be allowing for careful evaluation of whether additional meetings of the Working Party were necessary and, if so, whether they should be held virtually or in person, taking into account the cost of holding in-person meetings.
- 222. Another representative of the Director-General** (Senior Coordinator for Multilateral Affairs, Multilateral Partnerships and Development Cooperation Department) said that the Office had taken note of the comments raised, including the observation that a detailed discussion on the definition of the social contract should be avoided; the need to build on existing ILO instruments, the outcomes of the 1995 World Summit for Social Development, and the 2030 Agenda; the importance of focusing on the key challenges currently facing the world of work; and on how the social contract could facilitate transitions in that regard. The Office had envisaged that the Global Coalition for Social Justice would play a role in the implementation of the Summit's outcomes but that the matter might be discussed in greater detail by the Working Party.
- 223. The Director-General**, noting the comments on the time-sensitive nature of the process, said that the Office would make arrangements to ensure the preparation of the draft key messages of the tripartite input by the 352nd Session (October–November 2024) of the Governing Body.

- 224. The Worker spokesperson** said that it was important to be realistic when deciding whether meetings of the Working Party should be virtual or in person, and to take into account that her group had other commitments. It was perhaps more important for meetings at which a text was being negotiated to be held in person. In response to the concerns raised about the challenging volume of work ahead, she suggested that the Governing Body should finish its sessions not on the Thursday but on the Friday of the second week to avoid the exhaustion and expense of evening sittings. While not ruling out the possibility of allowing observers to attend the meetings of the Working Party, she cautioned against upsetting the tripartite balance and distracting the Working Party from its work. Lastly, she supported the idea that flexibility should be built into the road map to enable it to reflect the decisions made by the UN General Assembly.

(The Governing Body resumed consideration of the item following consultations.)

- 225. The representative of the Director-General** (Assistant Director-General, External and Corporate Relations Cluster) said that, following consultations with the social partners and representatives of all regional groups, the Office had produced an addendum to the Office's document (GB.350/INS/6(Add.1)) containing an amended version of the proposed road map, which took into account the concerns that had been expressed by the Governing Body and which would provide the ILO with the flexibility it wished to have during negotiations. The draft decision, as amended by the Workers' and Employers' groups, had been subamended to include a reference to the addendum. The texts of the draft decision, as subamended, and the proposed road map, as amended, had been circulated to the Governing Body.
- 226. The Worker spokesperson** expressed support for the draft decision, as subamended, and the proposed road map, as amended.
- 227. The Employer spokesperson** commended the work that had been done to prepare the proposed road map, as amended. He expressed his group's support for it and for the draft decision, as subamended.
- 228. Speaking on behalf of GRULAC**, a Government representative of Mexico expressed support for the draft decision, as subamended, and the proposed road map, as amended, which took account of her group's request to have sufficient time to consider inputs prior to the Summit.
- 229. Speaking on behalf of the Africa group**, a Government representative of Gabon expressed appreciation for the efforts that had led to a consensus, and supported the draft decision, as subamended, and the proposed road map, as amended.
- 230. Speaking on behalf of IMEC**, a Government representative of France also expressed support for the draft decision, as subamended, and the proposed road map, as amended.

Decision

231. The Governing Body:

- (a) **decided that the Working Party on the New Social Contract for Our Common Agenda, established to prepare a tripartite input to the Second World Summit for Social Development to be held in 2025, be composed of eight members representing governments, four members representing employers and four members representing workers;**
- (b) **approved the modalities of the Working Party, as set out in paragraphs 5–9 of document GB.350/INS/6;**
- (c) **approved the road map as amended and set out in document [GB.350/INS/6\(Add.1\)](#);**

- (d) **decided to place on the agenda of the 113th Session (2025) of the International Labour Conference an item on a tripartite input to the Second World Summit for Social Development;**
- (e) **requested the Director-General to:**
 - (i) **prepare for the first virtual meeting of the Working Party, to be held by the end of April 2024 and after having received the nominations of members from each group no later than 10 April 2024;**
 - (ii) **make other necessary arrangements for the implementation of the road map as amended;**
 - (iii) **take into account its views regarding the new social contract for Our Common Agenda.**

(GB.350/INS/6, paragraph 25, as amended by the Governing Body)

7. Proposed arrangements for the ILO regional meetings to be held during the trial period (GB.350/INS/7)

- 232. The Worker spokesperson** said that her group attached great importance to regional meetings and considered that reducing the duration of such meetings to three days would result in a significant loss of valuable meeting time without bringing major benefits. During the trial period, regional constituents should have the discretion to organize four-day meetings if they so wished, with the required budget made available by the ILO.
- 233.** It welcomed the proposals to reduce the time devoted to general statements and to give tripartite constituents the flexibility to allocate additional time to thematic panels and roundtables. It agreed that thematic panels should be identified through tripartite consultations and would appreciate clarification of the proposed timing and format of such consultations. It welcomed the possibility to introduce subregional elements into thematic panels and wished to underscore the need for the Director-General's Report and thematic papers to be prepared and disseminated in a timely manner. It also welcomed the possibility to schedule high-level segments on regional meeting agendas but wished to see a stronger focus on engagement with United Nations Resident Coordinators and the United Nations Development Coordination Office.
- 234.** It agreed that parallel activities should be avoided and continued to believe that no page limit should be imposed on the outcome documents of the tripartite drafting committee. It would be grateful for clarification of the proposal to allow ILO constituents "to adjust several aspects of the proposed modalities to the regional context". It remained convinced of the importance of physical attendance and welcomed the confirmation that group meetings would be held before the start of discussions in plenary.
- 235.** Regarding the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), it did not see why a suspension of the regional follow-up mechanism during the period 2024–28, as proposed in document GB.350/POL/5, would be necessary or justified. The sessions for the regional follow-up to the MNE Declaration should continue to be included on the agenda of regional meetings. It could agree to a reduction in the maximum duration for plenary speeches on the Director-General's Report from five to four minutes and to a remote report-writing. It emphasized, once again, the critical role of the Credentials Committee during regional meetings. In that respect, it wished to receive clear

confirmation that the Committee would be able to fulfil its mandate in a reduced time frame of three days.

236. It welcomed the proposed calendar for the trial period but would appreciate more information on the sequence to be followed in the upcoming cycle of regional meetings. It welcomed the proposal for a final evaluation at the end of the trial period and fully endorsed the proposal to prepare gender infographics for each regional meeting. It was regrettable that two regional meetings had been lost because of the lengthy review process. Efforts should be made to avoid any further disruption to the meetings cycle. Provided that its comments were taken into account, the group supported the draft decision.
237. **The Employer spokesperson** said that the priority for her group was to ensure the proper implementation of the outcomes of regional meetings. The Office should monitor that implementation, particularly in regions where mid-term reviews and specific implementation plans had been requested. It should also raise, during the preparation phase for regional meetings, the issue of engagement with pertinent international organizations, and link the outcomes of the programme and budget with the outcomes of regional meetings, for which there should be a reporting outlet and a follow-up mechanism.
238. The group would be grateful for details of how the tripartite drafting committee would function, how its draft conclusions would be prepared and how the Office would operationalize those conclusions. It welcomed the proposal to hold early informal consultations on the final modalities and programme for each regional meeting. The consultations should focus on key thematic areas in order to inform the preparation of the conclusions. There should be a limit to the number of items on regional meeting agendas.
239. In-person participation should be encouraged lest Member States should miss out on opportunities to engage actively in deliberations and the adoption of conclusions. Secretarial support for the Credentials Committee should also be provided in person where financially feasible.
240. The group believed that the mechanism for regional follow-up to the MNE Declaration worked well. In line with previous Governing Body decisions, it should be left to regional tripartite constituents to decide how to address that follow-up and whether or not to include it on the agendas of regional meetings. In that respect, it should be recalled that flexibility and tripartite ownership were two key aspects of the functioning of regional meetings.
241. To conclude, her group wished to receive replies from the Office to its requests for information before it could support the draft decision.
242. **Speaking on behalf of the Government group**, a Government representative of Namibia said that her group welcomed the consensus position of ILO constituents in favour of maintaining regional meetings as a unique space for tripartite debates on regional specificities and priorities. The group hoped that the proposed modalities for the trial period would support the global governance of the Office through the optimal allocation of available resources. It welcomed the proposals to grant constituents flexibility, to suspend article 10(7) of the Rules for regional meetings and to maintain the Credentials Committee with its current mandate. In that regard, the Office should take all appropriate measures to ensure the effective fulfilment of the Committee's mandate. The group would be fully engaged in the cycle of regional meetings during the trial period and wished to recall the importance of allowing governments themselves to determine their ability to host regional meetings.
243. **Speaking on behalf of ASPAG**, a Government representative of Bangladesh said that reducing the duration of regional meetings to three days could render them less beneficial and that, in

any event, sufficient discussion time should be maintained. The proposal to limit the duration of participants' speeches on the Director-General's Report could curb constructive debate. ASPAG therefore proposed that the time limit should be five minutes in cases where there were few speakers. Any changes to regional meetings must align with the needs of ILO constituents.

244. **Speaking on behalf of the EU and its Member States**, a Government representative of Belgium said that Iceland, North Macedonia, Montenegro, Serbia, Ukraine, Albania, the Republic of Moldova and Norway aligned themselves with the statement, and that the EU and its Member States aligned themselves with the statement delivered on behalf of the Government group. Welcoming the proposals to launch a new cycle of regional meetings, to reduce the duration of the meetings to three days and to grant regional constituents flexibility, she called for meetings to focus on the adoption of conclusions and for the avoidance of late evening sittings to be a general rule within the Organization. She was in favour of maintaining the Credentials Committee and the mechanism for regional follow-up to the MNE Declaration. The proposed date for the next regional meeting of early December 2025 could be feasible if preparations began as soon as possible. She agreed with the proposals to prepare an evaluation report and to encourage gender parity, which was fundamental. She supported the draft decision.
245. **A Government representative of Cuba** said that the proposed modalities would maintain the benefits of regional meetings while helping to optimize resource allocation. Reducing the duration of general statements would contribute greatly to concentrating efforts on technical issues of regional importance. She welcomed the proposal for the Office to undertake informal consultations with all groups and emphasized the importance of enabling representatives of developing countries to attend meetings remotely and to actively participate therein. She regretted that, due to the impact of the blockade that the Government of the United States of America had imposed on Cuba for more than 60 years, her country was unable to access the Zoom meetings platform. She urged the Office to ensure the equal participation of all the constituents in hybrid meetings.
246. **A Government representative of Pakistan** said that the proposed modalities would streamline discussions and foster enhanced regional collaboration while optimizing cost-effectiveness. Discussions at regional meetings should address the issues of a just transition and climate action and prioritize investment in skills and green jobs. They should also continue to address the promotion of the MNE Declaration. He supported the draft decision.
247. **A Government representative of Colombia** expressing general support for the statement delivered by the Worker spokesperson, said that the trial period would be essential for evaluating the effectiveness and efficiency of the proposed modalities. Regional meetings provided important opportunities for exchanges of knowledge and practical experiences related to the ILO's objectives and for determining regional policies and priority issues. He supported the draft decision.
248. **A Government representative of Bangladesh** underscoring the importance of regional meetings, particularly for observer States, said that all constituents should be given sufficient opportunity to express their needs and priorities. The avoidance of ceremonial segments and speeches in such meetings would leave more time for substantive discussions on the realities of the world of work. He supported the draft decision.
249. **A representative of the Director-General** (Director, Official Meetings, Documents and Relations Department) said that it was clear from the statements delivered by previous speakers that timely consultations with the tripartite constituents would be key to the success

of the trial period. The proposal to give constituents the flexibility to adjust several aspects of the proposed modalities to the regional context was part of the very idea behind the trial period.

- 250.** No significant changes were proposed to the functioning of the tripartite drafting committee. The objective was to learn lessons from the past. For example, the committee had often worked late into the evening. To prevent that from happening in future, the committee could perhaps meet in parallel with the ongoing sessions and the thematic discussions rather than after them. The thinking behind having shorter outcome documents was not only to make regional meetings more streamlined and cost-effective but also to facilitate interaction among constituents.
- 251.** The Office was of the view that shortening regional meetings to three days would not prevent the Credentials Committee from discharging its mandate fully and in accordance with applicable rules. Constituents could contribute to good time management by submitting complaints or objections in advance. The infrastructure for the remote provision of secretarial support to the Committee had been tested during the COVID-19 pandemic but could be reviewed in consultation with the tripartite constituents if it was deemed unfit for purpose.
- 252.** A decision to extend the time limit for speeches on the Director-General's Report to five minutes could be made only once a list of speakers had been established. It was therefore difficult to say how that flexibility could be granted in practice. However, the matter would be addressed during consultations between the Office and the tripartite constituents.
- 253. Another representative of the Director-General** (Director, Strategic Programming and Management Department) said that, in keeping with the Rules for regional meetings, mechanisms were in place to ensure that the outcomes of the meetings were taken into account in the formulation of the programme and budget. The Director-General's Report to the following regional meeting was the main vehicle for reporting on the implementation of any conclusions adopted at regional meetings. In response to Governing Body decisions, the ILO programme implementation report for 2022–23 had included detailed information on results achieved at the regional level in light of outcome documents, including the Singapore Statement and the Abidjan Declaration. The conclusions of regional meetings had informed the preparation of Decent Work Country Programmes and of the Programme and Budget for 2024–25, particularly with regard to the identification of regional priorities.
- 254. The Worker spokesperson** said that her group felt strongly that regional follow-up to the MNE Declaration should be included on the agendas of regional meetings.

Decision

255. The Governing Body:

- (a) adopted the modalities proposed in document GB.350/INS/7 for the ILO regional meetings to be held on a trial basis for a period of four years (2025–28);**
- (b) agreed to suspend article 10(7) of the Rules for regional meetings during the trial period, and decided that, except with the unanimous consent of the Officers of the meeting, no speech shall exceed four minutes;**
- (c) requested the Office to prepare, for its consideration at either its 351st (June 2024) or its 352nd (November 2024) Session, a document containing the proposed venue and date of the next regional meeting.**

(GB.350/INS/7, paragraph 25)

8. Democratization in the ILO's governance and update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the International Labour Organization, with reference to the decision by the Governing Body at its 347th Session (March 2023) on the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance (GB.350/INS/8)

- 256.** The Governing Body had before it a document (GB.350/INS/8) that provided an update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the International Labour Organization (1986 Amendment) and on Office action to promote its entry into force. In addition, following consultations of the Director-General with the eight Members of chief industrial importance that had not ratified the 1986 Amendment and the two non-governmental groups, the Office had circulated a "non-paper" on the possibility of granting the right to vote to deputy members of the Governing Body as a pragmatic approach to make progress pending the entry into force of the 1986 Amendment. The non-paper also contained a draft Conference resolution and a draft Governing Body decision with a view to illustrating how such pragmatic approach could be implemented. The Governing Body had received an amendment to the draft decision contained in document GB.350/INS/8, proposed by a significant majority of members of ASPAG,¹ which read:

~~The Governing Body is requested to provide guidance on the possible way forward and on the form and time frame of any follow-up action.~~ took note of the document prepared by the Office and:

- (a) requested the Director-General to inform of his decision concerning the various options presented by the Chairperson of the Government group in the letter dated 27 February 2024 and of his action plan to accelerate the ratification of the 1986 Amendment, the Governing Body at its 352nd Session (October–November 2024);
- (b) authorized the Office to submit the resolution enabling voting and other rights to the deputy members of the Governing Body and prepare a follow-up plan of action for implementation of the resolution, including subsequent amendments required in the Standing Orders of the Governing Body.

- 257. The Employer spokesperson** said that the Employers' group agreed that the entry into force of the 1986 Amendment was, and should remain, the priority for the ILO. Balanced and democratic representation was vital to avoid continuous polarization of positions on controversial topics in the Governing Body. She invited the Government representatives of the Members of chief industrial importance that had not yet ratified the 1986 Amendment to inform the Governing Body during the current session of the obstacles preventing their ratification.
- 258.** With regard to the Office's non-paper, the Employers' group trusted that the Office would make sure that the proposal to extend voting rights to deputy members without amending the ILO Constitution was legally viable and that, if adopted, it would not raise any problems in the

¹ Afghanistan, Bahrain, Bangladesh, Brunei Darussalam, Cambodia, China, Cook Islands, Fiji, India, Indonesia, Islamic Republic of Iran, Iraq, Jordan, Kiribati, Kuwait, Lao People's Democratic Republic, Lebanon, Malaysia, Maldives, Marshall Islands, Mongolia, Nepal, Oman, Pakistan, Palau, Papua New Guinea, Philippines, Qatar, Republic of Korea, Samoa, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Syrian Arab Republic, Thailand, Tonga, Timor-Leste, Tuvalu, United Arab Emirates, Vanuatu, Viet Nam and Yemen.

future. As implementation of the draft Conference resolution would require further action by the Governing Body to make the necessary amendments to the Standing Orders, a working group should be established to discuss proposals. Regarding the draft decision for the 352nd Session of the Governing Body, a number of the interim arrangements required proper consideration and review. It was unclear, for example, whether subparagraph (a) meant that only 14 Employer and Worker deputy members would have voting rights.

259. As to the amendment proposed by a significant majority of ASPAG, the Employers' group could support the requests made of the Director-General in subparagraph (a). Concerning subparagraph (b), the group requested an explanation from the Office of the issues raised. As the proposal had been circulated shortly before the beginning of the session, the Employers' group would require more time to reflect on the practical and legal implications of the proposal.
260. **The Worker spokesperson** recalled that, since 1926, the Workers' group had been expressing its strong commitment to the principle of democracy in the ILO's institutional framework and challenging the fact that Members of chief industrial importance held permanent seats on the Governing Body. The Workers' group shared the frustration of some Governments concerning the lack of progress on the required ratifications of the 1986 Amendment to abolish that special status. The ILO might be considered the most democratic intergovernmental organization in the world, with its tripartite structure and decision-making processes at all levels. However, the functioning of the Governing Body and the ILO's ability to deliver on its mandate had been hampered by discussions on imbalances in the relations between Member States and their representation in the governing structures.
261. The Workers' group supported the letter from the Government group to the Director-General with proposals for further action to promote the ratification of the 1986 Amendment. However, in the current geopolitical circumstances, sufficient ratifications were unlikely to be forthcoming, so the Director-General's efforts to explore additional ways towards further democratization were appreciated. The Workers' group would welcome any proposals for a positive way forward.
262. Sufficient analysis was required of the possible technical and legal implications and any practical problems related to the proposal to grant the right to vote to deputy members of the Governing Body. Further work was needed to provide for workable solutions on titular and deputy members, taking into account the different position of the Workers' and Employers' groups from that of the Government group. Before commenting further, she sought clarification on the legal nature of the voluntary agreement of the titular members of the Governing Body to share their voting powers, whether every titular member would have to agree for it to be valid, whether each member would be bound by the agreement and whether a member could revoke their signature. She asked how the voluntary agreement would be understood in relation to the ILO Constitution, given that its impact would deviate from the Constitution's exact wording, and whether it might create a problematic precedent. Lastly, she asked whether there would have to be at least two discussions by the Governing Body on the proposal to submit a resolution to the Conference before a corresponding item could be added to the agenda of the 2024 session, unless there had been unanimous agreement within the Governing Body. The Workers' group would take a position on the proposed amendment after hearing the positions of the Governments.
263. **Speaking on behalf of a significant majority of ASPAG**, a Government representative of Bangladesh noted that, although Asia and the Pacific was home to 4.8 billion people and 60 per cent of the world's workforce, the region remained under-represented in the Government

group, the Screening Group and Governing Body committees. He welcomed the ratifications of the 1986 Amendment to date and the Director-General's efforts to secure the ratification by at least three further Members of chief industrial importance, and requested the Office to consider the detailed proposals on preparing a fast-track plan of action presented in the letter from the Government group Chairperson to the Director-General.

264. The composition of the Screening Group needed to be restructured into four geographical regional groups, without any cross-regional or subregional groups, and similar geographical regional groupings should be implemented in all Governing Body committees. That would require amendments to the Standing Orders of the Governing Body, which should also set out how decisions would be taken where there was no consensus among members of the Screening Group on the setting of the agenda.
265. His group considered that the proposal regarding granting voting rights to deputy members of the Governing Body was an important step in the democratization of the ILO's governance structure, and fully supported the proposal to submit a resolution to the 112th Session of the International Labour Conference, followed by a decision at the 351st Session of the Governing Body. His group proposed that the position of Chairperson of the Governing Body should be open to deputy members. Furthermore, the group requested the Office to present a concrete proposal to the next session of the Governing Body on achieving more consensus-based decisions rather than resorting to a vote. The group had proposed its amendment to the draft decision to reflect the various proposals made during recent discussions on a possible way forward.
266. **Speaking on behalf of the Government group**, a Government representative of Namibia noted with interest the possible way forward proposed by the Office by granting voting and other rights to deputy members to bring them on par with regular members in the decision-making process, which was being analysed by the regional groups. She thanked the Director-General for his engagement with the Governments that had not yet ratified the 1986 Amendment, including recent communications with Members of chief industrial importance. The Government group remained committed to the democratization process. It was discussing internally its representation in the Screening Group and would inform the Office and the social partners of the outcome. Furthermore, the group had sent a letter to the Director-General outlining various options to promote democratization and the ratification of the 1986 Amendment.
267. **Speaking on behalf of the Africa group**, a Government representative of Uganda said that his group recognized that the 1986 Amendment was crucial to fortifying democratic principles within the ILO; the region was unique in having achieved 100 per cent ratification. In a world where democracy was a requirement for good governance in institutions, he called on the eight countries of chief industrial importance that had not yet ratified the 1986 Amendment to put democracy into practice and ratify it. That was crucial for the ILO to fulfil its founding principle of advancing social justice in the world of work. The social partners also had an important role to play in democratizing the ILO.
268. He welcomed the Office's proposal, but as it had been received only days previously, more time was needed for consultations. He therefore suggested deferring the discussion to the 352nd Session of the Governing Body.
269. **Speaking on behalf of GRULAC**, a Government representative of Mexico supported efforts to secure the ratification and entry into force of the 1986 Amendment. She welcomed the Office's proposal to grant voting rights to deputy members. That approach was pragmatic and temporary, pending the entry into force of the 1986 Amendment, and would be in line with the

measures adopted in 1995 to increase the number of deputy members. She sought clarification on the legal implications and the steps to be taken in terms of the draft resolution if the proposal achieved consensus.

- 270.** She thanked the Chairperson of the Government group in facilitating dialogue to find solutions within the group that would allow a more balanced participation among the regional groups in the ILO bodies, especially in the Screening Group. She emphasized that it was the prerogative of the Government group and of each regional group to decide how it would be represented in the various forums and decision-making bodies. GRULAC proposed a subamendment to the amendment proposed by a significant majority of ASPAG, which read:

The Governing Body took note of the document prepared by the Office and:

- (a) requested the Director-General to inform the Governing Body at its 352nd Session (October–November 2024) of his decision concerning the various options presented by the of the follow up to the letter by the Chairperson of the Government group ~~in the letter dated 27 February 2024 and of his action plan~~ to accelerate the ratification of the 1986 Amendment; ~~the Governing Body at its 352nd Session (October–November 2024);~~
- ~~(b) authorized the Office to submit the Resolution enabling voting and other rights to the deputy members of the Governing Body and prepare a follow-up plan of action for implementation of the Resolution, including subsequent amendments required in the Standing Orders of the Governing Body.~~
- (b) requested the Office, taking into account the views expressed by constituents, to continue promoting discussions to improve the democratization of ILO governance.

- 271. Speaking on behalf of IMEC,** a Government representative of Italy said that his group would continue its internal discussions on the ratification of the 1986 Amendment and the need for three more Members of chief industrial importance to ratify it for it to enter into force; he called on other groups with Members of chief industrial importance to do the same.
- 272.** The Office's proposals provided an opportunity to engage in constructive dialogue on advancing the further democratization of ILO governance. However, there had been insufficient time for Governing Body members to analyse them adequately and consult with their capitals and national social partners. A robust and comprehensive assessment by the Legal Adviser of the legal implications of the proposal to extend voting and other rights was required, followed by consultations with ILO Member States, to ensure that the step was consistent with the ILO Constitution. He requested clarification on why voting rights had not already been extended in the 1995 reform of the Standing Orders of the International Labour Conference, why the Office proposed to suspend the Standing Orders of the Governing Body rather than amend them, and whether such suspension would be consistent with the Standing Orders. In relation to the approval of the election of the Director-General, he asked what would happen if the Conference did not approve the Governing Body's appointment, and what procedures and safeguards should be put in place. He also asked about the impact of the proposal on the balance between the three constituent groups.
- 273.** Given that the 1986 Amendment and the Screening Group were two distinct matters, they must be addressed separately. IMEC would continue to discuss representation in the Screening Group internally within the Government group; it was not ready to take a position on the proposed amendment to the draft decision.
- 274. Speaking on behalf of ASEAN,** a Government representative of Indonesia applauded the Africa region, in which all countries had ratified the 1986 Amendment. ASEAN was committed to the full democratization of the ILO's governance. It was regrettable that the 1986 Amendment had not been ratified in over three decades owing to delays in ratification

by eight of the ten Members of chief industrial importance. He urged the Member States concerned to address the challenges hindering their ratification. The Governing Body should also explore viable solutions through dialogue. The number of prolonged discussions and decisions taken by vote rather than consensus indicated that a change in the composition of the Governing Body should be considered so that it could better serve its purpose. Greater representation through the extension of voting rights to deputy members could make for diversity and inclusivity. As outlined in the Centenary Declaration, ILO constituents could only contribute to the attainment of social justice through their full, equal and democratic participation in its tripartite governance. ASEAN supported the amendment proposed by the significant majority of ASPAG.

- 275. Speaking on behalf of the Arab group**, a Government representative of Libya noted that 38 years had passed since the adoption of the 1986 Amendment, which had since been ratified by over 60 per cent of Member States. He called on the Members of chief industrial importance that had not yet done so, to ratify it at the earliest opportunity. The Arab group welcomed the Office's proposal, while underscoring the importance of continuing to work towards the entry into force of the 1986 Amendment.
- 276. Speaking on behalf of the Southern African Development Community (SADC)**, a Government representative of Eswatini said that the Africa group had been consistent in its call for democratization of the ILO through ratification of the 1986 Amendment. By ratifying it, all African States had espoused the principles of equality of sovereign Member States and equitable regional representation in ILO governance structures. The Organization had reached an impasse, and hence was facing a constitutional crisis, owing to the reluctance of certain Member States of chief industrial importance to ratify the 1986 Amendment. The Organization could no longer be held back by eight countries, at a time when democracy was a requirement for good governance. The social partners had an important role to play in the democratization of the ILO. The Southern Africa subregion had made significant progress in using social dialogue to attain collective goals, and the same was surely possible in the countries of chief industrial importance. He urged the Employers' and Workers' groups to pursue dialogue at the national and regional levels with the countries of chief industrial importance that had not ratified the 1986 Amendment.
- 277. A Government representative of Gabon** said that the issue of the 1986 Amendment had been discussed several times in the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance and had again been included on the Governing Body agenda at the request of several groups, illustrating its importance to constituents. Democratization of the ILO was a priority for many Member States. He fully endorsed the conclusions of the tripartite working group and considered that the entry into force of the 1986 Amendment was the best way to democratize the ILO, to ensure fair representation of all regions within the Governing Body and equality among Member States. He supported the Office's proposal to grant voting and other rights to the deputy members of the Governing Body and to submit the appointment of the Director-General to the Conference for approval.
- 278. A Government representative of Barbados** said that the fact that the 1986 Amendment had not yet entered into force was not a source of pride for the Organization. Smaller Member States should have the same prerogatives as larger Member States. If the ILO promoted inclusiveness and full and equitable participation at the country level, it must do the same within the Organization, or risk cognitive dissonance. His Government espoused pragmatism and considered that other avenues for democratizing the governance of the ILO should be vigorously pursued in parallel to securing the ratification of the 1986 Amendment.

- 279. A Government representative of India** stated that her country, a founding member of the ILO, strongly advocated for the principle of one country, one voice, one vote, in all bodies of the Organization. The current system should be reformed to maintain balanced and equitable geographical representation at all levels, ensuring objectivity, transparency and neutrality. There was representational asymmetry in the regional groupings of the ILO governance organs and in various committees. In the tripartite Screening Group, which determined the agenda of the Governing Body sessions, Europe had two representatives, one from Eastern Europe and one from Western Europe, and the participation of IMEC, a cross-regional grouping, led to dual representation of many countries. The allocation of seats on committees such as the Committee of Experts among geographical regions needed to be more transparent. The proposed allocation of the 56 Government seats in the 1986 Amendment should be revisited, taking account of the number of Member States in each region and the size of the population and workforce of the region. India supported the concept of democratization in all bodies and organs of ILO, not just the Governing Body.
- 280. A Government representative of Indonesia** affirmed that his Government strongly supported the principle of social justice, as reflected in its active participation in the tripartite working group on democratization. There appeared to be a gap between the Organization's stated commitment to social justice and its implementation, reflected in the persistence of exclusive privilege within the ILO membership. Urgent measures were necessary to address the situation if the ILO was to uphold its role as the guardian of social justice. He supported the proposals on advocating for the prompt ratification of the 1986 Amendment among countries of chief industrial importance, extending voting rights to deputy members and reverting the composition of the Screening Group to its original four geographical groups.
- 281. A Government representative of Cuba** said that members of the tripartite working group on democratization had understood the importance of the issue for many constituents. Some Member States of chief industrial importance were unwilling to ratify the 1986 Amendment, and the growing number of ratifications by other Member States had little practical impact in those circumstances. She encouraged the Director-General to continue his efforts to make progress on ratifications, particularly among countries of chief industrial importance. She welcomed the Office's innovative and pragmatic proposals for more equitable representation of Member States, which showed that it was possible to make progress on the issue of democratization. Equal participation of the deputy members of the Governing Body in decisions adopted by vote would help to apply some of the issues addressed by the 1986 Amendment pending its entry into force. The proposal to submit the appointment of the Director-General to the Conference for approval would provide the Director-General with more legitimacy and widen participation in the process.
- 282. A Government representative of Pakistan** noted that the issue of democratization went beyond the ratification of 1986 Amendment. There was a clear imbalance in the representation of Member States in the Governing Body, as well as of regions. The Standing Orders of the Governing Body referred to geographic regions, yet IMEC, because of its simultaneous representation, dominated decision-making in the Governing Body. That often prevented the emergence of consensus within the Government group and regional groups. The asymmetry was also reflected in the tripartite Screening Group, which was consulted on issues arising during sessions on which consensus had not been achieved. The legitimate rights of other groupings to represent billions of people were thereby denied, which violated the principles of equality of States enshrined in the UN Charter and in international law. In the absence of a Government group decision, the existence of cross-regional or subregional groups was in violation of the provisions of the Standing Orders related to the autonomy of groups. He

requested the Office to revise the document on roles and responsibilities of regional coordinators to reflect the four regional coordinators. The two-thirds ratification of the 1986 Amendment was a clear signal that deputy members of the Governing Body must be accorded the same rights as titular members. He supported the amendment proposed by the significant majority of ASPAG members, and proposed that the discussion should be moved to the following week, to allow constituents to consult among themselves and with the Office.

- 283. A Government representative of Colombia** noted that the Office's proposal was a pragmatic alternative that, if adopted, could advance democratization. Colombia was, nevertheless, willing to hear other proposals. GRULAC was an active, well-established group within the United Nations system whose work had paved the way for social dialogue in GRULAC Member States, leading to high levels of ratification of ILO Conventions, progress in international cooperation on labour rights and adherence to international labour standards. Its voice should be preserved in any arrangements intended to promote the inclusion of all Member States.
- 284. A Government representative of Malawi** highlighted that the Africa group was the only regional group without a permanent seat on the Governing Body, despite all of its members having ratified the 1986 Amendment. The Office paper referred to a commitment to full, equal and democratic participation in governance; such commitment should be followed by action, and the ILO should adhere to its own guidance on equality. Malawi remained open to meaningful discussions on the issue, including the exploration of alternatives to democratize the ILO's governance structure.
- 285. A Government representative of Namibia** recalled that the International Labour Conference had adopted the ILO Centenary Declaration for the Future of Work in 2019, calling upon Member States to democratize ILO governance by ensuring the fair representation of all regions and establishing the principle of equality among Member States. That Declaration reflected a consensus that the ILO's current governance structure was outdated. Additional ratifications of the 1986 Amendment had since been recorded, confirming its continued relevance and demonstrating the possibility of further ratifications. The proposal to grant voting and other rights to deputy members should be examined with care. Pragmatic interim steps in the democratization process should not replace the measures contained in the 1986 Amendment. Permanent seats on the Governing Body should be eliminated, as should the extraordinary powers accorded to only ten Member States. All regions should intensify efforts to promote the ratification of the 1986 Amendment, and Members of chief industrial importance should not impede democratization. Namibia rejected the position of IMEC that discussion of the 1986 Amendment should be separated from the pragmatic interim proposals concerning the voting rights of deputy members of the Governing Body.
- 286. A Government representative of Sudan** said that a strategy was required if the progress made towards democratization was to continue. Members of chief industrial importance should honour their mandate by ratifying the 1986 Amendment. The genuine and effective dialogue on the matter that had involved the social partners should continue, and there should be fair representation and inclusivity in decision-making. The proposals regarding deputy members' right to vote, prerogatives at the Conference and the appointment of the Director-General were welcome, as was the support for them expressed by the Employer's group.
- 287. A Government representative of the Russian Federation** requested further information on the proposals set out in the non-paper, which would require far-reaching changes to the working methods of the Organization and therefore merited careful and thorough analysis of all legal, practical and technical aspects. The Russian Federation was ready to participate in

that effort. It was essential that work on the proposals included tripartite dialogue to ensure that the decision was democratic.

288. Speaking on behalf of IMEC, a Government representative of Canada spoke in exercise of the right of reply in response to the comments pertaining to IMEC made by the Government representative of Pakistan. The ILO Constitution did not establish any specific groupings, regional or otherwise, within the Government group. Article 38 mandated the development of rules for regional conferences, while the Compendium of rules applicable to the Governing Body of the ILO, like the 1986 Amendment, referred only to four geographic groups for the purpose of allocating seats in the Governing Body, making nominations and establishing the geographical rotation of the office of Chairperson. There were no legal documents conferring any coordinating responsibilities or roles on the four geographic regions beyond seat allocations and committee nominations. None of the ILO's legal texts defined the number of, or specifications for, regional group coordinators for other purposes, respecting Member States' autonomy to consult, coordinate and organize as they saw fit. IMEC's authority to participate in the tripartite Screening Group was like that of any other group, based on its well-established institutional role and long-standing practice of coordinating group positions. IMEC's coordinator had been one of the original members of the precursor to the Screening Group and had been recognized as a regional coordinator when the Standing Orders had been amended to create the Screening Group. IMEC had consistently operated within the parameters of all relevant rules of procedure and would continue to do so.

289. The Worker spokesperson proposed a subamendment to the amendment proposed by a significant majority of ASPAG, which read:

The Governing Body took note of the document prepared by the Office and requested the Director-General to:

1. ~~inform of his decision concerning the various options presented by the Chairperson of the Government group in the letter dated 27 February 2024 and of his action plan~~ take concrete measures to promote and accelerate the ratification of the 1986 Amendment, and report to the Governing Body at its 352nd Session (October–November 2024);
 2. ~~continue to explore, in consultation with constituents, alternative options to advance the democratic, fair and equal representation of constituents in the ILO, taking into account the situation of all constituents and including an analysis of all possible technical and legal implications and provide a report to the 352nd Session (October–November 2024) of the Governing Body for further consideration;~~
- ~~(b) authorized the Office to submit the Resolution enabling voting and other rights to the deputy members of the Governing Body and prepare a follow-up plan of action for implementation of the Resolution, including subsequent amendments required in the Standing Orders of the Governing Body;~~

290. She noted that her group had not been aware of the subamendment proposed by GRULAC when drafting its own. While the two proposed subamendments addressed some of the same issues, the subamendment proposed by the Workers' group included more of the important messages voiced in the room. Her group's proposed subparagraph 1 was intended to render the Governing Body's request to the Director-General more precise, particularly given the need to ensure that any alternative options did not dilute efforts in relation to the 1986 Amendment. Proposed subparagraph 2 reflected her group's readiness to explore alternative options in consultation with the constituents and the need to raise awareness of their possible implications.

291. The Employer spokesperson said that her group fully respected governments' autonomy to decide their own representation, as long as they respected the Standing Orders, which

indicated that there were four regions: Africa, the Americas, Asia and Europe. It was important to ensure that all groups were designed in such a way as to avoid double representation. She agreed with the spokesperson for a significant majority of ASPAG, as well as the Government representatives of India and Pakistan, that Governing Body groups should not include subregional or cross-regional groups and that each country should have just one voice and one vote. Although she agreed on the need for more time for careful analysis, the matter must not be deferred to the Governing Body's next session. A working party should be established to discuss the matter, with full tripartite participation and including all interested parties.

292. **The Worker spokesperson** said that the Screening Group, which should resume the administrative agenda-setting role that it had undertaken prior to the COVID-19 pandemic, had agreed to place two separate items on the agenda of the current Governing Body session: one on the 1986 Amendment and democratization, and one on all aspects of the functioning of the Governing Body. It was therefore important to bear in mind that the discussion at hand was limited to the 1986 Amendment and possible alternatives for further democratization, while the other issues could be addressed during discussion of document GB.350/INS/9.
293. **Speaking on behalf of a significant majority of ASPAG**, a Government representative of Bangladesh requested an opinion from the Legal Adviser on the proposed amendment and subamendments.
294. **A representative of the Director-General** (Assistant Director-General, External and Corporate Relations Cluster) clarified that the non-paper circulated by the Office was intended not to offer a definitive solution, but to facilitate the discussion of potential temporary steps that addressed some of the issues at hand. The Office stood ready to support the continuation of discussions through informal tripartite consultation, a working party or other means.
295. **Another representative of the Director-General** (Legal Adviser) stressed that the possible arrangement outlined in the non-paper could be implemented only if it enjoyed very broad support and would serve only as an interim arrangement pending the entry into force of the 1986 Amendment; it would in no way replace the latter or otherwise amend article 7 of the ILO Constitution.
296. While article 7 of the Constitution provided that the Governing Body should comprise 56 persons and that it should regulate its own procedure, it made no mention of deputy members and contained no provisions on members' right to vote. That lack of explicit provisions left some room for an alternative, pragmatic approach.
297. Since the creation of a separate category of deputy members in the 1920s, changes to their number and means of appointment had aimed to ensure broader participation by ILO Members in the work of the Organization's executive organ and had been made via alterations to existing procedural rules rather than the formal process of amending the Constitution. The proposed interim measures followed that same institutional logic and legal approach: making progress via concrete, practical steps without bending constitutional provisions, but rather looking into any space or leeway the Constitution might offer with a view to progressively attaining high-priority objectives. It was through such evolutive practices that following the 1951 decision to have deputy members elected by the Conference in the same way as regular members and the 1995 increase of their number, the Governing Body was now composed of 122 – and not 56 – members and the deputy members effectively participated in decision-making since they were allowed to join or block consensus.
298. It was true that granting voting rights to deputy members was a more significant step than making changes to the procedure to appoint them. However, since the Governing Body had

the power to regulate its own procedure, it could be envisaged that on the occasion of future Governing Body elections, the 56 newly elected regular members could voluntarily decide to increase deputy members' involvement in decision-making for the duration of their term of office, although such action would not equate to elevating them to the status of regular members. Regular members' right to vote derived directly from the Constitution, whereas deputy members' right to vote would be the result of specific authorization granted by the 56 regular members and would have to be renewed with each new term of the Governing Body. It was important to stress that such an arrangement would not seek to amend the Constitution through subsequent practice, but would draw upon a sovereign, solemn and deliberate decision of the Conference and the Governing Body to adopt a pragmatic approach on an interim basis pending the entry into force of the 1986 Amendment.

- 299.** Responding to several requests for clarifications, the Legal Adviser explained that 14 Employer deputy members would be authorized to vote, along with 14 Worker deputy members and 28 Government deputy members, thereby preserving the relative voting strength of the three groups (2:1:1) and reflecting the exact numbers set out in the 1986 Amendment. Wording to that effect could be added to paragraph 1(a) of the draft Governing Body decision contained in the non-paper. Regular members' voluntary agreement to authorize deputy members to vote would not go against the Constitution and would be made via an ordinary Governing Body decision regulating procedure (as had been the case for the special arrangements made in response to the COVID-19 pandemic, for example). There was no need to place a new item on the agenda of the International Labour Conference (hence paragraph 5.1.1 requiring two discussions before an item was placed on the Conference agenda was not applicable); instead, a draft resolution would be transmitted to the Conference for consideration and possible adoption (similar to the transmission to the 109th Session of the Conference of the draft resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance, which was decided by the Governing Body at its March 2021 session). In the past, arrangements relating to deputy members had always been handled as matters pertaining to the Standing Orders of the Governing Body and of the Conference.
- 300.** Under the possible interim arrangement, deputy members could still not be elected as Officers of the Governing Body, as that would be contrary to the express provision of article 7(7) of the Constitution. It was possible that no such arrangement had been proposed as part of the 1995 amendment to the Standing Orders of the Conference because, just nine years after the adoption of the 1986 Amendment, there had been reasonable expectation that the instrument would soon enter into force and therefore exploring the possibility of granting voting rights to deputy members (a category of members which would disappear upon the entry into force of the 1986 Amendment) would have been untimely and unwarranted. If the Conference did not approve the election of a Director-General (in the event that the outcome of such election were to be submitted to the Conference for its approval), the Governing Body would have to hold new elections, although such a scenario was not directly related to the matter at hand, namely the possibility – by means of interim measures pending the entry into force of the 1986 Amendment – of granting voting rights to deputy members and submitting the appointment of the Director-General to the approval of the International Labour Conference. The proposal was to suspend, rather than amend, a few articles of the Standing Orders (which would be in conflict with the proposed interim arrangements, such as the provisions on quorum, ballot vote or moving of amendments) because the arrangements under discussion were temporary pending the entry into force of the 1986 Amendment and would have to be renewed each term.

- 301.** Lastly, with regard to possible next steps, if the Governing Body were to decide to transmit a draft resolution to the International Labour Conference at its next session, tripartite consultations would be required in order to finalize the text of that draft resolution, and to that end, the Governing Body should give the Office precise instructions in its decision. The Office had prepared a legal Memorandum with a view to facilitating the Governing Body's further consideration of the possible interim arrangement.
- 302. The Government representative of Namibia** said that the proposed solution, while good, was convoluted and did not address the main issue: that it had not been possible to come to an agreement with the Members of chief industrial importance. She wondered whether effort had been made to identify their reservations and whether altering or limiting the voting power of non-elected members of the Governing Body was an option.
- 303. The Director-General** said that during recent consultations, the eight Members of chief industrial importance that had not ratified the 1986 Amendment had confirmed that they were not prepared to do so and had deemed calls for them to justify their decisions on the ratification of an instrument to be inappropriate. Such calls were unlikely to be productive. The circulation of the non-paper had been delayed to allow him to finalize those consultations. No immediate decision was expected of the Governing Body; the non-paper aimed mainly to inform the Governing Body's considerations. The Office's work on the matter continued, and it had prepared an additional document that could, if desired, be shared for consideration before further discussions during the current session.
- 304. The Worker spokesperson** expressed the view that it would not be possible to consider additional legal documents prior to the conclusion of the current session. Further tripartite consultations should be held before the 352nd Session of the Governing Body to reflect on the legal issues and information provided so far; her group's proposed subamendment provided a time frame for such work. It was important to ascertain whether the proposals – which should be viewed as additional to, rather than alternative to, the 1986 Amendment – enjoyed broad support, and efforts to secure the Amendment's entry into force must continue. The Governing Body was not yet ready to decide on the next steps, although it was clear that the format of a working party would be overly convoluted.
- 305. Speaking on behalf of a significant majority of ASPAG**, the Government representative of Bangladesh noted that the fight to secure the entry into force of the 1986 Amendment had lasted decades and called for the additional legal documents to be examined in the hope of finding consensus during the current Governing Body session.
- 306. The Employer spokesperson** agreed that the Governing Body should resume its discussion of the matter later in the session after having considered any additional documents or analysis. A tripartite working group could be established to draft a resolution for submission to the International Labour Conference.
- 307. Speaking on behalf of the Africa group**, the Government representative of Uganda agreed that discussion of the matter should continue later in the current session.
- 308. The Worker spokesperson** said that she was willing to continue the discussion later in the session and would take note of any additional documents issued.
- (The Governing Body resumed its discussion of the item at a later sitting.)*
- 309. The Employer spokesperson** said that, having carefully considered the subamendments, her group could not support the second subparagraph of the Workers' group's proposal. While the Employers' group agreed on the need to analyse the possible technical and legal implications

of the Office's proposal, postponing the discussion to the 352nd Session seemed to be a delaying tactic; the issues needed to be addressed at the current session. The group supported the rewording of subparagraph (a) in GRULAC's proposed subamendment but considered (b) too vague, as specific steps were needed to make real change. The Employers' group therefore proposed a new subamendment to the amendment proposed by the significant majority of ASPAG, which read:

The Governing Body took note of the document prepared by the Office and:

- (a) requested the Director-General to ~~inform of his decision~~consult with social partners concerning the various options presented by the Chairperson of the Government group in the letter dated 27 February 2024 and of his action plan to accelerate the ratification of the 1986 Amendment, and inform the Governing Body at its 352nd Session (October–November 2024);
- (b) ~~authorized the Office to submit the~~decided to set up a working party to discuss a possible resolution enabling voting and other rights to the deputy members of the Governing Body and prepare a follow-up plan of action for implementation of the resolution, ~~including subsequent and any other~~ amendments required in the Standing Orders of the Governing Body.

- 310.** The intention of the subamended subparagraph (a) was to ensure that the Director-General consulted not only with governments but also with the social partners, given that the 1986 Amendment would also affect the Employers' and Workers' groups, and more broadly the composition of the Governing Body. The rationale behind the subamended subparagraph (b) was for a tripartite working party to be set up to discuss the legal implications of a resolution granting voting and other rights to deputy members of the Governing Body and any subsequent amendments required to the Standing Orders of the Governing Body. A working party would provide for more inclusivity, representativeness and ownership in deciding on recommendations to the Governing Body. Such a forum had proved effective in the past for deciding on amendments to the Standing Orders, and would be necessary in enabling progress in advancing democratization in the ILO, which could not be achieved through informal consultations or Governing Body sessions alone. The working party should be established immediately, and report its outcomes to the Governing Body at its 352nd Session (October–November 2024), which could then be fine-tuned at its 353rd Session (March 2025), when the Governing Body could prepare a possible resolution to be submitted to the International Labour Conference at its 113th Session (June 2025).
- 311. The Worker spokesperson** observed that her own group's subamendment was more proactive than that of the amendment propose by a significant majority of ASPAG, in that it requested the Director-General to take concrete measures to promote and accelerate the ratification of the 1986 Amendment and report to the Governing Body at its following session. The Workers' group's subamendment took note of the Office document but did not refer to the Government group's letter or the Office's non-document, as it was not usual practice to include such references in a decision of the Governing Body. The intention of the second subparagraph was to indicate that alternative options should be explored further with constituents, including the possible technical and legal implications, and a report submitted to the Governing Body at its 352nd Session.
- 312.** The Workers' group did not consider the reference in subparagraph (a) of the Employers' group's proposed subamendment on consulting with the social partners to be necessary. Although both groups would be impacted by the 1986 Amendment, it was an issue that required action directed towards governments, on which the Workers' group did not need to be consulted.

- 313.** The Workers' group's own subamendment proposed that further work should be undertaken, with a report to the Governing Body at its October–November 2024 session; that would not delay the process. She sought clarification from the Office on whether a resolution on granting voting powers to deputy members of the Governing Body could be submitted to the Conference at any time and not necessarily to coincide with the Governing Body elections in 2024. If so, the Workers' group's proposed timetable was very close to that of the Employers' group.
- 314.** For increased clarity, the Workers' group could modify its proposed subamendment to include in the second subparagraph a specific reference to the concept of voting and other rights for deputy members of the Governing Body, possibly using the wording of the original amendment and retained in the Employers' group's proposed subamendment. The group did not see the need for another working party; rather than adding agility to the process, it would make it more burdensome. Informal consultations with constituents were sufficiently flexible and could be as broad or narrow as needed.
- 315.** Regarding GRULAC's proposed subamendment, the Workers' group preferred the more active formulation in its own subamendment, but could accept GRULAC's proposed wording in subparagraph (a). However, the group did not support the wording under subparagraph (b) of GRULAC's subamendment, because it promoted further discussions without specifying a time limit.
- 316. Speaking on behalf of the Africa group,** a Government representative of Uganda said that the Africa group considered that ratification of the 1986 Amendment remained the only solution for the democratization of the ILO. He urged the Director-General and the Office to continue their activities to encourage further ratifications, alongside looking at alternatives. The Africa group welcomed the idea of extending voting rights to the deputy members of the Governing Body. The group would see how the discussion developed before taking a position on the proposed subamendments.
- 317. Speaking on behalf of GRULAC,** a Government representative of Mexico requested further information about the implications that the consultations with the social partners, proposed by the Employers' group in subparagraph (a), might have with regard to follow-up to the letter sent by the Chairperson of the Government group to the Director-General.
- 318.** Regarding the various subamendments proposed to subparagraph (b), her group would prefer to include more general language to ensure that delegations would have sufficient time to discuss the Director-General's proposals, but was aware that greater clarity on the next steps might be needed. In the interest of consensus, she proposed to modify the subamendment proposed by her group to replace the wording "promoting discussions to improve" with "to facilitate tripartite consultations on" and to insert, at the end of the subparagraph, "and to prepare a report for the 352nd Session (October–November 2024) of the Governing Body". The purpose was to ensure that there was sufficient time to assess the proposal to extend voting rights to deputy members, while specifying that the Governing Body would discuss the matter at its 352nd Session. Her group was open to the inclusion in the draft decision of a reference to the continued promotion of ratification of the 1986 Amendment, as suggested by the Africa group.
- 319. Speaking on behalf of a significant majority of ASPAG,** a Government representative of Bangladesh said that it was clear that the 1986 Amendment was the key to democratizing the ILO, but there was no time frame for the achievement of ratifications by three further Members of chief industrial importance. In addition, the group believed that it was possible to reach an agreement on a possible Conference resolution in advance of the 112th Session (June 2024)

and for the Governing Body to decide on an implementation plan immediately afterwards, at its 351st Session. He therefore proposed the following subamendment to the Employers' group's subamendment, which, in the interest of consensus, incorporated points raised by various Governing Body members:

The Governing Body took note of the document prepared by the Office and:

- (a) requested the Director-General to consult with social partners concerning the various options presented by the Chairperson of the Government group in the letter dated 27 February 2024 and present his action plan to accelerate the ratification of the 1986 Amendment to the Governing Body at its 352nd Session (October–November 2024);
- (b) ~~decided to set up a working party to discuss a possible~~ directed the Office to prepare a resolution, in consultation with the constituents, for submission at the 112th Session (June 2024) of the International Labour Conference, enabling voting and other rights to the deputy members of the Governing Body and prepare a follow-up plan of action for implementation of the resolution and any other amendments required in the Standing Orders of the Governing Body for decision by the Governing Body at its 351st Session;
- (c) requested the Director-General to continue to explore, in consultation with constituents, alternative options to advance that democratic, free and equal representation of the constituents in the ILO, taking into account the situation of all constituents, including Least Developed Countries (LDCs) and Small Island Developing States (SIDS), including an analysis of all possible technical and legal implications and provide a report to the 352nd Session (October–November 2024) of the Governing Body for further consideration.

320. Speaking on behalf of a number of small island developing States,² a Government representative of Barbados said that discussion of the democratization of the ILO should not be limited to regional representation on the Governing Body and in the Screening Group. The ability of small island developing States – which constituted 19 per cent of the ILO's membership – to contribute constructively to the work of the Organization and of the Governing Body must be taken into account in the interest of democracy and social justice. Very few small island developing States had existed as sovereign nations in the early days of the ILO, and much had happened in the world of work since 1986. As such, a future entry into force of the 1986 Amendment might not go far enough in addressing their concerns and particularities. Governments of small island developing States should be able to present their views themselves and should have greater representation on the Governing Body, which would add value to the discussions. Noting that their permanent missions in Geneva were often very small, he called on the Office to scale up its efforts to facilitate information-sharing, strategic research and participation of delegations of small island developing States in the ILO's work. Future discussions on democratization, regardless of the mechanism, must address the effective involvement of small island developing States.

321. Speaking on behalf of IMEC, a Government representative of Canada said that her group could support elements of the original amendment proposed by a significant majority of ASPAG countries. She also expressed support for the subamendment proposed by GRULAC to subparagraph (b) and the first subparagraph of the subamendment proposed by the Workers' group. In addition, IMEC could support elements of the subamendment proposed by the Employers' group, but could not endorse the request for consultations with the social partners alone, since the discussion affected all three ILO constituencies. In addition, the group could not support the proposal to establish a working party to discuss a possible resolution on voting

² Antigua and Barbuda, Bahamas, Barbados, Cabo Verde, Cuba, Dominica, Fiji, Grenada, Guyana, Jamaica, Kiribati, Marshall Islands, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Suriname, Trinidad and Tobago.

and other rights, given that the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance had worked extensively on the issue, with several extensions to its mandate, and had only concluded its work a year earlier.

322. Her group would be flexible in adopting a draft decision incorporating various proposals, in which the Director-General was requested to explore, in consultation with constituents, alternative options to advance the democratic, fair and equal representation of constituents in the ILO, including to enable voting and other rights for the deputy members of the Governing Body. It could also support the inclusion of an explicit reference to an analysis of all possible technical and legal implications and the submission of a report to the Governing Body at its 352nd Session (October–November 2024). A possible resolution and follow-up plan of action for its implementation should be considered during that session.
323. **The Employer spokesperson** explained that her group had proposed consultations with the social partners because the letter to the Director-General had been sent by the Government group; she could agree to replace the wording with a reference to tripartite consultations. The Employers' group had proposed the establishment of a working party as it could create ownership of the results of tripartite discussions on the democratization of the ILO; however, the Employers' group could instead support the call for pre-session tripartite consultations and for a report to be submitted for consideration by the Governing Body at its 352nd Session (October–November 2024). Given the urgency of the matter for several Governments, the Governing Body should agree to a time-limited process so that concrete results could be achieved at the 352nd Session with a view to submitting a resolution to the subsequent session of the International Labour Conference in 2025.
324. **Speaking on behalf of a significant majority of ASPAG**, a Government representative of Bangladesh suggested that the Office could prepare a new version of the draft decision that covered all the points addressed in the amendments and subamendments under discussion.
325. **The Worker spokesperson** said that, while her group understood the intention behind subparagraph (a) of the original amendment, she preferred her own group's proposal to refer to concrete measures to promote and accelerate the ratification of the 1986 Amendment, rather than the reference in the original amendment to an action plan. She maintained her reservation to the inclusion of the social partners in consultations on the options presented in the letter to the Director-General, since that was a matter concerning only the Government group. The Workers' group could accept the subamendment proposed by GRULAC indicating that the Director-General should report to the Governing Body on the follow-up to the letter.
326. There was a need for further discussion of subparagraph (b). She sought clarification from IMEC as to its views on the various subamendments to it. Consensus might be achieved through the drafting of a new version of subparagraph (b) containing a reference to enabling voting rights for the deputy members of the Governing Body, as proposed by GRULAC, as well as elements of the subamendments proposed by the Workers' group and wording concerning the submission of a report to the Governing Body. Her group would be happy to include a reference to small island developing States in subparagraph (b) to demonstrate that the Governing Body would take their concerns seriously.
327. She did not support the proposal, made by a significant majority of ASPAG countries in its subamendment to its own amendment, that the Governing Body should take a decision on a possible resolution at its 351st Session (June 2024), which was only a half-day session. Scheduling that discussion for the 352nd Session (October–November 2024) instead would give the Governing Body sufficient time to properly assess the technical details of the relevant

proposals; the decision on a possible resolution could also be taken at that session or the March 2025 session.

- 328. A representative of the Director-General** (Legal Adviser), responding to the Worker spokesperson's question as to whether the pragmatic approach proposed by the Office would necessarily have to be implemented in a year in which there were Governing Body elections, explained that there was no legal impediment to the adoption of the Conference resolution, which would invite the Governing Body to take measures for granting voting rights to deputy members, at any session; it did not have to be in the same year as Governing Body elections. Furthermore, it was possible for the Conference to adopt a resolution in June of a given year and for the Governing Body to adopt a follow-up decision at its October–November session that same year or at its March session the following year. From an institutional perspective, however, if the Conference made an urgent call to advance democratization pending the entry into force of the 1986 Amendment, the Governing Body would be expected to follow up on it promptly.
- 329. Speaking on behalf of a significant majority of ASPAG**, a Government representative of Bangladesh noted that his group was flexible with regard to the format of the consultations mentioned in subparagraph (a) of the subamendment proposed by his group; they did not necessarily need to be tripartite. His group would prefer for a resolution on voting rights to be submitted to the 112th Session (June 2024) of the International Labour Conference, which was the reasoning behind its proposal for a decision on a possible resolution to be taken at the 351st Session (June 2024) of the Governing Body.
- 330. The Chairperson** proposed that a drafting group comprising representatives from the regional groups and the Employers' and Workers' groups should meet to draw up a new version of the draft decision.

(The Governing Body resumed consideration of the item at a later sitting.)

- 331. A representative of the Director-General** (Assistant Director-General, External and Corporate Relations Cluster) announced that the drafting group had reached consensus on the following new version of the draft decision. She expressed the hope that the new version of the draft decision would enjoy consensus. She clarified that the update mentioned in subparagraph (a) and the report mentioned in subparagraph (b) would both be provided by the Office in a single document. She also clarified that the Office was open to receiving suggestions relating to the possible alternative options to advance the democratic, fair and equal representation of constituents in the ILO, as referred to in subparagraph (b).

The Governing Body took note of the document prepared by the Office and requested the Director-General to:

- (a) undertake tripartite consultations, where appropriate, while giving effect to the issues raised in the letter from the Chairperson of the Government group dated 27 February 2024, and provide an update to the 352nd Session (October–November 2024) of the Governing Body on the concrete measures taken to accelerate the ratification of the 1986 Amendment.
- (b) develop, in consultation with tripartite constituents, possible alternative options to advance the democratic, fair and equal representation of constituents in the ILO, including enabling voting and other rights to the deputy members of the Governing Body pending the entry into force of the 1986 Amendment, taking into account the situation of all constituents and including an analysis of all possible technical and legal implications and provide a report to the 352nd Session (October–November 2024) of the Governing Body for further consideration and decision-making, including in view of a possible submission to the 113th Session (2025) of the International Labour Conference.

- 332. The Employer spokesperson** expressed her group's support for the new version of the draft decision, which was a comprised text. It included a request to the Director-General to undertake consultation with tripartite constituents. Democratization was a governance issue and, as such, affected all tripartite constituents. It was therefore crucial that the social partners be consulted on measures to be taken in advancing democratization.
- 333. The Worker spokesperson** also expressed support for the new version of the draft decision but clarified that the Workers' group saw no need to be consulted on some of the issues raised in the letter from the Chairperson of the Government group dated 27 February, which were for the Director-General to address as he saw fit.
- 334. Speaking on behalf of GRULAC**, the Government representative of Mexico also supported the new version of the draft decision. Subparagraph (a) preserved the autonomy of the Director-General in respect of the implementation of the letter dated 27 February and took into account the concerns of the Employers' group about being consulted, including on the measures outlined in the aforementioned letter to accelerate the ratification of the 1986 Amendment. Subparagraph (b) incorporated the elements considered important by each group, including with respect to having a clear road map towards holding further discussions at the 352nd Session of the Governing Body on extending voting rights to deputy members. As tripartite consultations were an important part of that road map, it would be important to allow sufficient time and space for those. Lastly, she emphasized the importance of ensuring that the voice of small island developing States was heard during all discussions, and particularly those on democratization.
- 335. The Director-General** said that the Office would ensure that all constituents had sufficient time to consider the path forward ahead of the 352nd Session of the Governing Body.

Decision

- 336. The Governing Body took note of the document prepared by the Office and requested the Director-General to:**
- (a) undertake tripartite consultations, where appropriate, while giving effect to the issues raised in the letter from the Chairperson of the Government group dated 27 February 2024, and provide an update to the 352nd Session (October–November 2024) of the Governing Body on the concrete measures taken to accelerate the ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO;
 - (b) develop, in consultation with tripartite constituents, possible alternative options to advance the democratic, fair and equal representation of constituents in the ILO, including enabling voting and other rights to the deputy members of the Governing Body, pending the entry into force of the 1986 Amendment, taking into account the situation of all constituents and including an analysis of all possible technical and legal implications and provide a report to the 352nd Session (October–November 2024) of the Governing Body for further consideration and decision-making, including in view of a possible submission to the 113th Session (2025) of the International Labour Conference.

(GB.350/INS/8, paragraph 19, as amended by the Governing Body)

9. Review of the functioning of the Governing Body, identification of possible areas for improvement and arrangements and time frame for results-based follow-up action (GB.350/INS/9)

337. The Governing Body had before it an amendment to the draft decision, which had been proposed by a significant majority of countries in Asia and the Pacific and circulated by the Office, which read:

~~The Governing Body is requested to provide guidance on the possible way forward and on the form of and time frame for any follow-up action.~~ took note of the document prepared by the Office and requested the Office to develop a proposal for the establishment of a Working Party on a permanent basis and to submit it to for approval by the Governing Body at its 351st Session (June 2024).

338. **The Worker spokesperson** said that her group saw no good reason to revisit the extensive discussions held on the rules and practices of the Governing Body and the decisions that had led to the adoption in 2018 of changes to the Standing Orders of the Governing Body, which had only recently entered into force. It would be difficult to justify dedicating significant time and resources to such a broad, inward-looking process and to explain the added value of the exercise to its constituency. However, her group was prepared to consider discussing ways to further improve working methods in cases of clear need. In addition, many of the temporary changes enacted in response to the COVID-19 pandemic, such as the granting of additional responsibilities to the Screening Group, should now be reversed.
339. The proposal to establish a new working party had the potential to call into question the overall functioning of the Governing Body. The Workers' group therefore strongly opposed such a process and remained convinced that the newly adopted Standing Orders already addressed most concerns held by the Employers' group. Indeed, she was pleased to note the Office's confirmation that all groups had recently indicated that there was no specific need to undertake a full review of the functioning of the Governing Body.
340. Acknowledging that there could be areas for improvement, she requested the Office to continue consultations in order to develop a more concrete proposal on improving the Governing Body's working methods. With regard to the composition of the Screening Group, the Workers' group would be happy to consider any proposal from the Government group that addressed its concerns. It was important to note that the Screening Group was not a decision-making body and its functioning in situations when it could not reach consensus was already addressed in the current rules.
341. With regard to the agenda-setting process, her group wished to see meaningful progress in the reduction of the number of cases relating to the violations of fundamental labour rights by countries and saw no reason why the Screening Group should not make use of the Office's expertise when deciding on agenda items. Although her group could not see how the list of recurrent agenda items could be altered without disrupting important work, it was open to suggestions in that regard.
342. While every effort should be made to make decisions by consensus, there was no need to alter the existing rules for that purpose. There was also no reason to revise the rules or practices regarding requests for special meetings, which were sufficiently covered in the Standing Orders, nor those regarding the use of the Committee of the Whole, which already served their purpose. With regard to pending issues from the last reform package, she agreed that sufficient time should be allocated to policy discussions and highlighted the importance of proactive engagement and intersessional consultations. While it was crucial for the Office to

respect the deadlines for circulating documents, it was difficult to see how amending the rules would improve that situation.

343. The Workers' group was concerned at the increasingly frequent practice of certain Governing Body members speaking on behalf of poorly defined groups of Governments. It was important for constituents to know exactly which Member States were being represented in such interventions. To that end, the Chairperson could ensure that delegates always made it clear on whose behalf they were speaking.

344. She proposed the following subamendment to the amendment proposed by a significant majority of countries in Asia and the Pacific:

The Governing Body:

- (a) took note of the document prepared by the Office and areas for possible improvement in the functioning of the Governing Body identified during the discussion; and
- (b) requested the Office Director-General to organize further consultations with the tripartite constituents, and to prepare a report including proposals to develop a proposal for the establishment of a Working Party on a permanent basis and to submit it to for approval consideration by the Governing Body at its 351st-353rd Session (June 2024-March 2025).

345. The Employer spokesperson said that it had become apparent during the sessions of the Governing Body held in November 2023 that there were a number of gaps and inconsistencies in the application of its procedural rules, highlighting serious governance failures that needed to be appropriately addressed in order to rebuild trust. It had been more than a decade since the adoption of the reform package to improve the functioning of the Governing Body in 2011, so it was appropriate to assess the impact of those reforms. To that end, she requested the Office to submit to the Governing Body, for consideration at its 352nd Session, a document containing an analysis of improvements, achievements and challenges arising from the implementation of the reform package.

346. According to the Compendium of rules applicable to the Governing Body of the ILO, the regional coordinators participating in the Screening Group were those representing the four regions – Africa, the Americas, Asia and Europe. In practice, however, participation had expanded to include subregional groups and other groups of countries. As a result, the composition of the Screening Group was unbalanced and sometimes entailed double representation, which created difficulties in achieving consensus and sometimes led to a misleading picture of support for certain proposals. The existing rules were clear and needed to be implemented properly.

347. With regard to the agenda-setting process, an unfortunate precedent had been set whereby controversial items not agreed upon by the Screening Group or the Officers of the Governing Body could be included on the Governing Body's agenda or discussed in dedicated special sessions on demand without prior consultation with Governments and social partners. The role of the Screening Group in the agenda-setting process should therefore be consolidated. In addition, given the importance of impartiality and transparency in the Office's treatment of all constituents, its role in assisting the agenda-setting process should be clarified by including clear and explicit wording to that effect in the Standing Orders. That assistance could include the organization of informal consultations on new proposed items not deriving from Governing Body decisions. The role played by the Chairperson of the Governing Body in impartially seeking consensus during the agenda-setting process should also be made explicit in the Standing Orders. There was no reason to delay publication of the agenda until the deadline established in the Standing Orders if agreement on its contents had already been reached; she therefore called for article 3.1.4 of the Standing Orders to be revised to that effect

and to outline consequences for late publication. In that connection, she requested clarification on an apparent inconsistency between article 3.1.3 of the Standing Orders and paragraph 30 of the Introductory note to the Compendium regarding the timings for the circulation of the provisional agenda for the consideration of the Screening Group. Given the inclusion of an increasing number of recurrent items on the Governing Body's agenda and the impact on its workload, it would be useful to review their pertinence, a task that could be carried out by the Screening Group. The prerogative of the Screening Group to expedite items should be reflected in the Standing Orders, which should also be revised to explicitly lay out the process that applied in the absence of consensus in agenda-setting decisions. There needed to be clear rules on the timely publication of documents, with consequences if deadlines were not met; one option could be to introduce a rule into the Standing Orders allowing the consideration of an item to be postponed to a later session when documents were not available on time.

348. Article 3.2.2 of the Standing Orders gave the Chairperson discretion to convene a special meeting under certain circumstances. However, it was unclear how that discretion should be exercised. The Standing Orders should therefore be revised to provide further clarification in that regard. Recent experience had also called into question the continued validity of the delegation of authority by the International Labour Conference granted long ago by a group of countries that was no longer representative of the Organization's current membership. The Employers' group would like to explore whether to refer that matter back to the Conference.
349. The use of the Committee of the Whole and high-level sittings had proved useful when dealing with issues of interest to non-members of the Governing Body. Measures to ensure that their voices were heard on crucial issues should therefore be considered. It was inappropriate to open broader spaces for participation while ignoring the views of the wider ILO membership, as had happened during the special sessions in November 2023. The format and duration of such sittings should be discussed in consultations with the groups. In addition, consideration should be given to how to address requests for discussion of an item of relevance for non-members of the Governing Body and to give weight to the sentiment expressed by a broad majority of members in the Committee of the Whole. A set of rules on the use of the Committee of the Whole could be developed in the spirit of democratization and equal participation.
350. Although time management had improved since the previous revision of the Standing Orders, there was still room for improvement to avoid unnecessary extended sittings. Efforts should be made to prevent repetitive interventions, and it should be made clearer which members were supporting group statements. The Employers' group agreed on the need for a more strategic planning and distribution of items within the five sections, although care should be taken not to overload intersessional consultations. It should be noted that other improvements had been made without being reflected in the Standing Orders, including the expedited decision-making modalities used successfully during the COVID-19 pandemic. The role of the Office as an objective and impartial facilitator should be strengthened. In closing, she reiterated that the establishment of a new working party, which could be a time-limited or standing working group, would allow all issues to be addressed in an inclusive manner.
351. **Speaking on behalf of the Africa group**, a Government representative of Malawi expressed appreciation for the briefings held for the benefit of permanent missions in Geneva prior to sessions of the Governing Body and the International Labour Conference. However, more coordinated support in the form of a dedicated bureau for Governments, similar to the Bureau for Workers' Activities (ACTRAV) and the Bureau for Employer's Activities (ACT/EMP), would be appreciated. While there had been some improvement in the length and timeliness of Governing Body documentation, she noted that only 14 of the 33 documents for the current session had been provided within the time frame stipulated in the Standing Orders of the

Governing Body and called on the Office to ensure that all documents met that deadline in future. She expressed concern regarding the increased number of extended sittings, which had health implications for delegates and could be avoided through effective timekeeping and by limiting discussion to documents submitted by the deadline. Furthermore, the Governing Body should add urgent matters to its agenda only on an exceptional basis.

352. The current composition of the Screening Group meant that some countries were represented by more than one representative. As a consequence, when seeking consensus, the voices of some groups were amplified to the detriment of others, such as countries in her group. That issue was directly linked to the call for the democratization of the ILO and must be resolved. The Screening Group's composition should reflect the four regions clearly defined in article 1 of the Rules for regional meetings. In addition, an additional Vice-Chairperson representing the Government group should be included among the Officers of the Governing Body in order to respect the ratio of 2:1:1 regarding representation of Governments, Workers and Employers. Noting that important decisions were increasingly being adopted by vote, she called for the spirit of consensus to prevail as much as possible, particularly on critical matters discussed by the Governing Body and the International Labour Conference.
353. Her group supported the suggestion to establish a new working party and did not support the proposal to hold intersessional consultations, noting that the matter should be treated with the seriousness it deserved. The group supported the drafting by the Office of an issues paper for submission to the Governing Body at its 352nd Session. She therefore proposed a subamendment to the amendment proposed by a significant majority of countries in Asia and the Pacific, rendering "The Governing Body" as a chapeau, lettering the rest of the amendment as subparagraph (a) and adding "; and" to the end of that subparagraph. The following words would be added as a new subparagraph (b): "requested the Office to prepare an issues paper briefly outlining specific areas in need of improvement in the functioning of the Governing Body for discussion by Member States at the 352nd Session (October–November 2024) of the Governing Body when follow-up action will be taken".
354. **Speaking on behalf of ASPAG**, a Government representative of Bangladesh said that some crucial reforms set out in the reform package adopted by the Governing Body in 2011 had yet to be delivered and efforts must be made to improve inclusivity, transparency and accountability in the functioning of the Governing Body. The Government group was currently engaged in ongoing discussions on a proposal presented by a significant number of countries in his group to restructure the composition of the Screening Group to mirror the four regional groups and exclude cross-regional and subregional groups. The proposal was intended to improve inclusiveness and representation and to establish equality among States. The discussion would conclude before the upcoming meeting of the Screening Group and the Office would be informed of its outcome.
355. While recognizing the crucial importance of the Governing Body in decision-making on issues relating to the world of work, his group believed that the International Labour Conference must be able to review any general delegation of authority and consider attaching special provisions to the exercise of delegated powers. The spirit of consensus-based decision-making should be at the heart of such reviews. In the light of the increase in crucial decisions taken by vote, the Governing Body needed to devise new ways to ensure consensus-based decisions. To that end, the Chairperson must receive strong secretarial support from the Office, and emphasis should be placed on pre-session consultations.
356. The Governing Body was responsible for ensuring the participation of observers in special meetings and in the Committee of the Whole. There should be more meetings of the

Committee of the Whole, and the rules governing its use should be made more flexible. Time management at such meetings was important for effective and efficient discussion. His group supported the granting of voting rights to deputy members of the Governing Body as a significant step towards building an effective, inclusive and better functioning Governing Body. It also supported the establishment of a new working party with renewable terms and a clear mandate to draft and review proposals for reforms to be presented to the Governing Body at its 352nd Session. Intersessional consultations between tripartite constituents would be crucial to that end.

- 357. Speaking on behalf of GRULAC**, a Government representative of Mexico said that the 2011 reform package had resulted in improvements to the working methods of the Governing Body. However, further improvements could be made. Her group would continue to exercise its right to participate fully in ongoing discussions on regional representation in the context of the Screening Group, noting that it was the prerogative of Governments to define the way in which they were represented. She welcomed the fact that the Screening Group had resumed its original format and mandate following the pandemic. Any decision to review the representation of Governments in the Screening Group should respect her group's right to full participation.
- 358.** Her group agreed that the number of items on the agenda should be reduced and the periodicity of recurrent items reviewed, but did not consider it necessary to reconsider the Chairperson's role in guiding the Governing Body's discussions and decision-making, which was clearly defined in the Compendium of rules applicable to the Governing Body. As tripartite discussions on the functioning of the Governing Body continued, it would be important to prioritize the pending issues from the last reform package. Lessons learned from the COVID-19 pandemic could prove extremely useful for making progress in that regard.
- 359.** Her group remained flexible as to the way forward. As such, she proposed subamending the amendment proposed by a significant majority of countries in Asia and the Pacific to read: "The Governing Body requested the Office to develop a proposal and to submit to it at its 352nd Session (October–November 2024) a document with a view to analysing the modalities and implications of the possible channels for continuing the discussions on the improvements to the functioning of the Governing Body".
- 360. Speaking on behalf of IMEC**, a Government representative of the United States considered the Governing Body to function well and its rules and procedures to be fit for purpose, but was open to discussing issues where constituents saw merit in evaluating current practice with an aim to strengthening it. IMEC was open to discussion on specific and concrete procedures to enhance transparency and efficiency in the agenda-setting process, measures to improve the transparency of Screening Group discussions, clarification of the provisions guiding decision-making among Officers of the Governing Body, and other issues pending from the reform package. However, the determination of the Government group's own internal organization was within its own power and discussion of the issue should be confined to the group's ongoing internal discussions. Once those discussions had concluded, IMEC would gladly engage in any necessary follow-up tripartite conversations. Cognizant of the burden of a high number of agenda items on the Office and constituents, IMEC could consider the use of electronic consultations on non-controversial issues to allow constituents to focus in-session on items requiring thorough discussion. IMEC drew attention to the general principles outlined in articles 5.6.5 and 5.6.6 of the Standing Orders of the Governing Body. It was unaware of any consultations on whether to postpone the present agenda item, the document for which had not respected the deadline of 15 working days. Late publication of documents inhibited constituents in their ability to prepare. IMEC would therefore welcome information from the

Office about the factors contributing to publication delays. As to a working party, IMEC saw no merit in convening a new one in view of the recent successful conclusion of the work of the Working Party on the Functioning of the Governing Body and the International Labour Conference.

361. IMEC wished to clarify that the ILO Constitution did not establish any specific groupings, regional or otherwise, within the Government group; article 38 mandated the development of rules for regional conferences. Reference to four geographic groups in the Compendium of rules applicable to the Governing Body of the International Labour Office was in the context only of the composition of the Governing Body, geographical rotation for the role of Chairperson, and nomination of members of new committees or working parties. No legal document conferred any additional coordinating responsibilities or roles to any of the four geographical regions. Further, the number and specification of regional group coordinators for purposes other than nominations was not codified in any ILO legal text. Member States had the autonomy to consult, coordinate and organize as they saw fit.
362. **Speaking on behalf of the EU and its Member States**, a Government representative of Belgium said that the main pillars of the 2011 reform package remained relevant. During discussions on reform, it was important to safeguard principles of governance, such as the autonomy of all groups to control their own procedures and organization and agenda-setting by consensus. To ensure fair representation, both regular and deputy Governing Body members representing individual Governments or Government groups should have speaking rights. The EU was open to the Office's proposals in the non-paper regarding the granting of the right to vote to deputy members. As to the agenda-setting mechanism established by the reform package, the EU echoed the position expressed in the letter dated 27 February 2024 to the Director-General from Namibia on behalf of the Government group. Given that the Governing Body's composition would change following elections in June 2024, establishing a new working party might be premature. Future discussions on the functioning of the Governing Body should be based on concrete proposals to be identified through specific intersessional tripartite consultations. Providing constituents with advance briefings on controversial issues might facilitate the achievement of consensus. Discussions on the delegation of authority by the International Labour Conference must not call into question decisions taken by the Governing Body. The EU was prepared to consider the subamendment proposed by the Workers' group.
363. **Speaking on behalf of ASEAN**, a Government representative of Indonesia said that periodically reviewing the functioning of the Governing Body was important. The ILO could further strengthen its role as a leading advocate for social justice and decent work by enhancing its governance structure to ensure equitable representation and decision-making processes. Moving forward, ensuring maximum inclusivity and democratic participation should be the priority. Intersessional consultations might offer valuable opportunities for comprehensive discussions and deliberations. ASEAN supported the amendment presented by a significant majority of countries in Asia and the Pacific.
364. **Speaking on behalf of the Member States of the SADC**, a Government representative of Namibia recalled the critical role played by the ILO in overcoming challenges including decolonization and emphasized the importance of continuing efforts to ensure fair representativity and equality. While important progress had been made, more must be done. One area requiring urgent review was the agenda-setting mechanism. The overlapping representation in the Screening Group of some members or groups that went beyond the four established regions of the ILO must be corrected. The SADC supported the establishment of a new working party as it had been six years since the conclusion of the work of the Working

Party on the Functioning of the Governing Body and the International Labour Conference. It did not support the holding of intersessional consultations, as they would slow down rather than precipitate urgently needed action. Clarifications from the Office on the cross-regional groups would be welcomed. Lastly, the SADC supported the proposal in paragraph 45 for the Office to prepare an issues paper.

365. **A Government representative of Cuba** said that the Governing Body should consider improving its time management, as meetings that ran late into the night undermined the effectiveness and productivity of sessions, health and standards on working time. Speaking time could be limited, or the number of agenda items could be reduced by revising the frequency of recurring items. The authority granted to the Governing Body Officers to decide whether an item was included, even when consensus was not achieved in the tripartite Screening Group, should be reviewed, since the lack of consensus had an impact on the decisions made subsequently by the Governing Body. The proposed issues paper should be prepared on the basis of tripartite consultations. Concerning the suggested establishment of a working party, the Office could prepare a document for discussion with proposals for the composition, mandate and duration of such a party. It would be essential for the composition of the working party to respect the principles of equal regional representation and parity among the tripartite constituents.
366. **A Government representative of Indonesia** said that the review was essential to ensure that the Governing Body remained effective and responsive, particularly given the expansion of membership, the introduction of new initiatives and the evolving challenges within the global labour market. The review must firmly adhere to the ILO's foundational values and principles, and prioritize the promotion of a more balanced and inclusive decision-making framework, upholding the voices and perspectives of all Member States equally.
367. **A Government representative of India** said that it was important to address the representational asymmetry in the regional Government groups of the ILO governance bodies and the various Governing Body committees. Greater transparency in the appointment of Governing Body committee members was needed, including with regard to geographical representation, particularly in the case of the Committee of Experts on the Application of Conventions and Recommendations (CEACR). The tripartite Screening Group should comprise an equal number of representatives from the four regional groups referred to in the ILO Constitution. The delegation of authority from the International Labour Conference to the Governing Body must be reviewed, as major ILO decisions should only be made by the International Labour Conference.
368. **A Government representative of China** said that the review should be constituent-driven, and full stock should be taken of successes and lessons learned. The review should also be in keeping with the times, with the current needs of constituents serving as a point of departure. The opinions and suggestions of all stakeholders should be solicited, and pragmatic reform proposals should be developed. Several key factors must be taken into account during the review, such as the strategic control of document quality and the timely delivery of meeting documentation. Tripartite consultations could be organized during the intersessional period to review the reform proposals.
369. **A Government representative of Pakistan** said that his Government wished to align with the statement delivered by the Africa group. It was essential to heed the voices of constituents supportive of addressing additional concerns or proposing further measures for the democratization of the ILO's governance bodies. For example, there should be a restriction on Governing Body members skipping one or two Governing Body terms before joining the

Committee on Freedom of Association again. The representation of any constituent or tripartite structure should be in line with the Standing Orders of the Governing Body. Pointing out any inconsistencies should not be construed as undermining the autonomy of any group. Concerning the Screening Group, no copy of the Government group decision on the establishment of Government groups beyond four geographical regions had been provided. In view of the Government group discussions, the Office should strictly adhere to the Standing Orders until the Government group had concluded its deliberations on the matter. Working parties should be a standing tripartite structure and their composition could be updated at the beginning of a Governing Body session. Constituents could submit their proposals to the working party, and proposals by the working party could be submitted to the Governing Body for approval. The working party's first task might be to identify the ILO structures requiring the implementation of the principle of democratization, which could be presented at the 352nd Session of the Governing Body. He supported the amendment proposed by a significant majority of countries in Asia and the Pacific.

- 370. A representative of the Director-General** (Assistant Director-General, External and Corporate Relations Cluster) said that the Office was aware of the delays in the submission of documentation, and that it was examining, as a priority, ways to ensure that the majority of documents were submitted by the established deadline. While there was indeed a mechanism to defer a discussion if a document had not been submitted on time, it came with a risk of creating lengthy items on the agendas of future sessions. Some documents were submitted late because the negotiations or consultations on which they were reporting took place around or after the deadline for submission, which had been the case for the document under discussion. Broad support was provided to the Government group, in particular to the Governing Body Chairperson, by the Official Meetings, Documents and Relations Department. The Office was willing to discuss, with the Government group and regional coordinators, any gaps in the support given and any improvements that could be made. Regarding the Screening Group, the Office had taken note of the letter sent by the Government group on its pending discussions which it wished to continue after the Governing Body. The Office required further clarification from the Governing Body on the specific issues that it wished to be discussed in greater depth. The issues listed in the document were those mentioned during the informal consultations.
- 371. Another representative of the Director-General** (Legal Adviser), with regard to the proposal that the Officers of the Governing Body include a vice-chairperson from the Government group, reiterated that, under the ILO Constitution, there could only be three Officers. Furthermore, according to the Standing Orders of the Governing Body, the Chairperson of the Governing Body must consult the Chairperson of the Government group on any matter on which he or she deemed necessary to consult, during the session, the Officers on the conduct of any item of the business of the Governing Body. The establishment of a working party was up to the Governing Body, which simply needed to adopt specific terms of reference and determine its composition and duration. When fixing the duration of the working party, the Governing Body could decide whether its establishment could be permanent, as proposed in the subamendment put forward by the Africa group, or be open-ended. During that process, the Governing Body could draw on past experiences to assist it in its decisions.
- 372. The Director-General** acknowledged that there remained issues with meeting deadlines for the submission of documentation and repeated that the Office was striving to make improvements. He asked for clarification from the Government group on whether the discussions that it wished to continue after the Governing Body session would be part of a parallel process, should the decision be made to request the Office to hold consultations.

Concerning the proposal for a vice-chairperson of the Government group to be a fourth Governing Body Officer, he understood that there was an issue, and suggested that, in its consultations, the Government group speak with the outgoing Chairperson and perhaps a previous Chairperson of the Governing Body, in order to share experiences.

- 373. The Employer spokesperson** reconfirmed the Employers' support for the amendment proposed by a significant majority of countries in Asia and the Pacific, subamended by the Africa group, on the establishment of a working party. She saw no problem in the governments continuing discussions among themselves, or in the Government group, as in working groups governments did not have to speak with one voice. Moreover, the different geographical entities would be represented. The item should be reconsidered in week two of the current session to allow time for further consultations and the drafting of a revised draft decision acceptable to all.
- 374. The Worker spokesperson** said that, in her view, the issues that some groups considered as requiring a review of the rules and regulations in a working party must be addressed, but did not require a change in the rules and regulations or Standing Orders; rather, better practices were needed. One such issue was regional government representation in the Screening Group. She saw no need to refer the issue to a working party; the Government group should resolve the matter internally as a priority. She requested the Office to prepare a document to clarify the rules on regional representation and voting rights.
- 375.** She could not agree to one working party for the two separate agenda items on democratization and the functioning of the Governing Body, and asked that any such suggestion be withdrawn. She would prefer not to have any working parties.
- 376.** She supported having a further discussion the following week, to try to identify and agree on targeted issues, and expressed the hope that there would be support for the Workers' subamendment as a possible compromise moving forward.
- 377. Speaking on behalf of a significant majority of countries in Asia and the Pacific,** a Government representative of Bangladesh said that establishing a working party would provide time and space for discussions and diplomacy to help reach consensus on two very important issues. Discussions within the Government group could continue, given the Governments' diverse and sometimes conflicting positions. He supported postponing the item to the following week to allow for further consultations.
- 378. Speaking on behalf of the SADC Member States,** a Government representative of Namibia reminded the Office that the SADC Member States had requested clarity on the legal standing of cross-regional groups.
- 379. Speaking on behalf of the Africa group,** a Government representative of Morocco thanked the Workers for showing flexibility by agreeing to the establishment of a working party to discuss a limited number of issues. The issue raised on over-representativeness was linked to the Screening Group and not to the Governing Body, where all the groups had the right to be represented and take the floor on behalf of the various groups of countries, regional or otherwise. The problem was that within the Screening Group, there was higher representation of some Member States, through the regional coordinators, and speakers could only voice their views through those coordinators.
- 380. The Worker spokesperson** clarified that she had not agreed to establishing a working party; rather she had proposed identifying and agreeing on areas for possible improvement in the functioning of the Governing Body and for the Office to prepare a report including proposals for consideration by the Governing Body. That was the thrust of the Workers' subamendment.

- 381. A representative of the Director-General** (Legal Adviser), responding to the question raised by the Government representative speaking on behalf of the Member States of the SADC, recalled that, in January 2024 and at the specific request of the Africa group, the Office had prepared a document concerning the composition of the Screening Group, which had been presented in English and French at an Africa group meeting. In the document, the Office had explained that the composition of the Screening Group was set out in paragraph 3.1.1. of the Standing Orders, where reference was made to the regional coordinators representing the governments. The number and designation of the regions were not specified and the negotiating history of paragraph 3.1.1 shed no additional light on what was behind the wording. Originally, when the 2011 reform package had been adopted, the wording had been “representatives designated by the groups” and when the Standing Orders had been reviewed and finalized after the trial period, the wording had been changed to “the regional coordinators representing the governments”. Thus, with regard to the composition of the Screening Group and the designation of the different participants representing governments, according to the records, the participation reflected decisions of the Government group, was a well-established practice, and had not given rise until recently to any objection or controversy.
- 382.** At the Africa group meeting, he had acknowledged that, while the word “regional” in the term “regional coordinators” evidently had a geographical connotation, the well-established practice that the Office simply followed was to respond to Government group requests on representation. That well-established practice could be changed at any time.
- 383. The Employer spokesperson** added that paragraph 3.1.1 of the Standing Orders should be read in conjunction with paragraph 9 of the Introductory note to the Standing Orders, which referred to regional distribution in terms of the examination of the interim proposals concerning the composition of the Governing Body, pending the entry into force of the Instrument for the Amendment of the Constitution of the ILO, 1986 (1986 Amendment).
- 384. The Government representative of Pakistan** asked when and how the Office had been informed of the practice of the Government group being represented beyond four regions.
- 385. Speaking on behalf of ASPAG**, the Government representative of Bangladesh asked for clarification on the legal connotation of the term “well-established” practice; what was meant by “regional representation” and whether it could be cross-regional or should be in a definite geographical area; and what was meant in legal terms by “region”. He requested the Legal Adviser to share with all the Governments the document prepared for the Africa group meeting.
- 386. A representative of the Director-General** (Legal Adviser) said that, as the document prepared for the Africa group meeting clarified, the Office did not establish any groups and could not impose any representation on the Government group. It simply followed the instructions of and guidance from the Government group. After each Governing Body election, the Office received a communication from the Government group nominating and designating the spokespersons of each regional group and each regional coordinator, which was published afterwards. The Office could only act upon that communication.
- 387.** Regarding what was meant by “well-established” practice, he said that the Screening Group had been a key innovation of the reforms introduced in 2009, although it had not been called the Screening Group at the time. The process had all started with consultations in the so-called Geneva-based consultative group. When the name “screening group” had been suggested, the same persons that had composed the Geneva-based consultative group, which included IMEC representatives, had become representatives or participants in the Screening Group. That

practice had been followed since the 2009 reforms and had remained uncontested until recently, hence the meaning of “well-established”.

- 388. Speaking on behalf of ASPAG**, the Government representative of Bangladesh said that the practice had not been uncontested, because Governing Body members had spoken out against the practice many times at its sessions. He therefore requested that the Office avoid the term “well-established”.
- 389. The Employer spokesperson** agreed that “well-established” was an inaccurate factual statement. The practice of double representation and composition that deviated from the rules had also been contested repeatedly in the Screening Group. However, as there were no minutes of the Screening Group’s meetings, only the outcomes of agenda items, no records were kept of any such discussions.
- 390. Speaking on behalf of IMEC**, the Government representative of the United States said that IMEC supported the subamendment proposed by the Workers.

(The Governing Body resumed its discussion of the item at a later sitting.)

- 391. Speaking on behalf of the Africa group**, a Government representative of Malawi said that her group had always advocated adherence to the principles of equality and equal representation on which the Organization had been founded in 1919. The Organization had evolved since then, and so too should its governance structure, which was why her group supported the establishment of a new working party, whose composition, duration and terms of reference should be determined by the Governing Body, and, also, the drafting of an issues paper.
- 392. The Worker spokesperson** said that, in order to make progress, there was a need to find common ground between the various proposals. Regarding the amendment put forward by a group of ASPAG countries, the discussion so far had revealed little appetite for establishing a working party with no clear mandate on a permanent basis. Her group was not ready to accept a working party of any description, although some constituents had expressed support for the idea. On the other hand, there was convergence on requesting the Office to prepare a document on the basis of further consultations. The request could include elements from all three proposed subamendments. She had heard no precise indication of areas for improvement in the functioning of the Governing Body, which suggested that further work was needed to identify areas and how to address them.
- 393. The Employer spokesperson** said that there was a common understanding that action was required to improve the functioning of the Governing Body. Her group believed that the best way forward was for the necessary amendments to the Standing Orders of the Governing Body to be dealt with by a working party, which was an inclusive mechanism that had proved effective in the past. The amendment proposed by a group of ASPAG countries and the subamendment put forward by the Africa group supported that stance. The subamendment suggested by the Workers’ group did not reflect the urgency of the situation, calling for action to be postponed until March 2025, which was too late and unnecessary, given that document GB.350/INS/9 already provided guidance on areas for improvement and ways forward. In the subamendment proposed by GRULAC, the time frame was more acceptable, but it was unclear what exactly was expected from the Office. Moreover, if adopted, the subamendment would lead to a repetition of the current debate and unnecessarily delay the process of revising the Standing Orders. Furthermore, it did not call for any engagement by the tripartite constituents in that process.

- 394.** Her group believed that the subamendment put forward by the Africa group was action-oriented and best reflected actual needs. It captured the request from her group and the group of ASPAG countries to set up a working party and clearly indicated a path forward. Her group had expressed flexibility on the timeline for the submission of recommendations by a working party to the Governing Body and was open to holding further consultations with a view to informing an issues paper and the mandate, composition and timeline of a working party. It expected to see the same flexibility and openness in practice from the other constituents.
- 395. Speaking on behalf of a significant majority of ASPAG countries,** a Government representative of Bangladesh said that the variety of positions expressed indicated that there were genuine challenges to overcome. The issue of governance had implications for all constituents and should thus be the subject of tripartite consultations. The establishment of a permanent working party was an approach that had yielded results over the previous decade and would facilitate such consultations, ease the workload burden on the Governing Body, make it possible to address unfulfilled elements of the reform package adopted by the Governing Body at its 310th Session (March 2011), enable discussions on the composition and functioning of the Screening Group and respond to concerns voiced by many constituents.
- 396. Speaking on behalf of IMEC,** a Government representative of the United States said that, while her group generally considered that the Governing Body functioned well, it was always ready to engage in efforts to strengthen the Organization's governance. Its preference was for the subamendment proposed by the Workers' group, which would enable the achievement of consensus on outstanding issues and on how to address them. It had reservations about establishing a working party. Although working in smaller numbers could contribute to the efficiency of discussions, it was important to prioritize inclusivity. IMEC was open to the subamendment put forward by GRULAC and could support subparagraph (b) of the proposal by the Africa group. It could also be flexible with regard to timelines.
- 397. A Government representative of India** said that she was in favour of setting up a working party with a clear mandate, to save time for the Governing Body and help resolve the issue of regional asymmetry.
- 398. The Worker spokesperson** said that the debate had not brought constituents any closer to agreeing on areas for improvement, which suggested that further work was needed in a tripartite format. Establishing a working party on a permanent basis implied forever questioning the functioning of the Governing Body. The previous two weeks, however, had shown that the Governing Body functioned well. The matter of the composition and functioning of the Screening Group could not be addressed as part of efforts to improve the functioning of the Governing Body until the Government group had completed its own internal discussions on Government representation and grouping. Accordingly, she saw no convincing reasons for setting up a working party. She would prefer to amend the draft decision to reflect the convergence on the desirability of holding consultations and on requesting the Office to prepare a document, perhaps including the element from the proposal by GRULAC about analysing the modalities for addressing shortcomings.
- 399. The Employer spokesperson** said that the need to discuss and clarify, in a smaller group, issues concerning the functioning of the Governing Body was precisely why it would be advisable to establish a working party. That could be done as part of a time-bound exercise lasting until the 353rd Session (March 2025) of the Governing Body. She concurred that there was an issue of regional asymmetry in Governing Body meetings. Some governments were represented in multiple groups, which gave a distorted and biased view of proceedings. There

was a need to enforce strict rules on speaking time and slots in order to ensure that no constituents felt marginalized or unheard. A working party would bring the benefits of a smaller setting without being exclusive, as it would be open to observers. As far as she could tell, a very large number of constituents were in favour of the idea.

400. **Speaking on behalf of a significant majority of ASPAG countries**, a Government representative of Bangladesh said that his group had repeatedly raised the issue of the representational imbalance in the Screening Group, but to no avail. It was therefore opposed to further consultations that lacked a clear focus. Since there were still outstanding governance issues at the 350th Session of the Governing Body, it was legitimate to argue that such issues would always exist, which was why his group was in favour of setting up a working party on a permanent basis.
401. **Speaking on behalf of the Africa group**, a Government representative of Malawi said that her group had always had issues with the Organization's governance structure and that a working party would be the ideal means of isolating and presenting those issues to the Governing Body for discussion. It could be flexible as to whether or not the working party was established on a permanent basis.
402. **Speaking on behalf of GRULAC**, a Government representative of Mexico said that her group was not opposed to further discussions on outstanding issues related to the functioning of the Governing Body. The idea behind its proposal for the Office to submit a document to the Governing Body at its 352nd Session (October–November 2024) was to identify specific issues to be borne in mind during such discussions, issues that included unfulfilled elements of the 2011 reform package. It could accept subparagraph (b) of the subamendment put forward by the Africa group, which was in line with its own proposal, and agreed with the majority of ASPAG countries on the need for consultations with a clear focus. Regarding the proposal by the Workers' group, a submission date of October–November 2024 would be preferable in view of the urgency of the matter at hand. While her group did not wish to close the door on the prospect of establishing a working party, it did not believe that one was required at that moment.
403. **The Worker spokesperson** said that the Government group should finalize its discussions on Government representation and grouping in the Screening Group and present proposals or solutions before consideration could be given to the establishment of a working party. A compromise draft decision might be for the Governing Body to take note of the document prepared by the Office and request the Office to prepare a paper, on the basis of tripartite consultations, identifying specific areas in need of improvement and possible modalities for continuing discussions on those areas, for consideration by the ILO constituents at the 352nd Session of the Governing Body. Since there appeared to be an even split on the proposal to set up a working party, no consensual conclusion would be achieved during the current discussion, but perhaps agreement could be reached on a process to identify areas for improvement and how to address them.
404. **A Government representative of India** said that it was not for any one representative to determine that there was an even split within the Governing Body. The majority of ASPAG countries had been clear in calling for a working party, yet their voices did not seem to have been heard and were not treated equally on account of regional asymmetry and the hijacking of the discussion by certain speakers.
405. **A Government representative of Pakistan**, noting that no specific decision had been made by the Governing Body to discontinue the meetings of the Working Party on the Functioning of the Governing Body and the International Labour Conference (2009–2018), proposed that

its mandate simply be renewed to address the pending topics and concerns outlined in paragraph 40 of the document and that tripartite consultations on the matter should be held prior to the Governing Body's 351st Session (June 2024).

406. **Speaking on behalf of a significant majority of ASPAG countries**, a Government representative of Bangladesh agreed with the Government representative of India that democratic equality was the cardinal principle of any multilateral or international organization. He noted that all groups supported consultations and a majority of groups were in favour of a process or framework for that. The proposed new working party would simply be a formalized forum for consultation and discussion, which everybody appeared to support. He urged all Members to build on the idea of a working party in order to reach consensus.
407. **Speaking on behalf of the Africa group**, a Government representative of Malawi said that a working party was nothing new, so there was no reason not to have one to review the functioning of the Governing Body. That request was closely related to the issue of democratization and equal representation. A tripartite working party would be able to undertake the necessary consultations and examine in detail all that the constituents were requesting.
408. **The Employer spokesperson** suggested that the Office work on a draft decision that would bring together all points raised and revive the existing working party, which had simply been suspended, for the consideration of the Governing Body. The numerous issues already raised and others that might arise during the course of discussions could be addressed one by one in the working party. She recalled that the request to review the functioning of the Governing Body had stemmed from the negative experience at the previous session in November, during which some matters had been imposed on constituents by small groups and the meeting had not been organized or run in line with proper governance. A working party was needed in order to properly analyse the issues.
409. **The Worker spokesperson** clarified that her comment about a split merely reflected her reading of the room that there was clearly strong disagreement on how to move forward. She expressed respect for the principle of equal representation and for the views expressed by the Government representative of India. However, she was speaking not on behalf of a country but of all workers of the world and one quarter of the membership of the Governing Body. It was important to respect one another and everyone speaking, in their position, whatever or whomever they represented.
410. **Speaking on behalf of a significant majority of ASPAG countries**, a Government representative of Bangladesh said that ASPAG had been flexible for many years concerning the Organization's many anomalies and asymmetries in representation, but nothing had changed. A working party would not destroy the idea of social justice or decent work but would, rather, be an acknowledgement of all of the Organization's core ideas, including tripartism. A framework for consultations was needed in order to provide focus. He urged all colleagues to be flexible on the idea of a working party.
411. **Speaking on behalf of IMEC**, a Government representative of the United States requested clarification from the Office on what a working party was and the modalities available under such a structure. It would also be useful to understand the modalities selected for the previous working party, in order to better understand the precedent on which to build.
412. **A Government representative of Pakistan** proposed that the Governing Body could refer to and build on the language already agreed in 2009 at its June and November sessions, rather than asking the Office to draw up a new formulation.

- 413. Speaking on behalf of the Africa group**, a Government representative of Malawi said that her group's position with regard to governance remained unchanged. The establishment of a working group was not an end in itself but a vehicle towards the achievement of the greater goal. The structure of the Organization had grown and changed since 1919; most Member States had not been there when the governance structure was established. The Organization talked about democracy, equality and representation, and should practice what it preached. A working party was needed to analyse all of the issues raised by the various groups.
- 414. A representative of the Director-General** (Legal Adviser) said that the provisions on Governing Body working parties contained in article 4.2 of the Standing Orders of the Governing Body, were flexible and general in nature. In order to set up a working party, the Governing Body needed to define its terms of reference, composition and duration. Terms of reference would define the purpose of the working party and regulate issues including the frequency and modality of its meetings and the decision-making process. The decision on composition would address issues including chairpersonship and attendance by observers. The decision on duration would provide an initial indication of the working party's timeline. The Governing Body would retain jurisdiction over the working party throughout its process and be able to modify its terms of reference or extend its duration, for instance. The Office would normally be mandated to draft an initial proposal, which would then be subject to consultations. Once the terms of reference, composition and duration had been established, the working party would be set up as the outcome of the consultations.
- 415.** As indicated in the document, the mandate of the previous working party on the functioning of the Governing Body and the International Labour Conference had been renewed with every new Governing Body election. However, its mandate had not been renewed the last time hence it had ceased to exist. If a decision were taken to set up a working party, it would have to be a new working party with its own terms of reference, composition and duration, as it would be discussing something different.
- 416.** When the process of establishing the previous working party had been initiated in 2009, the Governing Body had mandated the Office to prepare an issues paper outlining how it proposed to address the four issues identified. Once the Governing Body had discussed that issues paper, it decided to set up the working party.
- 417. The Worker spokesperson** said that the issues that the Governing Body wished to address remained unclear. Strong views on democratization had been expressed by ASPAG and the Africa group. However, that issue had been addressed under Institutional Section agenda item 8, which had ended with an agreement not to have a working party, but to develop alternative options to advance the democratic, fair and equal representation of constituents. The same issue could not be addressed again under the present agenda item. Although there was flexibility in working parties, as explained by the Legal Adviser, establishing a working party would require a great deal of discussion. If action was needed only on two or three issues, they could be more effectively addressed through normal consultations.
- 418. The Employer spokesperson** said that the document clearly indicated that there were at least ten concrete issues to address, including a range of pending issues from the most recent reform package. It was not the case that those issues could only be discussed once everyone agreed that they were a problem. When one or more groups considered that there was a problem, it was the duty of all other groups and Members to discuss it, with a view to good governance and respectful interaction.
- 419.** The Legal Adviser's interpretation that since the mandate of the working group had not been renewed in June 2021 it no longer existed was not the only interpretation. Her group had been

informed that if the newly constituted Governing Body decided to renew the working group's mandate in June 2024, it could be revived. However, it was immaterial whether the working group was new or revived, as long as it provided a structure through which to address all of the issues calmly. It was frustrating to face a refusal to accept any discussion of important issues.

- 420. Speaking on behalf of a significant majority of ASPAG countries**, a Government representative of Bangladesh noted that recent experience had demonstrated that it was not always the case that a problem had to be everyone's problem in order to merit being addressed. The two special sittings in November had resulted from a group countries raising an issue with the Director-General when the Governing Body was not even in session. As long as a considerable number of constituents said that there was a problem, the Governing Body had to accept it. The document had clearly outlined the issues needing to be addressed, which could not be resolved in two or three rounds of consultations.
- 421. Speaking on behalf of the Africa group**, a Government representative of Malawi said that the 54 Member States in her group were tired of the status quo and wanted the principle of equality to prevail. There was an opportunity to address the issues, beginning with those already outlined in the document. A working party should be established and commence work immediately.
- 422. The Worker spokesperson** clarified that when the agenda was discussed in the Screening Group, as an Officer of the Governing Body she had agreed to separate the issues covered under agenda items 8 and 9 into two items, although as the representative of the Workers' group she did not see the need to do so. However, she had respected the request for that discussion. It was possible to take other positions seriously without always agreeing with them. She had not said that everybody needed to agree on everything before continuing, she had simply observed particular division with regard to the modalities. As the Legal Adviser had indicated, the production of an issues paper was a way forward to promote discussion. The established process for deciding what issues the Governing Body would discuss needed to be taken into account. It was not possible, going forward, to discuss everything that everybody put on a list, without going through the proper process. The Governing Body needed to seek convergence and common ground.

(The Governing Body resumed its discussion of the item at a later sitting.)

- 423.** The Governing Body had before it a revised draft decision, which had been prepared by constituents and circulated by the Office, and which read:
- The Governing Body:
- (a) took note of the document prepared by the Office; and
 - (b) requested the Director-General to organize tripartite consultations to seek convergence on the areas for improvement, and to prepare, on the basis of those consultations, a report with proposals on the issues to address and the modalities for continuing the discussion, including options for the establishment of a time-bound Working Party, for consideration by the Governing Body at its 351st Session (June 2024).
- 424. A representative of the Director-General** (Assistant Director-General, External and Corporate Relations Cluster) said that the revised draft decision represented a compromise acceptable to all groups consulted, subject to confirmation by the Governing Body.
- 425. The Worker spokesperson** highlighted that the revised draft decision respected the various different positions and sought to ensure that the conversation on areas for improvement could continue. While her group understood that some viewed the issue as a matter of urgency, it

was important to recognize that there were limits to what could be achieved by the 351st Session (June 2024) of the Governing Body. She encouraged the Governing Body to remain flexible and called on all groups to support the revised draft decision.

426. **The Employer spokesperson** said that while her group had hoped for a more constructive spirit to prevail during the negotiations, the revised draft decision reflected the sensitivities of all parties, ensured that all options remained open, placed the focus on tripartite consultations and avoided imposing unreasonable obligations on any group. The Employers' group remained of the view that the establishment of a working party was the most appropriate way forward; in the interest of compromise, however, it was ready to accept the revised draft decision.
427. **Speaking on behalf of the Africa group**, a Government representative of Morocco drew attention to the need for concerns regarding the composition of the Screening Group to be discussed within the Government group before consideration could be given to holding tripartite discussions on the matter.
428. **Speaking also on behalf of the Africa group**, a Government representative of Malawi expressed the hope that constituents would remain willing to engage in dialogue on areas for improvement. While her group had agreed to compromise, it would continue to strive for the full democratization of the ILO. The Government group would continue its discussions on the composition of the Screening Group in the hope that more Governments would come to the table to find a solution. That process must be time-bound. She supported the revised draft decision.
429. **Speaking on behalf of GRULAC**, a Government representative of Mexico requested the Office to include in the report to be submitted to the Governing Body information on all options for the continuation of the discussion, in addition to a working party, so as to enable the Governing Body to take an informed decision on the next steps. Decisions concerning Governments' representation in ILO decision-making bodies were theirs alone to make. She therefore underscored the importance of the Government group's efforts to address overrepresentation in the Screening Group in which her group would participate constructively and in good faith. Her group would continue to participate fully in the Screening Group regardless of the agreement reached in that regard. She expressed concern regarding the time frame proposed in the revised draft decision since the Governing Body would have limited time at its 351st Session (June 2024) to discuss, and reach tripartite consensus on, what was a very important matter. Despite that, her group supported the revised draft decision.
430. **Speaking on behalf of IMEC**, a Government representative of the United States said that her group maintained its reservations regarding the revised draft decision and would prefer for a report to be submitted for consideration by the Governing Body at its 352nd Session (October–November 2024). Her group wished to hear whether the Governing Body would agree to reconsider the time frame before sharing its full position.
431. **Speaking on behalf of the majority of countries in ASPAG**, a Government representative of Bangladesh noted that his group's proposal of a permanent working party had been gradually watered down to mere consideration of a time-bound working party. Moreover, a request for further consultations had been included in the revised draft decision despite the fact that it was abundantly clear which areas required improvement since the constituents' views had been incorporated into the document. Nevertheless, his group had demonstrated flexibility on the draft decision – as it had done on the matter of democratization for nearly a century – and would appreciate the same flexibility from other groups. He therefore called on the Governing Body to support the revised draft decision.

- 432. A Government representative of Pakistan** recalled that there was no mandatory intervening period between the mandates of working parties. He noted, however, that although it had been stated that issues papers must be prepared prior to the establishment of working parties, the establishment in 2009 of the Working Party on the Functioning of the Governing Body and the International Labour Conference had preceded the relevant issues paper. He was dissatisfied with the suggestion that the mandate of that Working Party could not be renewed in 2024 given that it had been renewed and extended several times between 2011 and 2017. The Governing Body had not been informed of any developments that indicated that renewal was no longer possible. Since the expiry in 2023 of the mandate of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance the ILO no longer had a forum for the discussion of governance issues.
- 433. The Worker spokesperson** noted that the agenda item under discussion aimed to find a way forward on the issues raised by the Government representative of Pakistan, hopefully through tripartite consultations. Although the Government representative of Pakistan had expressed dissatisfaction, groups including ASPAG, to which Pakistan belonged, had stated that they could accept the revised draft decision, which was the result of concessions on all sides.
- 434. The Employer spokesperson** noted that a substantial number of Governing Body members, including the Employers' group, had wished to establish a working group at the current session of the Governing Body in the light of the urgency of the matter at hand; the proposed postponement of that step to June 2024 represented a significant departure from her group's position in the interest of reaching consensus. The revised draft decision would not unduly burden any Governing Body member. She therefore called on IMEC to support the draft decision.
- 435. The Chairperson** highlighted that all sides could find something agreeable in the revised draft decision.
- 436. Speaking on behalf of ASPAG**, the Government representative of Bangladesh stressed that it would be possible to complete the necessary preparations to establish a working party – which was not an unprecedented approach at the ILO – by the Governing Body's June 2024 session. He requested IMEC to accept the revised draft decision.
- 437. The Worker spokesperson** said that she understood the reservations expressed by IMEC and GRULAC about the feasibility of the proposed time frame in the revised draft decision. The Conference would have many complex items on its agenda at its forthcoming 112th Session, including the election of new Governing Body members, and the Office would have a heavy workload in preparation for that session. The Governing Body should be realistic about what to expect from it and about what could be achieved before then. However, while it should not be overambitious, the Governing Body should demonstrate a commitment to make progress. Therefore, her group was of the view that there should be one round of consultations in the coming months, culminating in an initial discussion in June 2024.
- 438. Speaking on behalf of the Africa group**, a Government representative of Malawi said that the revised draft decision, albeit a compromise solution, provided an opportunity to make a start on the discussion. She therefore called on the Governing Body to approve it.
- 439. A Government representative of China** said that many Governing Body members clearly recognized the need to review the governance of the Governing Body and propose measures for improvement. Many had raised concerns about dual representation, which was not in line with the principles and process of democratization of ILO governance. Those concerns should

be addressed by the Governing Body as a matter of priority and timely solutions should be found. He supported the revised draft decision.

- 440. Speaking on behalf of IMEC**, a Government representative of the United States noted with disappointment the lack of support for her proposal to defer the consideration of the item to the 352nd Session (October–November 2024). The agenda of the 351st Session was overloaded and the programme of consultations in the run-up to the 112th Session of the Conference was already very heavy. It was incredibly difficult, especially for small delegations, to prepare for and engage meaningfully at June sessions of the Governing Body, which were always scheduled to take place on the Saturday following a gruelling session of the Conference. She requested the Office to provide information on the workload ahead, including a schedule of upcoming consultations, to help determine whether it had sufficient time to prepare for the discussions and whether the programme of work of the 351st Session could accommodate an additional item. IMEC had strong reservations about extending the 351st Session. Furthermore, if the Office document on the item could not be published 15 working days before the session, the item should be deferred, in line with the Standing Orders of the Governing Body. Consultations were not an acceptable justification for delayed publication.
- 441.** IMEC expected a clear distinction to continue to be made between the item on democratization in the ILO's governance, as set out in document GB.350/INS/8, and the current item. In future discussions on the current item, more substantive and complete background material should be provided well in advance, based on inclusive consultations. The Office should convene information sessions on ILO procedures and practice to ensure that all the constituents had the same information going into discussions and operated with a shared understanding of current practice. Recalling that there had been a clear agreement within the Government group to continue to participate in good faith in the discussions on its representation in the Screening Group, she said that IMEC remained committed to finding a way forward with the Governing group on that issue. On the understanding that the adoption of the revised draft decision would not pre-empt the outcome of further discussions on issues and modalities, IMEC would not block consensus on it.
- 442. The Director-General** confirmed that, in its consultations on the item under consideration, the Office would not discuss or make proposals on the question of the representation of the Government group in the Screening Group. While the Standing Orders of the Governing Body did indeed stipulate that documents should be published two weeks before the opening of each Governing Body session, the agreed consultation dates also needed to be taken into account. It was up to the Governing Body to decide whether the item should be discussed at the 351st Session. The Office would endeavour to publish the document as necessary.
- 443. The Worker spokesperson** reiterated that there should be no overlap between the discussions on INS/8 and those on INS/9, as they involved different processes. She agreed on the need to consult the calendar of consultations and to set priorities. The draft decision should be adopted in good faith and the Governing Body members should remain reasonable in terms of the limits of what they or the Office could achieve in the two months before the 351st Session.
- 444. The Employer spokesperson** said that it was the Office's duty to be prepared on time, if the draft decision were adopted now. She hoped that the decision would be adopted by consensus and that the Office would work in good faith to implement it.
- 445. The Director-General** clarified that it was the Office's responsibility to be at the service of the constituents. The timely preparation of the document in question was feasible, and the Office would do everything possible to ensure it. However, the decision to discuss the item at the

351st Session should not be conditional upon whether the document would be available on time. All parties needed to make every effort to cooperate when the dates for consultations were fixed.

- 446. Speaking on behalf of IMEC**, a Government representative of the United States acknowledged that the Governing Body made significant demands on the Office. The Standing Orders stipulated that any derogations to the 15-working-day rule for documents would require prior agreement from the Officers of the Governing Body after consultation with the three groups. Therefore, if for some reason, it was not possible to finalize the document, the Governing Body members should be consulted to confirm that the item would remain on the agenda.

Decision

447. The Governing Body:

- (a) **took note of the document prepared by the Office;**
- (b) **requested the Director-General to organize tripartite consultations to seek convergence on the areas for improvement, and to prepare, on the basis of those consultations, a report with proposals on the issues to address and the modalities for continuing the discussion, including options for the establishment of a time-bound working party, for consideration by the Governing Body at its 351st Session (June 2024).**

(GB.350/INS/9, paragraph 46, as amended by the Governing Body)

10. Follow-up to the resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus (GB.350/INS/10(Rev.1))

- 448. A Government representative of Belarus** (Deputy Minister of Labour and Social Protection of Belarus), authorized to speak in accordance with article 1.8.3 of the Standing Orders on a matter concerning his Government, said that the application of article 33 of the ILO Constitution to Belarus was absurd, given his Government's commitment to social justice. The entire process had been engineered by Western countries. The resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus, which had been adopted by the International Labour Conference at its 111th Session (2023), was structured around sanctions and discriminatory measures and had no moral or legal grounds. The use of threats, pressure and sanctions was inconsistent with the ILO's working methods and the measures set out in the resolution clearly contravened the Organization's principles. Under no circumstances should the voluntary accession of a country to an ILO Convention lead to the imposition of sanctions against that country. The resolution would irrevocably damage the ILO's authority as it showed that the Organization's position could be manipulated at will by a certain group of countries.
- 449.** The alleged lack of progress on the implementation of the 2004 recommendations of the Commission of Inquiry and the alleged deterioration of the situation in Belarus used as justification for the application of article 33 had no basis in reality. His Government, in collaboration with the social partners and with the support of the Office, had made great strides in improving legislation and developing social dialogue and tripartism. The ILO supervisory bodies had positively assessed his Government's progress up until the 2020 presidential elections, when the tone of those assessments had taken a dramatic turn for the worse. The Government was in no way responsible for that. Western countries had made illegal

attempts to interfere in political life in Belarus to destabilize the country, sow chaos and, ultimately, bring about a coup d'état. Those attempts had failed, to the credit of the authorities of Belarus, which had the support of the overwhelming majority of the nation. As in any civilized and lawful country, those who had organized or participated in disruptive events had been brought to justice and duly punished. Among them were representatives of trade unions that fell under the Belarusian Congress of Democratic Trade Unions (BKDP). Those pseudo trade unions were effectively the headquarters of extremist organizations and their unlawful activity had been confirmed by the Supreme Court, which, in 2022, took the decision to terminate their activities. Those trade unions no longer operated in Belarus or represented the interests of its workers. The fact that the CEACR and the Committee on Freedom of Association continued to accept complaints from individuals residing outside of Belarus, in receipt of foreign funding and claiming to represent the BKDP, was deeply concerning and objectionable.

450. The elimination of the BKDP had had no effect on social dialogue and tripartism in Belarus. All social partnership institutions continued to operate as normal, including the tripartite Council for the Improvement of Legislation in the Social and Labour Sphere, which had been created at the initiative of the ILO. His Government had invited the ILO to participate in that Council's meetings in 2023 to witness the functioning of tripartism in Belarus but the invitation had been declined. His Government was therefore wary of the steps outlined in the proposed action plan to implement the Conference resolution. Those steps served only to intensify sanctions pressure on Belarus. The anti-Belarus campaign that was spreading across the ILO was evident in the Office's publications. He noted that many of the international organizations called on to take action had an exclusively humanitarian mandate. The high-level round table to be organized by the Office before the 112th Session (2024) of the International Labour Conference was unlikely to be constructive, particularly as illegitimate BKDP representatives would be present, and his Government saw no need to appoint a special representative of the Director-General. His Government was open to cooperating with the Office but wished to see a sincere attempt at finding mutually agreeable solutions rather than attempts to find legal grounds for unjust decisions.
451. It was regrettable that the ILO had been drawn into political games. He called for the immediate end to the anti-Belarus campaign and for the constituents to guard against the adoption of any further decisions discriminating against Belarus and its people. No part of the Conference resolution should be implemented, as it set a dangerous precedent of exerting unlawful pressure on countries on the basis of false accusations. The approach of further isolating, restricting and sanctioning Belarus would lead nowhere other than to undermining the ILO's authority, ideology and principles. He called on the members of the Governing Body to reject such unjustifiable measures and to put the draft decision to a vote.
452. **The Worker spokesperson** said that there had been no improvement in Belarus since the 349th Session of the Governing Body; in fact, the situation had deteriorated. The Government continued to refute the findings of the ILO supervisory bodies and to contradict the reports of independent trade unions of Belarus. Such reports described impossible conditions wherein trade unions were dissolved and their leaders forced into exile, workers were labelled as "extremist" and prosecuted under criminal law and the availability of work depended on loyalty to the regime. The arrests of workers continued. Detained trade unionists were subjected to inhumane conditions tantamount to torture and the freedoms of those released were permanently restricted. As a result of the discrimination and repression faced by unionists, many were leaving the country in search of work.
453. No progress had been made towards achieving impartiality and independence in the judiciary and justice administration. The Supreme Court continued to reject complaints filed by

dissolved unions. Although the Labour Code had been amended, those amendments included none of those requested by the ILO's supervisory system to bring the Code into compliance with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

- 454.** As to the proposed action plan, she asked whether the Office had received any replies to the letters it had sent to the international organizations mentioned in the resolution and what further action would be taken to follow up in that regard. Furthermore, she suggested that the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment should be added to the list of UN Special Rapporteurs to be contacted. The group supported the idea of holding a high-level round table event, which should be organized in time to allow its findings to inform the discussions of the Committee on the Application of Standards. The group welcomed the initiative to appoint a special representative of the Director-General but wished to be consulted on the terms of the representative's mandate. Supportive of the continued collection of information provided by tripartite constitutions on the implementation of measures adopted under article 33, the group suggested that that information might be systematized and shared with the Governing Body and that its collection might be facilitated by the use of a template form. In any engagement with the Government of Belarus, priority must be given to obtaining its agreement to receive an ILO mission to visit those workers and trade unionists who had been imprisoned. Other relevant international organizations should also be granted visitor access. The group supported the draft decision.
- 455. The Employer spokesperson** said that, 20 years after the Commission of Inquiry had issued its recommendations, her group remained highly concerned about the persistent fundamental differences in views between the ILO's supervisory bodies and the Government of Belarus. It seemed that an impasse had been reached. She noted the broad nature of the allegations contained in the Office's document. The Government of Belarus had countered the allegations that by banning mass events it was infringing on freedom of association and the right to collective bargaining, by claiming that such events were political and bore no relation to the world of work. The document should focus more specifically on how the allegations pertained to the world of work, for instance by clearly defining how the allegations directly related to Conventions Nos 87 and 98.
- 456.** She noted with concern that the Committee of Experts had deplored the total lack of progress in implementing the recommendations of the Commission of Inquiry and the continuing deterioration of freedom of association in Belarus. She also noted that, in its communication of 12 February 2024, the Government had stated that several of the recommendations had been fully implemented, while significant progress had been made in implementing others, and that it was ready to work on the Commission of Inquiry's recommendations, on the condition that account was taken of national realities and interests. She urged the Government to engage in constructive dialogue with the Office without further delay to improve the situation in the country in respect of freedom of association and the implementation of the right to organize. She also urged the Government, in view of its concerns that some allegations were groundless and distorted the reality in the country, to receive an ILO tripartite mission with a view to gathering information on the implementation of the recommendations of the Commission of Inquiry and the ILO's supervisory bodies. Such a mission would help to shed light on the true state of affairs by providing an objective assessment of the national situation. Her group supported the draft decision.
- 457. Speaking on behalf of the Governments of Australia, Canada, Japan, New Zealand, Switzerland, the United Kingdom and the United States,** a Government representative of Japan said that the total lack of progress towards implementing the 2004 recommendations of

the Commission of Inquiry and those of the ILO supervisory bodies was deplorable, as was the continued denial by the Belarusian authorities of the widespread and well-documented human and labour rights violations and abuses being committed against workers and trade unionists. The deteriorating human rights situation in Belarus, as reported by the BKDP, continued to be of deep concern. He urged the Belarusian authorities to immediately and unconditionally release the trade unionists that had been imprisoned for exercising their fundamental labour rights, including Governing Body member Aliaksandr Yarashuk, and to cooperate with the ILO in implementing all outstanding recommendations without delay. He welcomed the proposed action plan, including the organization of a high-level round table and the appointment of a special representative of the Director-General, which should facilitate the implementation of the recommendations. He asked the Director-General to continue to inform the Governing Body of developments and encouraged the constituents to take any measures possible in accordance with the Conference resolution that would bring Belarus into compliance with its obligations. He supported the draft decision.

- 458. Speaking on behalf of the EU and its Member States**, a Government representative of Belgium, said that North Macedonia, Montenegro, Ukraine, the Republic of Moldova, Albania, Iceland and Norway aligned themselves with her statement. The persistent failure of the authorities of Belarus to observe their obligations under Conventions Nos 87 and 98 and the total lack of progress towards implementing the recommendations of the Commission of Inquiry were deeply regrettable. The EU and its Member States remained deeply concerned by the sharp deterioration in the human rights situation, including violations of labour rights, in Belarus since the 2020 presidential elections, which had been neither free nor fair. The situation had worsened since Belarus' involvement in the Russian Federation's war of aggression against Ukraine.
- 459.** The EU and its Member States strongly condemned the continuing persecution and intimidation campaigns against independent trade unions, civil society organizations and all segments of Belarusian society. The arbitrary arrest and detention of trade union leaders and members for participating in peaceful assemblies or exercising other civil liberties pursuant to their legitimate trade union activities was deeply worrying. The continued detention of political prisoners in appalling conditions was deplorable and reports of deaths in detention were of grave concern. The EU and its Member States called for the immediate and unconditional release and effective rehabilitation of all political prisoners, including trade unionists. Of particular concern were the conditions in which several political prisoners, including Governing Body member Aliaksandr Yarashuk, independent trade union leader Vasil Berasneu and union activist Palina Sharenda-Panasiuk, were being detained. The EU and its Member States called on the relevant authorities to provide them with the necessary medical care and refrain from any action that would further aggravate their situation. Belarus must step up its efforts without delay to implement the recommendations of the Commission of Inquiry.
- 460.** The EU and its Member States had imposed successive rounds of sanctions against Belarus since 2020 to address the unprecedented levels of repression in the country. They had reported those sanctions ahead of the 349th Session of the Governing Body and asked for the Office to inform all constituents of the deadline for reporting ahead of the 351st Session.
- 461.** The EU and its Member States strongly supported the application of article 33 and fully supported the proposed action plan, particularly with regard to further engagement with relevant international organizations and UN special rapporteurs and the appointment of an ILO special representative. They were committed to working with the ILO and its constituents to secure compliance by the authorities of Belarus with the recommendations of the

Commission of Inquiry and would take measures in line with the Conference resolution as necessary. They supported the draft decision.

- 462. Speaking on behalf of the Governments of Denmark, Estonia, Finland, Iceland, Latvia, Norway, Poland, Sweden and Lithuania**, a Government representative of Lithuania said that the lack of meaningful progress made by the Belarusian authorities towards implementing the recommendations of the Commission of Inquiry was deeply regrettable and the continued deterioration of human rights, including labour rights, in Belarus was deeply concerning. The Belarusian authorities were flagrantly violating the provisions of Conventions Nos 87 and 98: the vast majority of independent trade unions had been liquidated and the leaders and members of the few remaining trade unions were subjected to relentless harassment, intimidation and imprisonment. The alleged use of forced labour in Belarusian penal colonies was also a matter of grave concern. Such blatant disregard for labour rights undermined the principles of social justice and perpetuated a cycle of exploitation and inequality. Support must be given to unions, human rights defenders and independent media in Belarus to help ensure that their efforts to report the truth and advocate for change were not in vain. The Governments that he represented continued to firmly support the Conference resolution and stood ready to take action to ensure that the Belarusian authorities complied with the recommendations of the Commission of Inquiry. He supported the draft decision.
- 463. A Government representative of the Lao People's Democratic Republic** welcomed the progress made by the Government of Belarus in the implementation of its obligations under ILO Conventions and mechanisms. He praised its efforts to guarantee the right to work for all, tripartite social dialogue, and awareness-raising activities relating to the mandate of the ILO. The application of unilateral coercive measures against any ILO Member State did not represent an effective way forward. The work of the ILO and its mechanisms should be conducted through genuine dialogue and cooperation, with the consent of the country concerned, the sharing of best practices, and the provision of capacity-building and technical assistance in accordance with the country's needs and priorities. He could not support the draft decision.
- 464. A Government representative of Cuba** said that the information provided by the Government of Belarus demonstrated its commitment to comply with the recommendations of the Commission of Inquiry, including through dialogue with the social partners and the ILO. In any forum, a country's sovereignty and self-determination must be respected. He emphasized the need to respect the boundary between trade union affairs and political actions, particularly within the ILO's supervisory system. It was unacceptable that the Government of Belarus should be subjected to an action plan to implement the Conference resolution, while the Government of Israel remained free from condemnation for its actions in the Gaza Strip over the previous five months. Dialogue and cooperation should prevail over coercion, punishment and confrontation. The Governing Body should avoid politicization, which would ultimately undermine the credibility of the ILO. He reaffirmed the importance of tripartite dialogue and consensus-building.
- 465. A Government representative of Pakistan** commended the commitment of the Government of Belarus to implement the recommendations of the Commission of Inquiry. Dialogue and engagement remained the best means of addressing concerns and promoting labour rights. He called on all parties to resolve outstanding issues through tripartite dialogue, and to seek alternatives to the article 33 procedure.
- 466. A Government representative of China** said that it was regrettable that article 33 had been invoked to impose sanctions on Belarus. Sanctions were damaging the rights of workers and

employers and harming economic and social development, which was contrary to the mandate of the ILO. He noted the information provided by the Government and called on the Governing Body to take that information seriously. The ILO's supervisory mechanism should not be politicized to attack a Member State and interfere in its internal affairs. Protecting labour rights should not be used as a pretext to allow criminals to go unpunished. He encouraged the Office to provide the technical assistance required for the Government of Belarus to meet its obligations. His Government did not support the draft decision.

- 467. A Government representative of Algeria** emphasized the importance of dialogue with the Government of Belarus and the social partners in order to develop a timeline for the implementation of the Commission of Inquiry's recommendations. He noted the progress already made in that regard and urged the Government to continue its efforts. He called on the Office to provide technical assistance, particularly regarding the operation of tripartite national structures. Promoting social dialogue would rebuild trust between all parties and begin to restore the rights of workers and employers, who were the most affected by the sanctions that had been imposed; the ILO should support those efforts.
- 468. A Government representative of the Islamic Republic of Iran** commended the Government of Belarus for its consistent efforts to meet its obligations under international labour standards. Noting that tripartite social dialogue had resumed, he encouraged the Office to accept the invitation of the Government of Belarus to engage in those processes. The ILO should support the Government in all its efforts. He reiterated that the supervisory system should be objective and constructive; unilateral measures and restrictions were counterproductive.
- 469. A Government representative of Sudan** welcomed the efforts of the Government of Belarus to implement international labour standards and cooperate with the ILO. He noted the ongoing willingness of the Government to provide information relating to the mandate of the ILO. Dialogue, accompanied by the provision of technical assistance, was the best way to encourage the Government in its endeavours to improve the application of labour standards. He urged the ILO to retain its professionalism and avoid politicizing its work. Sanctions were not the solution, and would only continue to undermine the labour situation in Belarus. He did not support the draft decision.
- 470. A Government representative of the Russian Federation** said that the proposed action plan was part of a biased campaign against the Government of Belarus. Involving international organizations and UN Special Rapporteurs in decision-making would lead to isolation and would undermine the sovereignty of that country. Accusations regarding the persecution of trade union representatives and the lack of rights and freedoms were based on information provided by the BKDP, an illegitimate organization whose activities had been terminated by the Supreme Court of Belarus in 2022. Accordingly, his Government did not support the proposed action plan or the appointment of a UN Special Rapporteur, which it considered an attempt to discredit the national authorities in Belarus. Unable to agree with the draft decision, he called for the Governing Body to put it to a vote.
- 471. A Government representative of China** supported the proposal to put the draft decision to a vote.
- 472. A representative of the Director-General** (Director, International Labour Standards Department), responding to questions, said that no information had yet been received from the international organizations that had been contacted in the context of the proposed action plan. The only information exchanged with the UN Special Rapporteurs had been at the regular meetings held with them. Consideration was therefore being given to the possibility of inviting

representatives of those organizations to in-person meetings for the purpose of identifying the areas where action could be taken to implement the recommendations of the Commission of Inquiry. Concerning the scope of the information contained in the document, she reassured the Governing Body that the document drew on the assessments by the ILO's supervisory bodies of the allegations brought to their attention. Lastly, she said that the deadline for Member States to submit information to the Governing Body for its next document on the item was 16 September 2024.

- 473. A Government representative of Belarus** (Deputy Minister of Labour and Social Protection of Belarus) expressed his thanks to those members of the Governing Body that had not supported the politicized draft decision and had defended his Government. He categorically rejected the accusation that his Government prosecuted individuals based on their trade union activities. He reiterated that the political events of 2020 had threatened constitutional order and the safety of the population, and that the application of the rule of law ensured justice and appropriate punishment. The individuals mentioned had, following thorough investigations by the courts, been charged with supporting extremist activity, which was a criminal offence that was unrelated to their trade union activities. The charges against them could not simply be dropped.
- 474.** In that context, his Government did not see the need for an ILO tripartite mission to Belarus. He expressed his concern that such a mission could be used as a pretext to escalate pressure on the authorities in his country and would not be constructive. He disagreed with the proposed action plan and the involvement of the BKDP in that plan. The Office should engage in dialogue only with genuine representatives of tripartism in Belarus, namely the Government, the Federation of Trade Unions of Belarus and the Confederation of Industrialists and Entrepreneurs (Employers). He reiterated that the decision to invoke article 33 had been unfounded, and emphasized the harm caused to development and the well-being of the people of Belarus by the implementation of the Conference resolution. He expressed regret that the ILO had been drawn into political games, and called for the resolution to be repealed.
- 475. The Chairperson** said that it was the responsibility of the Governing Body to seek consensus, despite diverging opinions. He asked whether a consensus could be reached.
- 476. The Government representative of the Russian Federation** reiterated that he could not support the draft decision and called for it to be put to a vote.
- 477. Another Government representative of Belarus** said that several delegations had indicated that they could not support the draft decision and at least two had requested that it be put to a vote. Therefore, it was inappropriate to call for a consensus.
- 478. The Government representative of the Russian Federation** expressed support for the statement made by the representative of Belarus.
- 479. The Chairperson** observed that there was apparently no possibility of reaching a decision by consensus. Since two Governments had requested a vote, and having consulted with his fellow Officers, he had decided to put the draft decision to a vote by show of hands.
- (The decision was adopted with 43 votes in favour, 2 votes against and 4 abstentions.)*
- 480. The Worker spokesperson,** expressed her group's regret that a vote had been required given that the outcome had seemed clear.

Decision

- 481. The Governing Body:**

- (a) took note with growing concern of the information provided in document GB.350/INS/10(Rev.1);
- (b) once again, urged the Government of Belarus to receive as a matter of urgency an ILO tripartite mission with a view to gather information on the implementation of the recommendations of the Commission of Inquiry and subsequent recommendations of the supervisory bodies of the ILO, including a visit to the independent trade union leaders and activists in prison or detention;
- (c) urged the Government of Belarus to submit to the Director-General all information on the measures taken to implement the recommendations of the Commission of Inquiry by 15 April 2024 for transmission to the Committee on the Application of Standards and information on further developments by 15 September 2024 for transmission to the Governing Body at its 352nd Session (October–November 2024);
- (d) took note of the action plan to implement the Conference resolution;
- (e) invited the Organization's constituents – governments, employers and workers – to continue to take steps to ensure an effective follow-up to the Conference resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus, and in particular, on measures taken to ensure that the principle of non-refoulement is respected (paragraph 2(b) of the resolution) and to report back thereon to the Director-General for transmission to the Governing Body;
- (f) requested the Director-General to prepare an updated report to inform the Committee on the Application of Standards at the 112th Session (2024) of the Conference of the latest developments;
- (g) requested the Director-General to prepare an updated report for the 352nd Session (October–November 2024) of the Governing Body.

(GB.350/INS/10(Rev.1), paragraph 19)

11. Follow-up to the report of the Commission of Inquiry established in accordance with article 26 of the ILO Constitution concerning the non-observance by Myanmar of Conventions Nos 87 and 29, and to the resolutions concerning Myanmar adopted by the International Labour Conference at its 102nd (2013) and 109th (2021) Sessions (GB.350/INS/11(Rev.1))

- 482. A representative of the Director-General** (Assistant Director-General and Regional Director for Asia and the Pacific), reporting on developments since the publication of the Office's document, said that, on 31 January 2024, the military authorities had extended the state of emergency for an additional six months, the fifth such extension in the past three years. Under martial law, the military had granted itself extensive authority to impose the jurisdiction of martial courts on civilians. Although armed clashes had fallen significantly in Shan State since the agreement of a ceasefire in January 2024 between the military authorities and the Three Brotherhood Alliance of opposition armed groups, the security situation remained fragile in many parts of Myanmar. In Rakhine State, the fall of 45 townships had prompted local residents to flee, while the UN had decided to evacuate its staff from the State in early February.

483. A statement by ASEAN on 29 January 2024 had reaffirmed its position on the Myanmar political crisis through the Five-Point Consensus and welcomed Thailand's humanitarian assistance efforts, while calling for further support for the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management. On 5 February 2024, the UN Security Council had held a private meeting to discuss Myanmar, calling on the Myanmar military to fulfil its commitments to effectively and fully implement the ASEAN Five-Point Consensus, and for the prompt appointment of a Resident Coordinator and the UN Secretary-General's Special Envoy on Myanmar. On the same day, nine UN Security Council members had expressed concern regarding the deteriorating situation in Myanmar, condemning the escalating violence, the violations of human rights and workers' rights, and the severe impact on civilians. In addition, the United States, the United Kingdom and Australia had revised their sanctions lists to include more entities and individuals affiliated with the Myanmar military.
484. In a statement issued on 31 January 2024, the UN Secretary-General had underscored the urgency of forging a path towards a democratic transition with a return to civilian rule, and condemned all forms of violence and political repression, calling for the protection of civilians and the cessation of hostilities. On 1 February 2024, the third anniversary of the military takeover, the ILO Director-General had repeated his call for the immediate release of all those detained for exercising their civil liberties and carrying out legitimate trade union activities, and highlighted the case of Thet Hnin Aung, the General Secretary of the Myanmar Industry, Crafts and Services Trade Union Federation, who had been sentenced to seven years' imprisonment in late 2023.
485. On 10 February 2024, the military authorities had activated the People's Military Service Law of 2010, which required all citizens to undergo military training and service in the armed forces for between 24 and 36 months, with a potential extension of up to five years during states of emergency. According to the Ministry of Information, around 13 million citizens were eligible for conscription. Implementation was scheduled to begin in April 2024, starting with 5,000 conscriptions per month.
486. The Office continued to communicate with the Ministry of Labour on the ground. On 28 February 2024, the ILO Liaison Officer had met the Permanent Secretary there to follow up on the note verbale issued by the Organization on 11 January 2024 and reiterate its request for the release of trade union leaders and activists, including Thet Hnin Aung. Other issues discussed included the ILO Liaison Office bank account and visas for international staff. Both the ILO Liaison Office in Myanmar and the ILO Regional Office for Asia and the Pacific in Bangkok continued to support social partners in the country.
487. **The Employer spokesperson** said that the additional information provided by the Office indicated complex issues that needed addressing. She reiterated her group's concerns regarding the humanitarian situation in Myanmar, noting the general developments described in the document, including increased conflict, arrests and their negative impact on business continuity, and forced labour, including child labour. The ILO should be guided by its commitment to the fundamental principles and rights at work, and ensure that freedom of association continued to be upheld at the highest level. That was essential to create an enabling environment for business and promote market confidence. On that note, she recalled that the resolution for a return to democracy and respect for fundamental rights in Myanmar adopted by the International Labour Conference at its 109th Session (2021) had called upon Myanmar to "ensure that workers and employers are able to exercise their freedom of association rights in a climate of freedom and security, free from violence, arbitrary arrest and detention". It was essential for the social partners on the ground to be able to execute their mandates to their members during such a difficult period.

488. While the communication from the military authorities on 18 December 2023 did not clearly indicate acceptance of the Commission's recommendations, the following communication on 1 March 2024 had accepted the recommendations. The Employers' group therefore hoped to see short-term improvements as a follow-up to that commitment. However, consideration should be given to how to improve engagement and communication with the military authorities. It was awkward if they were expected to implement the recommendations but were not permitted to address the Governing Body. Although the issue of representation at international bodies presented legal problems, the Office should examine the matter closely with a view to building a constructive relationship with the authorities. To that end, the ILO Liaison Officer for Myanmar could provide technical assistance on implementation of the recommendations.
489. In terms of next steps, the Office should monitor implementation of the recommendations, identify any barriers to implementation and build the capacities of relevant parties on the ground. She reiterated that engagement with the military authorities would be indispensable in that regard. The Office must also continue engaging with the social partners in the country, building on the work done thus far. She hoped that the next report would bring positive news regarding the banking and visa situation for the ILO Liaison Office; those elements were vital to enable support to the social partners, notably employers' organizations, on the ground. With those comments, she expressed support for the draft decision.
490. **The Worker spokesperson** said that the document presented a harrowing picture of the widespread and serious violations of human rights generally, and labour rights specifically, in the country. The situation was likely to be even more dire than reflected in the document, and therefore required urgent action from the Governing Body. He reiterated that the military authorities had not been recognized as the legitimate Government of Myanmar by the ILO or the United Nations; however, their response to the conclusions and recommendations of the Commission of Inquiry should guide the next steps of the Governing Body.
491. In their reply to the report of the Commission of Inquiry dated 29 September 2023, the military authorities stated that the report was politically motivated since it was based on distorted information from the individuals or organizations which were opposing the Government in various forms. They also claimed to respect the Forced Labour Convention, 1930 (No. 29), and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in law and in practice, an assertion which was clearly false according to the report of the Commission and other credible sources.
492. In their later communication on 18 December 2023, the military authorities had provided a more robust, but still limited, response to the report. Nevertheless, that response had continued to deny the facts established by the Commission, and had repeatedly defamed trade unionists as terrorists, putting them at grave risk. In the same letter, the military authorities had asserted that the recommendations of the Commission were acceptable in principle, as they already complied with Conventions Nos 87 and 29 and the related recommendations. Yet the authorities could not both accept the recommendations and claim that the same recommendations were irrelevant as they already complied with the Conventions. In any case, the document made it clear that there had not been any positive developments in the climate conducive to the exercise of freedom of association and the effective elimination of forced labour, especially as regarded those acts carried out by the army and its associated armed forces and groups. However, the military authorities had maintained their position in subsequent communications.

493. With regard to forced labour, the Workers' group noted the proliferation of forced recruitment, including of children, into the armed forces, and was gravely concerned by the recent activation of the People's Military Service Law. Many people had been forced to leave home to avoid conscription, while hundreds of workers and trade unionists had been forcibly conscripted, presenting a problem both for the workers themselves and their employers, who would find it difficult to retain a workforce as a result. The Commission had previously raised concerns about that Law, while the order activating it had not been recognized by the legitimate government. Moreover, the order would almost certainly require forced conscripts to engage in serious human rights violations against their fellow citizens, including violation of the prohibition on the exaction of forced labour and of the right to freedom of association. His group also noted the proliferation of large-scale trafficking and forced labour in the private sector, including the forced labour of children.
494. There had been no improvements either with regard to freedom of association: arbitrarily arrested trade unionists remained in prison, while more workers had been arrested for acts related to legitimate trade union activity. Many trade unionists remained in hiding or exile, while trade unions themselves had been dissolved or replaced with employer-dominated unions or workplace committees that did not represent members' interests. Moreover, those committing serious crimes against trade unionists, including sexual violence, torture or murder, faced no consequences. Workers had no meaningful ability to exercise their right to associate and organize in law or in practice. The country's industrial zones, where goods were produced for global brands, remained under martial law, meaning that workers' rights were not respected and wages and working conditions had deteriorated sharply. One serious violation of Convention No. 87 in September 2023 had involved 48 workers seeking to unionize to improve workplace conditions. After they applied to register the labour organization, the military had transferred their personal information to their employer, which had dismissed 41 of them. In another case in October 2023, soldiers had arrested workers who had complained about wage theft, accused them of inciting riots and forced them to sign a pledge to avoid such actions in future.
495. It was clear from the military authorities' actions – as opposed to its communications – that they had no intention of complying with the Commission's recommendations. On the contrary, widespread and serious violations of Conventions Nos 87 and 29 continued. No time should be wasted in securing compliance; strong measures must be adopted now, with a view to reviewing progress and taking a decision on measures under article 33 to be adopted by the International Labour Conference in 2025. In addition, it was untenable that the employer and worker representatives of Myanmar were denied the right to participate fully in the work of the ILO due to the coup. In 2024, a decision should be taken to enable the National Unity Government, as the legitimate Government of Myanmar, to resume active participation in the work of the Organization alongside its social partners. In conclusion, he called on the military authorities to cease or reverse actions that violated obligations under Conventions Nos 87 and 29, and for the prompt restoration of a democratically elected government. His group supported the draft decision and hoped that a draft resolution would be presented to the Governing Body as soon as possible.
496. **Speaking on behalf of Australia, Canada, New Zealand and the United Kingdom**, a Government representative of the United Kingdom said that the document confirmed that the military regime had failed to uphold the Commission's recommendations and continued to engage in far-reaching violations of labour law and of human rights. Her group condemned the military's continuing violence against trade union leaders and members in violation of Convention No. 87, including its use of arbitrary arrests, detention, torture, intimidation,

surveillance of workers negotiating wage increases and the deprivation of basic civil liberties, due legal process and institutional recourse. Furthermore, it rejected the military regime's assertion that labour organizations were allowed to organize freely in the country. The group also regretted that the military regime had not yet provided information to the Commission regarding the steps taken to release all trade unionists arrested, sentenced and detained in relation to the exercise of their civil liberties and legitimate trade union activities, and called for the immediate release of all those arbitrarily detained.

497. She expressed deep concern about the continuing violations of Convention No. 29 and the forced systematic exploitation of civilians for different types of forced labour, including as porters, guides and human shields; in online scam centres; for the construction and maintenance of military camps; and the provision of transport, accommodation, food and domestic work. The recent announcement regarding nationwide conscription heightened concerns that the military regime would continue to exploit the citizens of Myanmar, inflicting more suffering and putting further pressure on the economy. She therefore called for the restoration of democracy, the protection of rights and freedoms, unhindered humanitarian access, and meaningful and inclusive dialogue with all stakeholders. It was vital to protect the poorest and most vulnerable, and recognize that the complete collapse of the economy would have a significant negative impact. International trade had a key role to play in that regard; businesses currently operating in Myanmar should be able to continue while respecting responsible business practices, including in relation to human rights.
498. Reiterating her regret regarding the lack of response to the Commission's conclusions and recommendations related to the exaction of forced labour by the Myanmar military, she urged the military regime to collaborate with the ILO in swiftly implementing those recommendations. In that light, she agreed that the ILO should bolster its engagement with the various bodies and mandates within the UN system to ensure that the Commission's recommendations were widely known and acted upon. While article 33 of the ILO Constitution remained a legitimate means for the Governing Body to apply pressure to ensure compliance with the Commission's recommendations, it was vital that other measures, as set out in the report, were explored before the next Governing Body, including the decision to refer a resolution recommending the adoption of measures under article 33, to the International Labour Conference. With those comments, she expressed support for the draft decision.
499. **Speaking on behalf of the EU and its Member States**, a Government representative of Belgium said that North Macedonia, Montenegro, Albania, Ukraine, the Republic of Moldova, Bosnia and Herzegovina, Iceland, Norway and Switzerland aligned themselves with the statement. Reiterating the commitment of the EU and its Member States to the protection of human rights, including labour rights, and the universal implementation of the fundamental ILO Conventions, she noted with disappointment the lack of commitment shown by the Myanmar military to implementing the Commission's recommendations. It should clearly state its acceptance of the Commission's recommendations and commit to implementing them fully, promptly and in good faith.
500. The continuous reports of severe violations of Conventions Nos 87 and 29 were deeply alarming and contributed to a growing body of evidence of the extensive and serious human and labour rights violations in Myanmar since the military coup on 1 February 2021. She strongly condemned the violence carried out against trade unionists, the compounded degrading treatment, including sexual violence, inflicted upon women trade unionists by the male-dominated security apparatus. The recent activation of the People's Military Service Law was also of grave concern. The situation for social partners had clearly worsened; it was deplorable that the Myanmar military had failed to release or provide information on the steps

taken to free trade unionists arrested, sentenced and detained in relation to the exercise of their civil liberties and legitimate trade union activities. The EU and its Member States called for the immediate release of all prisoners arbitrarily detained, including all trade unionists and labour rights defenders, including the General Secretary of the Myanmar Industry, Crafts and Services Trade Union Federation. Further concerned by the reports of forced labour and forced recruitment, including of children, by the military, it also called for an immediate end to all forms of forced labour and violence against civilians, including ethnic, religious and other minorities across the country.

501. She commended the resilience of trade unions still operating in Myanmar and supported the ILO's calls for non-interference in their activities. She also commended the ILO's work in Myanmar despite severe difficulties and called on the Myanmar military to immediately remove all restrictions on the Office's main bank account. In closing, she urged the Myanmar military to cooperate fully with the ILO and the Commission of Inquiry, and to implement all the recommendations without delay. In the absence of a commitment to implementing the recommendations, the EU and its Member States would consider all options to secure compliance, including through article 33 of the ILO Constitution. She therefore supported the draft decision.
502. **A Government representative of China** said that the communications from the Ministry of Labour of Myanmar on its implementation of the Commission's recommendations provided a detailed account of its active cooperation with the Office. The Government of Myanmar had fulfilled its obligations under Conventions Nos 87 and 29 and cooperated with the Office for many years, as shown by the establishment of the ILO Liaison Office and the signing of a Decent Work Country Programme. The Office should continue to provide technical assistance and support in that regard.
503. The report of the Commission of Inquiry was politically biased and contained elements that did not relate to labour affairs. Given the status of Myanmar as a Member State of the ILO, restoring stability and development there would serve the interests of all parties. The Office should focus on its core mandate, encourage the ILO tripartite constituents to increase communications with Myanmar, support regional efforts to assist the country and seek constructive solutions to help the Government improve its capacity to protect the legitimate rights of workers and employers. His own Government would continue to support ASEAN's role in that process.
504. **A Government representative of Japan** expressed strong concern regarding the continuing deterioration of the situation in Myanmar and deplored the lack of concrete action towards a peaceful solution. His Government urged the Myanmar military to cease the violence, release all those detained, swiftly restore the democratic political system and fully abide by Conventions Nos 87 and 29. He supported the draft decision.
505. **A Government representative of the United States** expressed deep concern regarding the worsening political, economic and humanitarian crises in Myanmar, and the disregard shown by the military regime for democracy, human rights and the rights of workers and labour leaders. It was deplorable that the military regime had imprisoned the General Secretary of the Myanmar Industry, Crafts and Services Trade Union Federation for a second time. His Government recommended his unconditional release, alongside all other trade unionists arrested, detained or sentenced for exercising their civil liberties and legitimate trade union activities.
506. Expressing solidarity with the people of Myanmar in their struggle for workers' rights and democracy, he condemned the military regime's continued violent and unjust actions against

its citizens and called for the perpetrators to be held accountable. He also expressed grave concern regarding forced child labour in the garment sector, observing that such cases narrowed the scope for undertaking responsible business in the country. There must be greater effort to protect workers' rights and welfare through due diligence in supply chains that used Myanmar labour.

- 507.** It was regrettable that the military authorities continued to frustrate ILO operations in Myanmar, limiting the Office's ability to do vital work in service of ILO constituents. In addition, the response to the Commission's report was extremely disappointing; rather than accepting the recommendations, the authorities had questioned the legitimacy of the Commission, while continuing to egregiously violate Conventions Nos 87 and 29. Under article 33 of the ILO Constitution, any Member failing to carry out the recommendations of a Commission of Inquiry could be subjected to action to secure compliance, as decided by the Governing Body. Although article 33 measures were taken on an exceptional basis, such measures were warranted given the military regime's disregard for multiple decisions of the Governing Body, the 2021 Conference resolution concerning Myanmar and the recommendations of the Commission of Inquiry. In the interests of consensus, his Government could support the draft decision, and looked forward to the report on further steps taken at the 351st Session of the Governing Body.
- 508. A Government representative of the Russian Federation** said that the document showed clear signs of politicization and was based on distorted information obtained from opposition groups that did not have the fullest possible information about the situation on the ground. Furthermore, the document touched upon issues that went beyond the remit of the supervisory mechanisms of the ILO, including the Commission of Inquiry on the situation in Myanmar. One particularly striking instance of politicization was the fact that the delegation of Myanmar had been unable to attend Governing Body sittings since the 109th Session (2021) of the International Labour Conference. So although the Government of Myanmar had obligations under Conventions Nos 87 and 29, it was unable defend itself against prejudiced, baseless allegations concerning them. Such a situation did not reflect the letter or the spirit of article 26 of the ILO Constitution and ran counter to the Organization's declared principles of democratic governance and tripartite dialogue.
- 509.** The Government of Myanmar had taken a number of steps to implement the Commission's recommendations and had provided detailed information in that regard. However, those positive steps had been ignored in another blatant example of politicization of the issue. It was concerning that consideration was being given to invoking a process under article 33. Applying sanctions would have a negative impact on living standards in Myanmar and the well-being of its citizens. Such measures would be unacceptable and would harm the authority of the ILO. Instead, dialogue should continue based on the principle of objectivity and taking into account the positions of all interested parties.
- 510. A representative of the Director-General** (Assistant Director-General and Regional Director for Asia and the Pacific) said that the issue of engagement with the military authorities to ensure compliance was a major challenge, and one faced by other UN agencies as well. On the ground, the ILO Liaison Office followed the guidance of the UN country teams on engagement with stakeholders. It would seek to maintain communications with the military authorities accordingly, while continuing to be guided by the Governing Body.

Decision

511. In light of the resolution for a return to democracy and respect for fundamental rights in Myanmar adopted by the International Labour Conference at its 109th Session (2021), the recommendations of the Commission of Inquiry in its 2023 report and the urgency of the national situation, the Governing Body:

- (a) deplored once again the continued absence of progress towards respecting the will of the people, democratic institutions and processes, and the fact that, over three years since the military coup, the democratically elected government had yet to be restored;
- (b) once again called on the military authorities to end immediately all acts of violence, and the arbitrary arrest, detention and torture of trade unionists, labour activists and others, including the Rohingya, in the exercise of their human rights;
- (c) deplored the sentencing once again of the General Secretary of the Myanmar Industry, Crafts and Services Trade Union Federation (MICS-TUF) to seven years' imprisonment in November 2023, and found itself obliged to call once again for his immediate release and that of all other trade unionists and activists who have been detained;
- (d) repeated its call for Myanmar to ensure that workers' and employers' organizations are able to exercise their rights in a climate of freedom and security, free from violence, arbitrary arrest and detention, by means of the full implementation of the recommendations of the Commission of Inquiry, which include the revocation of any military orders, legislative or other measures, decreed since February 2021 and identified as restricting freedom of association and the basic civil liberties of trade unionists;
- (e) repeated its profound concern over the conclusions of the Commission's report concerning the exaction of forced labour by the military authorities and called for the immediate implementation of its recommendations, in particular to end, in law and in practice, any forced recruitment into the military contrary to Convention No. 29, including the forced recruitment of children;
- (f) called on the military authorities, in accordance with the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947, to take immediate action to remove all restrictions on the operation of the ILO's bank account, approve international staff visa extensions and facilitate the ILO's continued operations to bring benefits to the people of Myanmar despite the expiry of the Memorandum of Understanding on the Decent Work Country Programme in September 2022;
- (g) requested the Director-General to take action within the framework of the UN system to ensure that the Commission's recommendations are widely known, acted upon within each body's respective mandates and to report all developments to the Governing Body;
- (h) in the event the military authorities do not demonstrate their commitment to the recommendations through their full implementation, requested the Director-General to submit to the Governing Body at its 351st and 352nd Sessions (June and October–November 2024) a document assessing developments and considering further steps to secure compliance by Myanmar with the

recommendations of the Commission of Inquiry, including article 33 of the ILO Constitution, taking account of the views expressed.

(GB.350/INS/11(Rev.1), paragraph 58)

12. Developments in the full implementation by the Government of the Bolivarian Republic of Venezuela of the agreed plan of action to give effect to the recommendations of the Commission of Inquiry in respect of Conventions Nos 26, 87 and 144 (GB.350/INS/12(Rev.1))

- 512. The Government representative of the Bolivarian Republic of Venezuela** (Deputy Minister for Labour Rights and Relations, Ministry of People's Power for the Social Process of Labour) was authorized to speak in accordance with paragraph 1.8.3 of the Standing Orders on a matter concerning her Government. The recent fourth session of the Social Dialogue Forum had demonstrated her Government's commitment to social dialogue with employers' and workers' organizations as a mechanism for achieving stability in the world of work. Social dialogue continued to be the best way to seek understanding and strengthen long-lasting relationships between the social partners and the Government with a view to making coordinated progress in the implementation of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), as well as all the other international labour standards ratified by the Bolivarian Republic of Venezuela.
- 513.** With regard to Convention No. 26, the Government, together with the social partners, had launched a consultation process that included plenary, technical and sectoral meetings, culminating in the publication of a report indicating each participating organization's views on the issue of a national minimum wage. Regarding Convention No. 144, progress had been made in consultation on international labour standards and the presentation of reports on non-ratified Conventions, and related recommendations for 2024 had recently been finalized. The reports had been communicated to the representative employers' and workers organizations, as well as being presented at a meeting held to facilitate the exchange of opinions, in accordance with the agreements made at the Social Dialogue Forum.
- 514.** With regard to Convention No. 87, continued progress was being made on various matters raised by employers' and workers' organizations, including the issues of land, payment of trade union dues, trade union elections and detentions. She wished to make clear, however, that individuals were not detained for reasons of trade union activity, but rather on suspicion of committing a punishable crime. Furthermore, at the request of trade unions, the Government sought to provide up-to-date information on detentions, while respecting the separation of powers. Due process and the legitimate right to a defence were respected in all legal cases. In that regard, she noted that Mr Víctor Venegas, whose arrest was mentioned in paragraph 10 of the document, had been released. The Government would submit details of the relevant criminal proceedings and the decision to release him once they had been provided by the judicial authorities. While it was the duty of the Government to ensure freedom of association and protection of the right to organize, in accordance with Article 8(1) of Convention No. 87, it was the responsibility of employers, workers and their respective organizations to respect the law of the land.
- 515.** The Bolivarian Republic of Venezuela continued to be subject to inhumane aggression. The country had once more been branded an unusual and extraordinary threat, and illegal

unilateral coercive measures continued to be imposed on it, affecting its economic and social development. Those genocidal actions continued to have a harmful impact on workers and their families and their enjoyment of fundamental rights, including labour rights. The Government firmly believed that it would continue to make progress in the implementation of Conventions Nos 26, 87 and 144 and considered that the draft decision aligned with the agreements reached at the fourth session of the Social Dialogue Forum. The Government valued the joint steps that had been taken in building a sovereign homeland that was productive and fully respectful of human rights and democracy.

- 516. The Employer spokesperson** noted that while some progress had been made, including the holding of the fourth session of the Social Dialogue Forum, the Government must redouble its efforts in relation to the effective implementation of Convention No. 87. A number of matters remained in need of resolution, including the Workers' Production Councils, which were extremely concerning since they presented a threat to free enterprise and freedom of association and limited companies' economic activity. He hoped that the Government's commitment to holding meetings on their activities at the request of the interested parties would be a step towards their elimination. Additionally, although there had been some progress made with regard to the return of confiscated lands to employers' leaders, cases remained pending. He noted with interest the Government's commitment to encouraging cooperation between the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS) and the National Land Institute on the cases raised with a view to their resolution. He also noted the progress made with regard to Convention No. 26 and welcomed the agreement on an appropriate method for fixing the minimum wage.
- 517.** At previous Governing Body sessions, the Employers' group had stressed the need for measures to ensure that discussions during tripartite meetings led to concrete results, and in that regard he highlighted the important role of the ILO special adviser in promoting social dialogue and urged the Government to continue to facilitate his presence so that he could continue to be of assistance in the implementation of the updated plan of action. He was concerned to note the allegations of trade union persecution reported by workers' organizations and hoped that they would be swiftly resolved, with a guarantee of due process, and freedom of association fully respected. The permanent presence of the ILO special adviser should help the Government and social partners to redouble their efforts to implement the recommendations of the Commission of Inquiry and the tripartite decisions adopted at the Social Dialogue Forums. He called on the Government to pursue its commitments under the updated plan of action and recognize its obligation to accept and implement the recommendations of the Commission of Inquiry. He supported the draft decision.
- 518. The Worker spokesperson**, while noting the positive developments in the Bolivarian Republic of Venezuela, highlighted that several matters remained unresolved. She commended the Director-General's efforts to facilitate the arrival in the country of the ILO special adviser, who had made remarkable progress in a short amount of time. The adoption of the updated plan of action was a step in the right direction. However, the abrupt replacement of the Minister of People's Power for the Social Process of Labour represented a worrying trend, as it was the fourth such change since the process had begun, undermining the continuity required for effective policy implementation and long-term solutions.
- 519.** With regard to Convention No. 144, the Government's consultations with the social partners on comments to the ILO supervisory mechanisms had addressed procedure, rather than substance; the absence of a more in-depth examination of the various Conventions might undermine the spirit of true tripartism. The fourth Social Dialogue Forum had approved a method for setting the minimum wage and a timetable for its implementation. In accordance

with that method and Convention No. 26, and based on up-to-date figures, workers had proposed an increase in the minimum wage to US\$200 per month. Given that current fiscal revenues would allow for such an increase without inflationary effects, there was no justification for maintaining the current minimum wage of approximately US\$4 per month, especially since the cost of a monthly food basket was around US\$500.

- 520.** With regard to Convention No. 87, it was imperative that the Government requested the National Electoral Council to enact a rule expressly stating that trade unions could conduct elections without the Council's technical assistance. The Workers' group welcomed the release in December 2023 of six trade unionists who had been unlawfully detained, albeit on conditional bail, the terms of which were ambiguous. There was also a pending ruling that might result in the reinstatement of their 16-year prison sentences. Although Mr Venegas had been released on medical grounds, that too was a conditional release. Imprisonment and release appeared to be conducted somewhat arbitrarily in the Bolivarian Republic of Venezuela, which was not conducive to the safety and security of trade union leaders. It was crucial that the ILO special adviser was able to continue to help the Social Dialogue Forum implement the recommendations of the Commission of Inquiry. While the updated plan of action could provide a solid foundation for addressing many of the significant remaining challenges in the Bolivarian Republic of Venezuela, the Government must intensify its efforts and engage actively with the social partners, the Office and the ILO special adviser. She supported the draft decision.
- 521. Speaking on behalf of the EU and its Member States,** a Government representative of Belgium said that North Macedonia, Montenegro, Ukraine, Albania, the Republic of Moldova, Bosnia and Herzegovina, Iceland and Switzerland aligned themselves with her statement. She welcomed the role of the ILO special adviser in supporting the implementation of the plan of action and the organization of the fourth Social Dialogue Forum – which should be institutionalized as a mechanism for implementing Convention No. 144 – as well as in promoting social dialogue. The situation of labour rights in the Bolivarian Republic of Venezuela remained a matter of grave concern, particularly as it related to freedom of association and protection of the right to organize. The six trade union leaders released on conditional bail had reported that they were suffering harassment, intimidation and threats of imprisonment, while other trade union leaders detained for their trade union activities remained in prison. She condemned the continued threats faced by employers' and workers' organizations, whose independence, autonomy and protection must be guaranteed.
- 522.** Action should be taken in relation to alleged violations of civil liberties and trade union rights, the right to a fair trial, fair reparations and the reinstatement of persons found not guilty. She strongly urged the Venezuelan Government to work with the Office, accept the conclusions of the Commission of Inquiry and fully implement its recommendations. The EU and its Member States would continue to lend their support to ensure the implementation of those recommendations and full compliance with ratified international labour standards. She expressed the hope that cooperation with the newly appointed Minister of People's Power for the Social Process of Labour would be constructive and supported the draft decision.
- 523. A Government representative of Namibia** commended the Government of the Bolivarian Republic of Venezuela and the social partners for organizing the fourth session of the Social Dialogue Forum. The suggestion to continue to hold meetings on Conventions Nos 26, 87 and 144 illustrated their desire to accelerate the implementation of the updated plan of action. The ILO should continue to provide technical assistance in that regard, as well as training on international labour standards and social dialogue. Namibia supported the draft decision.

- 524. A Government representative of Cuba** highlighted the willingness of the Venezuelan Government to fulfil its obligations and strengthen social dialogue at the national level. In recent months, the Venezuelan Government had taken action in various areas, including to improve compliance with ratified ILO Conventions and deepen social dialogue. Its ongoing efforts to seek national consensus would yield progress towards social dialogue, and it should therefore be afforded the necessary space and time to implement such measures in line with its national legislation and economic, social and labour context, which had been significantly affected by the unfair unilateral coercive measures that had been imposed on the country. The Governing Body should insist on the lifting of those measures. The case at hand was clearly political and should never have been brought for consideration by the ILO; he rejected any manipulation of multilateral bodies with the aim of interfering in a country's domestic affairs. States should not be requested to adopt measures at odds with their national regulatory framework, particularly when the intent was to trigger changes in a political system that had been freely chosen by the majority of a population. The Governing Body's decision should be the result of inclusive, broad dialogue and based on consensus. Interventionist and punitive approaches would never have a positive outcome. Cuba supported the draft decision.
- 525. A Government representative of Algeria** welcomed the clear determination of the Venezuelan Government to improve its respect for Conventions Nos 26, 87 and 144. He noted with satisfaction the work of the ILO special adviser, particularly with regard to the fourth Social Dialogue Forum, and the Government's establishment of several other social dialogue mechanisms. The Office should continue to provide the necessary assistance to the Government in its efforts to align its law and practice with ratified Conventions, and the Government should continue to cooperate with the Office to consolidate the progress made.
- 526. A Government representative of the United States**, while welcoming the Office's continued efforts to support follow-up to the recommendations of the Commission of Inquiry and the appointment of the ILO special adviser, expressed deep concern at the delay in accepting the recommendations and the lack of meaningful progress, particularly in relation to freedom of association. Reports of continued trade union persecution were deeply troubling, and although the conditional release of six trade unionists in December 2023 was a positive development, the arrest of Mr Víctor Venegas and the lack of information on his detention were regrettable. She called for the immediate and full release of all trade union members and leaders detained after participating in legitimate civic and trade union activities and for immediate action to implement the recommendations of the Commission of Inquiry and the ILO supervisory bodies and address areas identified in the plan of action. She was hopeful that the continued involvement of the ILO special adviser would help in making progress on long-standing issues, and she requested additional information on the challenges and opportunities related to his work. She supported the draft decision.
- 527. A Government representative of China** said that progress had been achieved thanks to the concerted efforts of the ILO and the Government and social partners of the Bolivarian Republic of Venezuela. He welcomed the holding of the fourth Social Dialogue Forum and the appointment of the ILO special adviser. The results of those efforts demonstrated that dialogue and cooperation, rather than pressure and sanctions, were the only solution to conflict. The Venezuelan Government should continue its communication and coordination with the ILO, which, in turn, should continue to provide technical support for the implementation of the recommendations of the Commission of Inquiry. He supported the draft decision.
- 528. A Government representative of Cameroon** noted with satisfaction the significant progress made by the Venezuelan Government with the assistance of the ILO special adviser, notably

the organization of the fourth Social Dialogue Forum. She called on the Governing Body to allow the Government of the Bolivarian Republic of Venezuela to continue to receive assistance from the ILO in order to sustain its efforts and implement the plan of action. Cameroon supported the draft decision.

529. A Government representative of Saudi Arabia welcomed the progress made by the Government of the Bolivarian Republic of Venezuela in implementing Conventions Nos 26, 87 and 144 and commended its efforts to promote social dialogue, willingness to receive technical support from the ILO and commitment to implementing the resolutions of the Governing Body. She supported the draft decision.

530. The Director-General expressed appreciation for the encouragement and recognition of the efforts of the International Labour Standards Department. Clearance was being sought from the new Minister of the People's Power for the Social Process of Labour for the ILO special adviser to continue his work, and the Director-General was liaising with the Venezuelan Government to secure an extension to the adviser's visa. He hoped for a positive outcome in the coming days.

Decision

531. The Governing Body:

- (a) **took note of the report on the fourth Social Dialogue Forum held from 1 to 2 February 2024 while reiterating, once again its call to the Government of the Bolivarian Republic of Venezuela to accept and implement in full the recommendations of the Commission of Inquiry adopted in 2019;**
- (b) **urged the Government to further accelerate the implementation of all the commitments adopted in the action plan as updated by the Social Dialogue Forum in February 2024, in order to achieve tangible results without delay, in particular in relation to areas in which no progress has been made;**
- (c) **noted with appreciation that an ILO special adviser was posted in the country since November 2023 and that his support in the implementation of the action plan and the preparation of the fourth session of the social dialogue forum had been greatly valued by all constituents;**
- (d) **requested the Government to make the necessary arrangements allowing the ILO special advisor to continue providing the said support on a constant basis in the country, including in relation to the preparation of the next social dialogue forums;**
- (e) **requested the Director-General to continue collaborating with the Government and the social partners of the Bolivarian Republic of Venezuela on the full implementation of the recommendations of the Commission of Inquiry, the related Governing Body decisions and the effective application of Conventions Nos 26, 87 and 144 in law and practice, and to submit to the 352nd Session (October–November 2024) of the Governing Body a further report on any developments concerning the above.**

(GB.350/INS/12(Rev.1), paragraph 13)

13. Developments in the application of the resolution concerning the Russian Federation's aggression against Ukraine from the perspective of the mandate of the International Labour Organization (GB.350/INS/13)

532. The Governing Body had before it an amended version of the draft decision, which had been proposed by the Government of the Russian Federation, seconded by the Government of China and circulated by the Office. The proposal was to amend subparagraphs (b), (c), (d) and (g) to read:

...

(b) reiterated its most profound concern at the ~~continuing aggression by the Russian Federation, aided by the Belarusian Government, against~~ situation in Ukraine and at the impact that this aggression is having on the tripartite constituents – workers, employers and the democratically elected Government – in Ukraine, and on the world of work beyond Ukraine;

(c) ~~urged the Russian Federation again~~ all parties to the conflict to immediately ~~and unconditionally cease armed activities~~ its aggression and withdraw its troops from Ukraine;

(d) urged once again the Russian Federation to meet all the obligations following from its ratification of ILO Conventions, including the Maritime Labour Convention, 2006, as amended (MLC, 2006), in particular in relation to the repatriation of seafarers and access to medical care; the Radiation Protection Convention, 1960 (No. 115), in relation to the exposure of workers to ionizing radiations in the course of their work; and the Forced Labour Convention, 1930 (No. 29), and its accompanying Protocol of 2014, ~~and to ensure the full protection provided by these instruments to all workers currently performing work under its control;~~

...

(g) requested the Director-General to continue to monitor the impact on the world of work of the ~~Russian Federation's aggression against~~ situation in Ukraine and to report to the Governing Body at its 351st Session (June 2024) on developments in the light of the resolution, including the ILO's continued engagement with the relevant United Nations bodies involved in monitoring human rights violations and the situation of maritime and nuclear workers.

533. A Government representative of the Russian Federation noted the anti-Russian sentiment of the resolution concerning the Russian Federation's aggression against Ukraine from the perspective of the mandate of the International Labour Organization (ILO), adopted at its 344th Session (March 2022). The Office's document on developments in the application of that resolution contained unfair accusations, including the suggestion that the economic crisis in Ukraine and the surrounding area was the fault of the Russian Federation. He called on the Office to observe the principle of neutrality and to refrain from commenting on political issues that fell outside its mandate. Moreover, the document relied solely on information from Ukrainian sources and Western non-governmental organizations, which did not guarantee objectivity. His Government met all obligations under the Conventions it had ratified, including those mentioned in the draft decision. Therefore, it could not support the draft decision as proposed by the Office. His Government proposed a number of amendments that would make the draft decision more balanced. If they were not accepted, he would be compelled to request that the draft decision be put to a vote.

534. The Worker spokesperson reiterated her call for a peaceful and diplomatic solution to the conflict, including an immediate ceasefire and withdrawal of Russian troops from Ukrainian territories. She expressed concern that the emergence of other major conflicts could reduce

international focus on the suffering of the people in Ukraine. She welcomed the initiative of the Governments of Switzerland and Türkiye to host peace talks. Noting with appreciation the inclusion of the social partners in the European Economic and Social Committee's pilot project for Ukraine to become an enlargement candidate member, she said that it was crucial to include the social partners in all reconstruction initiatives. While she welcomed the further inclusion of Ukrainian refugees in host labour markets and called for their equal treatment in law and in practice, she recognized that most were waiting for the opportunity to return to decent jobs in Ukraine. The number of unemployed persons in Ukraine – almost 3 million – was deplorable. In order to improve the situation, development partners should support social inclusion programmes for vulnerable groups, especially persons with disabilities, and emphasis should be placed on developing skills training programmes for national workers and on protecting their wages and working conditions alongside the rights of migrant workers. She welcomed the efforts made by the EU towards labour and social protection reform in Ukraine, in order to develop a solid basis for a resilient economy after the war. She noted with satisfaction the continued operation of the State Employment Service, and the ILO's contribution to efforts to address the gender pay gap.

- 535.** Applauding the efforts by trade unions in Ukraine to continue to contribute to humanitarian efforts, despite the unprecedented challenges they were facing, she noted the concerns raised by them about workers' rights being undermined as a result of labour law reforms, the imposition of martial law and the non-payment of wage arrears. The Workers spokesperson reported on drops in memberships, expressing financial sustainability concerns. The Government of Ukraine should continue to cooperate with the ILO and the unions to address those issues. She reiterated her concern about the ongoing serious labour rights violations at the Zaporizhzhia nuclear power plant and called for the investigation of reports of trafficking into forced labour in the Russian military. Forced recruitment into a trade union constituted a serious violation of the right to freedom of association. She condemned the decision by the Russian authorities to declare the International Transport Workers' Federation (ITF) and the IndustriALL Global Union (IndustriALL) as undesirable organizations. As a result, IndustriALL had ceased its operation in Ukraine, closed its regional office in Moscow, and terminated the employment of local staff, leaving tens of thousands of Russian workers in the industrial, energy and mining sectors without representation.
- 536.** The ILO should continue to work with the Office of the United Nations High Commissioner for Human Rights (OHCHR), particularly the UN Human Rights Monitoring Mission in Ukraine. She welcomed the opening of the ILO Country Office for Ukraine in Kyiv and emphasized the importance of the ILO's duty of care towards the newly appointed Director and the staff working in that office. She hoped to see progress in implementing the ILO Transitional Cooperation Strategy for Ukraine 2024–25 and welcomed the announcement of a visit of the Director-General to Ukraine. She congratulated the ILO on its multiple initiatives to support the constituents in Ukraine and its engagement with other UN agencies and international financial institutions. The Office should provide more information in future reports about developments in that regard.
- 537.** Trade union violations were not limited to Ukraine. Across the Caucasus and Central Asia subregion, freedom of association and the right to collective bargaining was being eroded. In Belarus and Kyrgyzstan, systematic efforts to silence free mass media and suppress freedom of association contravened international labour standards. Industrial action in Kazakhstan's western regions, where the authorities continued to ban strikes, had escalated into violent public protests. She recognized the efforts of the Armenian Government to integrate displaced persons from the Karabakh region in response to the simmering military conflict between

Azerbaijan and Armenia. The situation on the border between Kyrgyzstan and Tajikistan was fragile. She called on the ILO Decent Work Technical Support Team and Country Office for Eastern Europe and Central Asia (DWT/CO-Moscow), which provided technical assistance to all countries in the subregion except for the Russian Federation and Belarus, to exercise due diligence when offering support to constituents in the countries under its remit. It should suspend its provision of assistance to the Government of Kyrgyzstan until that Government resumed serious collaboration with the ILO.

- 538. The situation regarding workers' rights in the Russian Federation and Ukraine as well as in those countries covered by the DWT/CO-Moscow should continue to be monitored. Her group supported the draft decision as proposed by the Office.
- 539. **The Employer spokesperson** reaffirmed her group's support for and solidarity with the people of Ukraine and its commitment to continue to mobilize the employer community in that regard. She commended the Office's efforts to respond to employers' needs in Ukraine and the subregion within the ILO's mandate and noted the exchanges between the Office and Ukrainian tripartite representatives that had led to the development of the Transitional Cooperation Strategy. She expressed continuing concern regarding the impact of the military aggression on enterprises and workers, despite the reports of positive economic growth across the subregion. She recognized the adaptations made by enterprises in Ukraine to reorient their supply chains and markets towards countries not affected by sanctions and commended the ongoing work of the Federation of Employers of Ukraine to promote Ukrainian producers in export markets. However, challenging access to financing, uncertainties about the future, rising logistics costs, high fuel prices, shortages of skilled labour and weaker demand were the reasons behind a relatively cautious business outlook. During the eventual reconstruction phase, the reintegration of refugees would be crucial to address the labour shortages in Ukraine, as would the provision of support to constituents in their legal reform efforts and efforts to strengthen the capacity of independent and representative employers' and workers' organizations.
- 540. Any assistance provided by the Office must relate to the mandate of the ILO. She noted with concern the excessive focus, both in the document and in terms of the assistance provided by the ILO, on supporting Ukrainian constituents with preparations for EU accession. Measures to align with EU standards and regulations were valuable, but they fell outside the mandate and the responsibility of the ILO. The Office should provide more information about the strategic partnership with the Office of the First Lady of Ukraine, and in particular the institutional status of that office. It would perhaps have been more appropriate to establish such a partnership with the Ministry of Labour. Any information provided by the ILO should be fact-based and verified, and not based solely on allegations from one party.
- 541. She noted with satisfaction that the ILO Country Office for Ukraine was operational and that its Director had been appointed. The duty of care for the office's staff must remain the highest priority. She also noted with satisfaction that the DWT/CO-Moscow remained fully operational. She expressed her group's support for the plan to step up the technical assistance provided in the subregion and the initiatives under way in each Member State. The Office should engage actively with development partners to enable the implementation of the Transitional Cooperation Strategy, within the bounds of the ILO's mandate. Her group supported the draft decision as originally proposed by the Office.

- 542. Speaking on behalf of a cross-regional group of countries,**³ a Government representative of Spain reiterated the call on the Government of the Russian Federation to immediately and unconditionally withdraw from within Ukraine's internationally recognized borders and to cease its aggression, which had been aided by Belarus. She welcomed the establishment of the ILO Country Office for Ukraine and the appointment of its Director, and commended the staff for continuing to support the tripartite constituents amid the ongoing war. The ILO and development partners should facilitate recovery and reconstruction, in line with the Transitional Cooperation Strategy, and should provide assistance in other affected countries in the subregion. The war continued to have a devastating impact on the world of work, including high levels of unemployment. The Office should engage with other stakeholders to facilitate the reintegration of displaced persons and support people's re-entry into the labour market. It should continue to report on the impact of the war and, in its next report on the subject, should provide more comprehensive data on other affected countries.
- 543.** She expressed deep concern that workers in the Ukrainian territories occupied by the Russian Federation were unable to exercise their labour rights. The situation at the Zaporizhzhia nuclear power plant and in the nearby areas was of particular concern. The Office should continue to document such violations and to cooperate with the UN Human Rights Monitoring Mission. She highlighted the dire situation of seafarers in Ukraine, as the Maritime Labour Convention, 2006, as amended, was not being applied. She noted with concern the designation of the ITF and IndustriALL as undesirable organizations. She expressed her group's support for the draft decision as originally presented by the Office.
- 544. Speaking on behalf of the EU and its Member States,** a Government representative of Belgium said that North Macedonia, Montenegro, Albania, Ukraine, the Republic of Moldova, Georgia, Iceland and Norway aligned themselves with his statement. Condemning the war against Ukraine by the Government of the Russian Federation, he reaffirmed the support of the EU and its Member States for Ukraine's independence, sovereignty and territorial integrity. The EU was to implement 13 packages of sanctions against the Russian Federation and called for a comprehensive, just and lasting peace. He commended the ILO's support for Ukraine and its tripartite constituents, including the establishment of the ILO Country Office for Ukraine and the appointment of its Director, and the development of the Transitional Cooperation Strategy. The EU and its Member States remained committed to supporting recovery and reconstruction in Ukraine, in coordination with international partners. He commended the Director-General's participation in the informal meeting of EU employment and social affairs ministers held in January 2024. The ILO's cooperation and assistance in other affected countries in the region was also of value.
- 545.** He commended the continuing operation of trade unions and employers' organizations in Ukraine, and said that their efforts should be supported. The impact of the war on Ukraine's economy and labour market was of concern, and he noted the high number of unemployed persons. The reintegration of internally displaced persons, vulnerable persons and returning refugees would help to address the predicted employment shortfall. He expressed concern regarding the reported violations of labour rights in the occupied territories, noting in particular the violations arising in connection with the illegal seizure of the Zaporizhzhia

³ Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

nuclear plant and in the electricity, railways and education sectors. The situation of seafarers was also of concern, and the ILO should continue to work with appropriate partners in that regard. The designation by the Government of the Russian Federation of the ITF and the IndustriALL as undesirable organizations violated freedom of association. He appreciated the ILO's collaboration with the OHCHR and encouraged continued cooperation with the UN Human Rights Monitoring Mission to investigate violations of workers' rights. Encouraging social partners' awareness of reporting mechanisms for such violations was essential.

- 546.** He questioned the appropriateness, suitability and feasibility of the continued presence of the DWT/CO-Moscow in the Russian Federation, given the Government's ongoing violation of the ILO Constitution, and asked the Office to prepare a comprehensive cost-benefit analysis of that presence. The EU and its Member States supported the draft decision prepared by the Office. It could not accept the amendments proposed by the Russian Federation.
- 547. A Government representative of France** strongly condemned the ongoing war of aggression against Ukraine and expressed her country's unwavering support for and solidarity with the Ukrainian people. She called on the Government of the Russian Federation to immediately and unconditionally cease its aggression, particularly against civilian targets, and withdraw from the occupied Ukrainian territories. The Governing Body's resolution concerning the Russian Federation's aggression against Ukraine should be fully implemented. She expressed disappointment that the DWT/CO-Moscow remained operational and urged the Office to do everything possible to remove the last two international staff members from Moscow. She expressed concern regarding the ongoing impact of the war on the labour market and on trade union rights in Ukraine. Her Government therefore supported the Office's efforts to support the Government of Ukraine in implementing the fundamental principles and rights at work, even in a war-torn setting. She welcomed the role played by the ILO in Ukraine, in particular in the context of its Transitional Cooperation Strategy, and its actions in collaboration with the social partners to promote alignment with EU *acquis* on social matters, in line with the ILO's legal framework.
- 548. A Government representative of China** called on the ILO and its tripartite constituents to take a pragmatic approach to developing a joint response to the Ukraine crisis. He welcomed the measures taken by the Office and other stakeholders to address the significant impact of the conflict on the tripartite constituents in Ukraine and on the implementation of the Decent Work Country Programme for 2020–24 and other development cooperation projects, and supported ongoing efforts to protect the rights of all workers and employers affected by conflicts. Items on the agenda of the Governing Body should be focused on labour issues, not politics. Issues such as sovereignty and armed conflict went far beyond the scope of the ILO's mandate. China opposed the politicization of labour issues and the misuse of the ILO by some countries as a means of achieving political objectives. He therefore supported the amended version of the draft decision proposed by the Russian Federation.
- 549. A Government representative of Ukraine** authorized to speak in accordance with article 1.8.3 of the Standing Orders, said that the present agenda item should be included on the agenda of future sessions of the Governing Body until such time as the resolution and decisions adopted by the Governing Body on the subject had been fully implemented. She commended the continued work of the Office to support Ukraine on labour-related issues and applauded the resolve of the trade unions and employers' organizations in Ukraine to remain operational and to support their members and the wider population, despite the challenges posed by the Russian Federation's war of aggression. The document presented some of the damaging consequences of the war for Ukraine and the world of work. She urged the Office to continue to document labour rights violations and their consequences and to clearly identify those

responsible. A country demonstrating contempt for the ILO and its mission to promote peace through social justice by waging a war of aggression against another ILO Member State, deliberately committing violations and abuses and preventing the realization of labour rights, did not deserve the privilege of hosting an ILO office. She looked forward to the results of the cost-benefit analysis of a continued ILO presence in Moscow that took into consideration the office's diminished occupancy rate, partly owing to the decision taken by almost all international staff to work off the premises. Her Government planned to intensify diplomatic efforts to convene a global summit aimed at achieving just and lasting peace in Ukraine based on the principles of the UN Charter, and called on the Members of the ILO to support it in that endeavour.

550. A representative of the Director-General (Director, ILO Regional Office for Europe and Central Asia), responding to comments, reiterated the Office's commitment to ensuring, as far as possible, that the information it drew on regarding labour rights violations was valid and that the sources of such information were shared transparently. The Office had agreed with the UN Human Rights Monitoring Mission in Ukraine on a timetable for providing training on monitoring violations of workers' rights. She had taken note of the Workers' group's concerns relating to violations of the rights to freedom of association and collective bargaining in the subregion and would ensure that the matter received due attention. As to the concerns expressed by the Employers' group that the Office might be overly involved in providing guidance to Ukraine on accession to the EU, she clarified that the primary goal of the Office was to provide guidance on international labour standards to constituents at their request and that there was a certain degree of overlap with the EU acquis. All of the technical work arising from the ILO's strategic partnership with the First Lady of Ukraine was based on partnerships with the Ministries of Economy and Social Policy and was carried out in consultation with the social partners. The Office continued to monitor the costs and benefits of its current organizational structure, remarking that the duty of care extended not only to international staff, but also to the national staff based in Moscow.

551. The Chairperson observed that the majority of members supported the draft decision.

552. The Government representative of the Russian Federation said that, in view of the limited acceptance of the amendments proposed by his Government, he felt compelled to call for a vote on the draft decision.

553. The Government representative of China reiterated his Government's support for the amended version proposed by the Russian Federation and seconded the motion to put the draft decision to a vote.

554. The Chairperson observed that it would not be possible to reach a decision by consensus. Having consulted with his fellow Officers, he decided to put the draft decision to a vote by show of hands.

(The decision was adopted with 42 votes in favour, 3 votes against and 5 abstentions.)

555. The Government representative of Brazil speaking in explanation of vote, expressed solidarity with all the parties involved in the conflict and said that any decision taken by the Governing Body should be focused on the impacts of the conflict on the world of work. Brazil was of the view that the item, which had led to the adoption of a decision urging the Russian Federation to cease its aggression and withdraw its troops, fell under the responsibility of the UN Security Council and the UN General Assembly. Accordingly, his Government had voted against the draft decision.

Decision

556. In the light of the developments in Ukraine outlined in document GB.350/INS/13 and the resolution concerning the Russian Federation's aggression against Ukraine from the perspective of the mandate of the International Labour Organization (ILO), adopted at its 344th Session (March 2022), and taking into account the discussions held and the guidance provided during its 350th Session, the Governing Body:

- (a) noted the information provided in the document;
- (b) reiterated its most profound concern at the continuing aggression by the Russian Federation, aided by the Belarusian Government, against Ukraine and at the impact that this aggression is having on the tripartite constituents – workers, employers and the democratically elected Government – in Ukraine, and on the world of work beyond Ukraine;
- (c) urged the Russian Federation again to immediately and unconditionally cease its aggression and withdraw its troops from Ukraine;
- (d) urged once again the Russian Federation to meet all the obligations following from its ratification of ILO Conventions, including the Maritime Labour Convention, 2006, as amended (MLC, 2006), in particular in relation to the repatriation of seafarers and access to medical care; the Radiation Protection Convention, 1960 (No. 115), in relation to the exposure of workers to ionizing radiations in the course of their work; and the Forced Labour Convention, 1930 (No. 29), and its accompanying Protocol of 2014, and to ensure the full protection provided by these instruments to all workers currently performing work under its control;
- (e) reiterated its unwavering support for the tripartite constituents in Ukraine, requested the Director-General to continue to respond to the constituents' needs in Ukraine and to expand the ILO's resource mobilization efforts, including in forthcoming international donor conferences on recovery and reconstruction, and welcomed the appointment of the Director of the ILO Country Office for Ukraine;
- (f) requested the Director-General to continue to enhance resource mobilization efforts for other affected countries across Eastern Europe and Central Asia;
- (g) requested the Director-General to continue to monitor the impact on the world of work of the Russian Federation's aggression against Ukraine and to report to the Governing Body at its 351st Session (June 2024) on developments in the light of the resolution, including the ILO's continued engagement with the relevant United Nations bodies involved in monitoring human rights violations and the situation of maritime and nuclear workers.

(GB.350/INS/13, paragraph 52)

14. Report by the Government of Bangladesh on progress made in the implementation of the road map to address all outstanding issues mentioned in the article 26 complaint concerning alleged non-observance of Conventions Nos 81, 87 and 98 (GB.350/INS/14(Rev.1))

557. A Government representative of Bangladesh (Minister for Law, Justice and Parliamentary Affairs) said that, despite economic challenges arising from recent crises, Bangladesh

remained committed to improving labour conditions in line with the road map to bring about significant transformations in the world of work. The labour law reform process had been resumed immediately after the new Government had taken office. The Tripartite Law Review Committee had finalized its recommendations on the Labour Act amendment bill of 2023, which the National Tripartite Consultative Council was expected to approve. They included improvements to trade union registration, including by reducing the number of workers required for registration of trade unions, digitizing the registration system, and reducing the number of documents required. The recommendations would ease provisions on trade union formation in the civil aviation sector and for seafarers, introduce standard operating procedures for seeking expert assistance in collective bargaining, increase by 50 per cent the penalty on employers for unfair labour practices or anti-trade union discrimination, and increase by 300 per cent the fine for illegal lockouts. In addition, the labour appeals procedure was being simplified.

558. To strengthen labour inspection, a provision had been proposed to introduce labour inspections without prior notice, as well as measures to adopt standard operating procedures to enhance the effectiveness of the labour inspection system. Further provisions had been proposed to increase by 400 per cent the fine for the use of child labour; gender-based violence and harassment had been defined in line with the Violence and Harassment Convention, 2019 (No. 190); and clarification had been provided on informing the relevant authorities regarding accidents, dangerous incidents and certain occupational diseases to further implement the Occupational Safety and Health Convention, 1981 (No. 155). The number of labour inspectors had been increased significantly and over 20,000 inspections had been conducted in the second half of 2023 alone. Six new labour courts had been established and the conciliation and arbitration system had resolved over 100 cases.
559. Progress had also been achieved, including through training, in the Government's efforts to stop anti-union discrimination, unfair labour practices and violence against workers. Proposed amendments to the Labour Act would include addressing unfair labour practices and violence against workers. In the Shahidul Islam case, the police had submitted their investigation report charging 14 individuals and the case was being prepared for trial. The ten cases referred to by the Committee on Freedom of Association in Case No. 3203 had been resolved.
560. As general elections had taken place recently, Parliament had not been in session and the incumbent Government had been barred from taking policy decisions. The new Government had been sworn in on 11 January 2024 and ministers had been appointed just the previous week. Nevertheless, the further amendments to the Labour Act were almost ready, reflecting the Government's commitment to implementing the road map. He expressed the hope that the Governing Body would find the progress noteworthy in all four areas of the road map and urged members to appreciate the Government's achievements and proactive engagement with the social partners to achieve improved labour relations. In view of the committed labour law reforms and the improvements secured thus far, the Government requested the Governing Body to close the article 26 complaint procedure, considering that ILO supervisory bodies could be tasked with further monitoring and providing necessary advice and technical support.
561. **The Worker spokesperson** said that he had visited Bangladesh the previous month to obtain up-to-date information, but the Government had not met with the mission. Reports from workers, trade unionists, worker welfare association members, labour experts and experts from the ILO Country Office for Bangladesh had only reinforced the Workers' group's previous assessment that serious and systemic violations of Conventions Nos 81, 87 and 98 continued and that little had been done to address the fundamental issues set forth in the road map,

despite the technical and financial support the country had received. The initial set of amendments to the Labour Act and the new set just announced by the Government had done little to address the comments of the Committee of Experts on its failure to protect the right to freedom of association and to bargain collectively. The Government must fully address the Committee's comments as a matter of the highest priority, with a focus on quality, rather than generating amendments that did not resolve the issues that had been raised by the ILO and echoed by the trade unions for many years. Furthermore, the process must involve meaningful consultation with trade unions. After the adoption of the amendments to the Labour Act, the Government must also amend the Bangladesh Labour Rules, to ensure legal consistency.

- 562.** Serious obstacles remained to the registration of unions. Time limits for granting authorization had not been respected, resulting in a lengthy backlog of pending registrations, and digitalization had resulted in an increased burden, exacerbating the problem. There was a lack of verifiable data on the number of workers in an enterprise, making it difficult for unions to ascertain whether they had reached the 20 per cent threshold. Employers were routinely misclassifying workers to make them ineligible to join a union, were using outsourcing and fixed-term contracts to preclude workers from freely associating and collectively bargaining in the workplace, and were registering management-dominated “yellow” unions when legitimate unions attempted to form. Bribery and collusion between factory management and Department of Labour officials in the registration process remained widespread and unaddressed, undermining any efforts to address the matter through legal or regulatory reform.
- 563.** Trade unionists were regularly dismissed for their trade union activity, with no effective remedy, and many found themselves blacklisted from work in the same industry or location. Female trade unionists and organizers were faced with sexual harassment, social stigmatization and limited access to benefits. In some cases, dismissed workers received threats of violence if they did not sign blank sheets of paper resigning from the union, the company or both. Those who refused often faced more threats or beatings until they relented or fled. A key problem was that workers had no direct access to the courts to seek redress for unfair labour practices; cases were often poorly handled, with lawyers not appearing, courts issuing clearly erroneous decisions, and government lawyers failing to lodge appeals. The procedures and timelines for handling unfair labour practices were rarely respected.
- 564.** Half a million workers in export processing zones (EPZs) had no right to form a union, only worker welfare associations, for which elections were organized by the Bangladesh Export Processing Zone Authority, not the workers. When EPZ workers attempted to organize, they were immediately dismissed and blacklisted. There was no evidence of any collective bargaining agreements in any EPZs; wages were set centrally without meaningful worker input. The right to strike was severely restricted. In 2023, the Committee of Experts had again urged the Government to expedite the review of the EPZ Labour Act of 2019 and the Bangladesh Labour Rules in consultation with the social partners. Workers in the EPZs must be afforded their full rights under Conventions Nos 87 and 98 as a matter of priority.
- 565.** Workers regularly faced threats and acts of violence due to their trade union activity. Union leaders had reported that the industrial police still regularly intervened on behalf of employers to harass, intimidate or beat trade unionists who were undertaking legitimate and peaceful union activities. Union organizer Shahidul Islam and a further four workers had been killed during wage protests. Baseless criminal charges had been brought against some 44,450 individuals, including thousands of unnamed accused and four union leaders from independent trade union federations.

- 566.** The workers and unions he had met had spoken about the poor quality of Bangladesh's labour inspection system. While there had been some progress in the ready-made garment industry, owing in large part to private initiatives, other sectors had not improved their occupational safety and health record, as they had remained largely beyond public attention. Accidents were frequent, and workers' compensation was difficult to access. The total number of inspectors remained well below the targets. Inspectors were inadequately trained and lacked the equipment needed to do their work properly. Low compensation also led to high levels of corruption among inspectors, which undermined workers' access to remedies.
- 567.** The violations of freedom of association and collective bargaining were still as persistent as they had been when the article 26 complaint had been filed. The Government must fulfil its obligations. While a Commission of Inquiry was warranted at that time, the Workers' group supported the draft decision deferring follow-up on measures to the October–November 2024 session.
- 568. The Employer spokesperson** highlighted the key developments addressing the outstanding issues raised in the article 26 complaint and action taken by the Government of Bangladesh since the Governing Body's last discussion of the case in November 2023. In particular, the process to amend national legislation, such as the Labour Act and the EPZ Labour Act, had continued, and other practical outcomes outlined in the report demonstrated the Government's steady progress.
- 569.** While it was understandable that during the post-election transition period, government action had had to be limited to managing routine affairs, she expressed the hope that the new Administration would swiftly resume efforts towards the full implementation of the road map. She noted its engagement in tripartite consultations at both the national and international levels and its constructive cooperation with the Office. She strongly encouraged the new Government to intensify efforts towards the full implementation of the road map before the deadline and to continue providing detailed updates on the acceleration of the ongoing processes. The Employers' group stood ready to continue working closely with the Bangladesh Employers' Federation to support the Government in the implementation of all the necessary actions and ongoing initiatives. She supported the draft decision.
- 570. Speaking on behalf of the EU and its Member States,** a Government representative of Belgium said that North Macedonia, Montenegro, Albania, Ukraine, the Republic of Moldova, Iceland, Norway and Switzerland aligned themselves with her statement. She expressed full support for the continued engagement of the ILO in promoting labour rights in Bangladesh and monitoring the implementation of the road map. The EU monitored the implementation of the National Action Plan on the Labour Sector of Bangladesh that reinforced the road map. She expressed concern that the Government of Bangladesh had only partially implemented the labour reforms it had committed to and reiterated the call for the timely delivery and comprehensive implementation of all commitments. As the amendments to the Bangladesh Labour Act that had been adopted by Parliament on 2 November 2023 had not yet entered into force, the new Government should revise the Bangladesh Labour Act without delay, in consultation with the social partners, to ensure full compliance with international labour standards. In particular, it was crucial to remove restrictions on freedom of association in all sectors and to facilitate the registration of trade unions and the right to collective bargaining. She urged the Government to expedite its review of the EPZ Labour Act and follow a tripartite process to ensure that all workers were granted all rights under Convention No. 87. She strongly encouraged the Government to bring its labour legislation into full compliance with international labour standards, in close collaboration with the social partners, and implement the recommendations of the ILO supervisory bodies. It was regrettable that the social partners

had not been adequately consulted and involved in the process. Continuing obstacles to unionization were concerning, as was the systematic denial of workers' rights regarding wage payment, overtime and working conditions.

- 571.** She urged the Government to conduct investigations into the recent cases of workers and labour activists being injured, killed, arrested or intimidated, to hold the perpetrators to account and to implement preventive measures without delay. Meaningful social dialogue was a proven tool for maintaining and encouraging peaceful and constructive workplace relations. Greater efforts were required to train the relevant authorities on dealing with strikes and protests, including on the use of minimum force, and to respect human rights, including labour rights. Further work was needed to ensure that labour inspections were independent and free. Labour inspectorates needed to be fully functional, with sufficient adequately trained inspectors. The EU would continue cooperating closely with Bangladesh, in partnership with the ILO, and monitoring the implementation of the road map. She supported the draft decision.
- 572. A Government representative of the United States** noted that the fundamental issues identified in the article 26 complaint, and by the broader ILO supervisory system, had not been addressed. The Government of Bangladesh had not addressed numerous and long-standing concerns with the Bangladesh Labour Act, despite continued and extensive technical assistance provided by the Office. She urged the Government to include trade unions in the consultations on amending the EPZ Labour Act, and to bring the Labour Act and the EPZ Labour Act into compliance with Conventions Nos 81, 87 and 98.
- 573.** Independent unions continued to report delays in registrations. In addition, the 20 per cent membership threshold for union registration continued to prevent workers from forming unions. Trade unions had reported a lack of clear guidelines and procedures to address unfair labour practices, inadequate remedies, investigations lacking transparency, lengthy cases in labour courts, and the fact that only the Department of Labour could file a court case. The continued acts of violence against workers and the criminal charges brought against organizers of labour protests were deeply concerning. There must be an end to the violence and harassment against workers, with rapid investigation of cases, increased focus on preventive measures and timely, dissuasive penalties, and the withdrawal of baseless criminal charges against workers. In 2023 the Committee of Experts had noted with regret that the Government did not elaborate on concrete investigations into allegations of violence and intimidation of workers. As called for in the road map, she urged an end to the violence against workers, rapid investigation of cases of violence and harassment against workers, increased focus on preventative measures and ensuring timely and dissuasive sanctions and response to acts of anti-union discrimination and unfair labour practices. Although the continued lack of significant progress merited the appointment of a Commission of Inquiry, in the interest of consensus she could support the draft decision.
- 574. A Government representative of Indonesia** commended the Government of Bangladesh for its proactive efforts in addressing the outstanding issues related to alleged non-compliance with Conventions Nos 81, 87 and 98, and acknowledged the significant progress made in implementing measures to uphold labour rights and improve workplace conditions. From labour law reforms to the establishment of EPZ labour regulations and the enhancement of labour inspection mechanisms, the Government had shown dedication to addressing issues of unfair labour practices, anti-union discrimination and violence against workers. He supported the Government's efforts and recognized the importance of international cooperation in promoting and protecting labour rights.

- 575. A Government representative of Canada** welcomed Bangladesh's continued commitment to improving working conditions through labour law and policy reform and acknowledged the Government's efforts. Nevertheless, she expressed profound concern that, three years after the adoption of the road map, many of the fundamental issues identified in the complaint remained largely unaddressed. She called on the Government to immediately implement meaningful labour law reform to secure compliance with international labour standards; intensify its efforts to prevent anti-union discrimination, violence and harassment; effectively investigate incidents and implement penalties to deter offenders; and reduce the backlog of cases in the labour courts. It should also simplify the online trade union registration system and provide adequate training on its use, and ensure a full complement of qualified labour inspectors with appropriate powers and jurisdiction to enforce labour laws, including in EPZs and special economic zones. She urged Bangladesh to intensify its efforts in all four areas of the road map in close consultation with the Office, social partners and all interested stakeholders, taking into account the recommendations of the Committee of Experts. Given that further action was required to address core issues of the complaint, continued monitoring of the implementation of the road map was required. She supported the draft decision.
- 576. A Government representative of Namibia** commended the Government of Bangladesh for its strong commitments to the implementation of the road map. The new Administration would soon be able to provide an update on its efforts to make administrative and regulatory improvements in the context of the road map. Given the steady progress made regarding the complaint, the Office should provide any technical assistance required by the Government of Bangladesh for the full and effective implementation of the road map. She called on members to note that the complaint required no further action by the Governing Body.
- 577. A Government representative of Niger** commended the Government of Bangladesh for immediately preparing a road map in conjunction with relevant social partners and for reporting regularly on its implementation. The latest report showed that considerable progress had been made in the four action areas. Furthermore, there had been progress on awareness-raising, training, collection of statistical data, promotion of social dialogue and the establishment of a social protection programme for unemployed and destitute workers in the ready-made garments, leather goods and footwear industries focused on exports. The Government of Bangladesh was clearly committed to continuing to implement the road map, and should be congratulated on its progress and the excellent cooperation it enjoyed with social partners and the Office. As there was still some room for improvement, the Government of Bangladesh should maintain its efforts, with continued technical assistance from the Office. He supported the draft decision.
- 578. A Government representative of Oman** expressed support for the measures taken by the Government of Bangladesh and its approach in implementing international labour standards, working together with social partners and the ILO. Efforts to ensure online registration of labour unions and to strengthen the inspection and dispute settle systems in line with international labour standards were welcomed. In light of the Government's efforts, the complaint should be closed in the near future. He urged the Government of Bangladesh to continue its efforts to protect workers' rights and to avail itself of technical assistance to ensure decent and sustainable work.
- 579. A Government representative of Argentina** noted that the Government of Bangladesh had made progress, but that it was insufficient. While the measures adopted concerning trade union registration would facilitate the process, they did not address the minimum threshold for establishing a union. The situation of workers and trade union leaders in the ready-made garment sector remained concerning and there had been no substantive progress on issues

highlighted by the ILO. He urged the Government of Bangladesh to fully implement the road map, giving priority to social dialogue and cooperating with the ILO. He supported the Workers' group's position on the draft decision.

- 580. A Government representative of Sudan** noted that, at the halfway point of the road map, the Government of Bangladesh had made significant progress in addressing the issues raised in the complaint and was making continued efforts to engage on the outstanding issues. The adoption of the Labour Rules and EPZ Labour Rules was a positive step, and the Government was also working to amend the Labour Act and the EPZ Labour Act. He supported the continued strengthening of labour inspections through the recruitment of additional labour inspectors, training and other measures. It was encouraging to note that Bangladesh had established six new labour courts and was continuing to establish alternative dispute resolution systems. The ongoing comprehensive training programme on labour law and international labour standards would enhance the capacity of tripartite bodies in Bangladesh to implement them in the workplace. Only through constructive engagement and mutual partnerships, rather than complaint procedures, could the ILO secure the application of international labour standards. He welcomed the significant progress achieved and therefore requested the Governing Body to close the complaint against Bangladesh without delay.
- 581. A Government representative of Cuba** noted that Bangladesh had demonstrated its willingness to make progress in tripartite social dialogue in the country and in cooperation with the ILO. The Government would need time and space to work with the relevant stakeholders, within the framework of its national legislation, to comply with its obligations and commitments in relation to the ratified ILO instruments. Bangladesh was an example of what could be achieved when dialogue and consensus-based solutions were prioritized. In assessing any issue, the willingness and commitment of Member States to work with the ILO should be considered. The progress made by Bangladesh on labour matters should be taken into account and the complaint should not be pursued further. Any other decision based on coercion could hinder efforts to continue to implement the activities under the road map.
- 582. A Government representative of India** noted with satisfaction that the Government of Bangladesh had undertaken labour law reforms, resulting in a significant increase in trade union registration. It had instituted legal and administrative reforms to improve trade union activities, occupational safety, wages, skills development and labour welfare. The Government of Bangladesh should receive support to achieve the intended results of those reforms, particularly in strengthening employment and labour market policies to address the challenges that workers currently faced. She welcomed the commitment of the Government of Bangladesh to work closely with the social partners on further promoting labour rights in the country. The ILO should recognize the progress made and close the complaint.
- 583. A Government representative of Malawi** welcomed the comprehensive programme of implementation of the road map and the significant progress made, which reflected the positive intent of the Government of Bangladesh. The increased numbers of labour inspectors and inspections and the simplification of the registration of trade unions were welcome developments. With its broad range of legal and institutional reforms, training and awareness-raising programmes on labour law and international labour standards, the Government had set the right tone for improvements in social dialogue and other pillars of decent work. It had made progress in matters such as strengthening factory inspectorate services, especially in the EPZs, in increasing the number of labour courts and in establishing helplines for lodging complaints. The Governing Body could therefore consider closing the article 26 procedure. The Office should continue to work with the Government to ensure continued improvements on the road map and implementation of the Conventions.

- 584. A Government representative of Saudi Arabia** said that the report reflected the desire of the Government of Bangladesh to improve working conditions for all its workers. The efforts to comply with the relevant Conventions by adopting measures in cooperation with social partners and the ILO and by reforming some of its labour codes were appreciated. All those efforts had been accompanied by a clear commitment to achieve significant improvements in labour conditions. In view of the progress Bangladesh had achieved, he called on the Governing Body to close the complaint.
- 585. A Government representative of the United Kingdom** welcomed the plans of the Government of Bangladesh to engage in further tripartite consultations to address the outstanding issues identified in the complaint, and encouraged it to do so before the 352nd Session, so that the Governing Body could fully assess the progress on the road map. It was to be hoped that more meaningful progress would have been made by that point. The Developing Country Trading Scheme of the United Kingdom, of which Bangladesh was the largest single beneficiary, required countries to adhere fully to their international obligations, including under ratified ILO Conventions, in order to retain duty-free and quota-free access to its market. The United Kingdom co-chaired a body consisting of other ILO Member States and representatives, which was due to meet with senior officials from relevant ministries to discuss the implementation of action plans on labour sector reform. He urged the Government of Bangladesh to engage in meaningful tripartite consultations to ensure that all outstanding issues in the road map were fully addressed, and supported the draft decision.
- 586. A Government representative of the Islamic Republic of Iran** commended the Government of Bangladesh for its unwavering commitment and substantial efforts towards implementing the road map. The report detailed the substantial progress achieved across the four priority areas. The extensive amendments to the Labour Act and Labour Rules, the significant increase in the number of registered trade unions, particularly in the ready-made garment sector, the recruitment of additional labour inspectors and the establishment of new labour courts were commendable steps towards strengthening labour rights and improving working conditions. Efforts to conduct training programmes, promote social dialogue, develop a national wage policy and introduce employment injury and unemployment benefit schemes demonstrated the country's commitment to fostering an enabling environment for decent work and social protection. He encouraged the ILO and its constituents to extend their full cooperation and technical assistance to Bangladesh so that it could realize the objectives of the road map. He commended the Government's steadfast efforts in upholding international labour standards and promoting workers' rights and welfare. Considering the significant progress that had been made, he requested the Governing Body to close the case without further delay.
- 587. A Government representative of Pakistan** noted the progress made on the four priority areas of the road map. The Government of Bangladesh had reiterated its continued commitment to providing a better and safer workplace for workers and to uphold their rights, including collective bargaining, freedom of association and the right to strike. Given the complexity of the challenges Bangladesh faced, he invited all parties to address concerns and complaints in the spirit of tripartite cooperation, and supported efforts to achieve the early closure of the complaint through continued engagement and cooperation on the implementation of the road map.
- 588. A Government representative of China** said that the Government of Bangladesh had always attached importance to fulfilling its obligations under ILO Conventions and endeavoured to strengthen tripartite cooperation and dialogue, demonstrating its interest in strengthening technical cooperation with the ILO and protecting labour rights. From the outset, the Government of Bangladesh had actively implemented the decisions of the Governing Body

concerning the complaint, and had formulated a road map and achieved significant progress in the priority areas identified. Those efforts had demonstrated that the Government attached great importance to the ILO supervisory mechanism. She encouraged the ILO to maintain communication with the Government of Bangladesh to help it achieve the objectives of the road map as soon as possible. In view of the positive progress made, she recommended that the case be closed as soon as possible.

- 589. A Government representative of Algeria** said that his delegation welcomed the steps taken by the Government of Bangladesh to implement the road map. The Government of Bangladesh had undertaken judicial and administrative reform in seeking to implement its commitments relating to the application of international labour standards. Significant progress had been made in the priority areas identified. All of those efforts reflected the commitment of the Government of Bangladesh to ensure respect for workers' rights and for occupational safety and health in the country. The Office should continue to provide the technical assistance required by the Government of Bangladesh to allow it to continue to implement the road map. The complaint procedure should be closed.
- 590. A Government representative of Cameroon** said that the report of the Government of Bangladesh and the previous reports testified to the intention of the Government of Bangladesh to engage both with the Office and the social partners. As Bangladesh had reported, the country was going through transformative changes to achieve decent work goals for the betterment of its people, including the workers. Cameroon appreciated the proposed changes as reported by the Minister of Law in the draft labour law. It supported the amendment process and urged the Governing Body to extend full support to the efforts of Bangladesh. The Government of Bangladesh had achieved significant progress in simplification of trade union registration, qualitative changes in factory inspection, dispute resolution, and other areas. In light of the progress achieved so far, her Government encouraged Bangladesh to continue to accept ILO monitoring through its supervisory system. She requested the Governing Body to close the case.
- 591. A Government representative of Nigeria** commended the Government of Bangladesh on its progress report and its willingness to cooperate with the Office in the implementation of the adopted road map. He aligned himself with previous speakers in highlighting the value of constructive engagement and cooperation by the tripartite constituents of Bangladesh to achieve the reported progress, despite a number of challenges. Significant progress had been recorded in the creation of decent jobs, provision of sustainable energy and massive investment in health and education, among others. Furthermore, there was remarkable progress in legal reforms. In view of that progress, coupled with the resolve to continue working on the agreed road map with all relevant authorities, including the ILO, he requested understanding and follow-up to address all the outstanding issues highlighted.
- 592. A Government representative of Morocco** said that the importance of the road map was reflected in the regular reports and responses that Bangladesh provided to the Governing Body. Morocco appreciated all the efforts of the Government of Bangladesh, particularly amending labour legislation to make it compliant with international labour standards; issuing new legislation; simplifying procedures for the registration of trade unions and reducing restrictions on their activity, increasing the number of labour inspectors and providing training for them; establishing a complaints management procedure; reducing violence and harassment against workers; and encouraging social dialogue. The Government of Bangladesh had thus demonstrated its sincere commitment to implement the road map. He was confident in the intention of the newly elected Government of Bangladesh to initiate the

necessary reforms at the institutional level as well as the legislative and regulatory implementation of the road map. Accordingly, he called for the closure of the complaint.

- 593. The Employer spokesperson** noted that the complaint concerned systemic changes to be introduced by the Government to implement the Conventions properly, rather than being a matter of individual complaints. The body that had jurisdiction over individual complaints was the Committee on Freedom of Association. Accordingly, her group considered, as did many members of the Governing Body, that the case should be closed in light of the substantial progress achieved. Her group had accepted the draft decision under the agenda item in a spirit of compromise. The case should be closed at the earliest opportunity if the Governing Body sought to do justice and maintain the integrity of the ILO supervisory system.
- 594. The Worker spokesperson** affirmed that the matter at issue did not arise from individual complaints. The complaint under article 26 discussed deeply systemic problems. He disagreed that many Governing Body members considered that the case should be closed. Fourteen statements had called for closure of the case, but the representative of the European Union had spoken on behalf of 27 Member States, as well as accession States and European Free Trade Association countries, in addition to the United States, Canada, Argentina and the United Kingdom. That meant some 40 countries had called for continued supervision, nearly three times the number that had requested closure of the case. As to the suggestion that a new Government had been elected and needed to come to grips with the situation, he recalled that the current Prime Minister had been in power since 2009, having also been Prime Minister from 1996 to 2001. The Government of Bangladesh had had ample time to address the issues.
- 595. The Employer spokesperson** noted that the vast majority of the countries represented in the statement of the representative of the European Union and some other countries were not members of the Governing Body.
- 596. A Government representative of Bangladesh** expressed appreciation to the Governing Body for recognizing the progress that Bangladesh had made. It was the sixth time in two and a half years that Bangladesh had reported on progress in relation to the complaint under article 26, and each time it had reported significant progress.
- 597.** Regarding the Akota Garments case, a worker in Akota Garments Ltd had lodged a complaint on 24 February 2024, 18 days previously, against the management of another garment factory, Libas Textiles Ltd. The law would take its course. Regarding the rejection of trade union registration, the Department of Labour only rejected registration when requirements were not met. Bangladesh did not have any yellow unions and the Workers' group should share any information it had on the existence of such unions with the Government of Bangladesh. Regarding the death of a local leader, Mr Shahidul Islam, of Bangladesh Garments, on 25 May 2023, an industrial labour federation had lodged a case. The majority of the accused had been arrested and a few had confessed their involvement. A total of 14 persons had been charged, including the principal accused person. The law would again take its course. The judiciary enjoyed full freedom in Bangladesh. Accordingly, the Government representative asked the Governing Body to await the final determination of the case and not to raise settled or sub judice matters as a complaint against his Government.
- 598.** Bangladesh welcomed any visit by a responsible entity or authority to Bangladesh, provided all stakeholders were informed so that they could be involved. The International Trade Union Confederation (ITUC) had been requested to reschedule its proposed visit from February to April 2024 only because the newly elected Government required time to determine its priorities. Nonetheless, an ITUC team had then visited the country without the knowledge of the Government.

- 599.** The Government of Bangladesh had taken time to amend the Bangladesh Labour Act even after it had been adopted by Parliament. That was because it intended to incorporate the concerns of the 349th Session of the Governing Body, particularly those of the Workers' group, to prevent anti-union discrimination and harassment. The Government had established a complaints procedure and all complaints were investigated and dealt with either via a trial or via dispute resolution, based on severity. The Government would remain vigilant as to the concerns and expectations expressed by the Governing Body and other ILO supervisory bodies. However, individual cases under supervisory bodies, such as the Committee on Freedom of Association, should not be conflated with the article 26 complaint in light of the significant progress made and the ongoing legal reforms. The Government of Bangladesh requested the Governing Body to close the case early.

Decision

- 600.** Taking note of the report on progress made with the implementation of the road map of actions and mindful of its 2021–26 timeline as well as of results yet to be achieved, the Governing Body:
- (a) noted the strong commitment made by the Government of Bangladesh to engage in further tripartite consultations, with the technical assistance of the Office, to address the outstanding issues mentioned in the article 26 complaint concerning the alleged non-observance of Conventions Nos 81, 87 and 98 in the ongoing labour law reform;
 - (b) called on the Government and the social partners to pursue their tripartite consultations on the labour law reform in a constructive manner with a view to bringing about all necessary reforms as a matter of priority, with the ILO technical assistance and the support that could be provided by the secretariats of the Employers' and Workers' groups;
 - (c) requested the Government to report on further progress made in the implementation of the road map of actions to address all the outstanding issues mentioned in the article 26 complaint at its 352nd Session (October–November 2024);
 - (d) deferred to its 352nd Session the decision to consider further action in respect of the article 26 complaint, in light of the follow-up given to paragraphs (a), (b) and (c) above.

(GB.350/INS/14(Rev.1), paragraph 9)

15. Complaint alleging non-observance by Nicaragua of Conventions Nos 87, 98, 111 and 144, filed by various delegates at the 111th Session (2023) of the International Labour Conference under article 26 of the ILO Constitution (GB.350/INS/15(Rev.1))

- 601.** A Government representative of Nicaragua said that her Government firmly rejected the unfounded allegations in the complaint, which were false and lacking in legal grounds. Her Government had provided statistical data and factual evidence proving that there had been no violations of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), or the Tripartite

Consultation (International Labour Standards) Convention, 1976 (No. 144). More than 400,000 workers had joined trade unions between 2018 and 2023, and more than 5,000 trade union organizations had been registered. During the same period, the social welfare and wage benefits of more than 600,000 workers had been improved through the signing of more than 300 collective agreements, which had also strengthened labour relations through dialogue and consensus. For example, there were more than 200 multinational enterprises operating in export processing zones and they all participated in ongoing dialogue with trade union representatives, including negotiations of collective agreements. Such actions demonstrated the ability of employers, workers and the Government to engage in dialogue that strengthened tripartism, and therefore freedom of association. The country's Political Constitution and legislation, including labour legislation, provided for non-discrimination and gender equality at work.

602. The legal status of the Higher Council for Private Enterprise (COSEP) and its affiliated chambers had been annulled for failure to comply with its legal obligations as a non-profit civil society organization; it had never been registered as an employers' organization with the Ministry of Labour. Furthermore, COSEP had refused to participate in tripartite dialogue. Since 2007, consultations had been held with the most representative employers' and workers' organizations in the country. Minimum wages were negotiated on an ongoing basis within a national committee. Effective forums for tripartite dialogue were in place to ensure safe and healthy working conditions and compliance with labour rights, including the National Occupational Safety and Health Council. The Nicaraguan Government respected not only its national legislation, but also the ILO Conventions that it had ratified, and it was willing to continue to strengthen dialogue and consensus with the social partners and the ILO and to promote a climate of mutual respect to protect the rights of the Nicaraguan people.
603. **The Employer spokesperson** said that he deeply regretted having to address, once again, the serious violations committed by the Government of Nicaragua, which had demonstrated a negative attitude and lack of cooperation. It was extremely concerning that the Government had simply denied the facts and rejected the complaint. The Government's argument that COSEP had refused to participate in social dialogue and tripartite consultation was regrettable; COSEP had not participated because the relevant forums had been closed and its members persecuted and forced into exile, where they remained, some in situations of statelessness. He paid tribute to the recently deceased former President of COSEP who had been arbitrarily detained in 2021, then exiled and stripped of his nationality.
604. The disbanding of civil society associations and dismantling of freedom of association in Nicaragua continued, as illustrated by the closure of associations of small and medium sized agricultural producers. Such totalitarian action had led to the loss of jobs created by those associations and the seizing of property and money amounting to millions of dollars. Employers in the country lived in silence to avoid being subjected to fiscal blackmail or imprisonment. It was deeply regrettable that the Government wished to discredit the same organizations with which it had worked for many years. The employers' organizations currently being created were not independent of the Government. Not only was the State attacking freedom of association, but it was also exercising total control through repression in blatant violation of its obligations as an ILO Member and under Conventions Nos 87, 98 and 144.
605. The situation in Nicaragua had been noted by several United Nations bodies, as well as the CEACR. In the light of the continuing deterioration of the situation and the Government's refusal to acknowledge and address the CEACR's recommendations, the Employers' group requested the Governing Body to take immediate action. Postponing the matter to a future session of the Governing Body would change nothing, and the violations of freedom of

association and fundamental labour rights would continue. The ILO must take firm action and demonstrate the effectiveness of its supervisory bodies, while the constituents must be coherent and steadfast in the defence of fundamental rights. His group was committed to working towards the establishment of a Commission of Inquiry under article 26 of the ILO Constitution.

- 606. The Worker spokesperson**, noting that until recently it had been many years since the ILO supervisory bodies had examined a major case involving Nicaragua, expressed regret that the Government had rejected all of the recommendations made by the Committee on the Application of Standards, including to establish a tripartite dialogue round table. All governments, regardless of political ideology, had the obligation to uphold freedom of association and the right to collective bargaining and non-discrimination in employment, and to foster tripartite social dialogue. The Nicaraguan Government's rejection of the recommendations made by international and regional human rights bodies, which had raised serious concerns regarding the human rights situation in Nicaragua, would only serve to create an environment more prone to conflict and tension. Her group believed, however, that direct confrontation would be unhelpful in the current situation and must be avoided at all costs. Instead, the Workers' group would actively support any solution able to guide the Nicaraguan Government back to the path of reconciliation and social dialogue.
- 607.** While governments should always be held to account for violations of fundamental labour rights, the ILO constituents should be consistent in their approach. As a first step, attempts should be made to bring the Nicaraguan Government on board, rather than immediately escalating the situation by establishing a Commission of Inquiry. Priority should first be given to making improvements on the ground. She therefore urged the Nicaraguan authorities to actively facilitate social dialogue with the support of the ILO, establish a tripartite dialogue round table without delay and avail itself of ILO technical assistance. Using the standards supervisory system as leverage, open dialogue and cooperation should be explored first as a means of finding a resolution that aligned with international labour standards and ensured respect for fundamental rights. She supported the draft decision.
- 608. A Government representative of the United States**, speaking also on behalf of Canada and the United Kingdom, expressed deep regret at the Nicaraguan Government's rejection of the complaint. She shared the profound concern highlighted by the Committee on the Application of Standards regarding the persistent climate of intimidation and harassment of independent employers' and workers' organizations, alleged arrest and detention of employer leaders and further deterioration of the situation. The Government's increasing restrictions on freedom of association and the right to collective bargaining, including the disbanding and closure of many trade unions and civil society organizations, were extremely concerning, particularly since many of those organizations provided child protection services. She called on the Government to take urgent action, in consultation with the social partners, to remedy the serious issues identified in the complaint and by the various ILO supervisory bodies. She supported the draft decision.
- 609. Speaking on behalf of the EU and its Member States**, a Government representative of Belgium said that North Macedonia, Montenegro, Albania, Ukraine, the Republic of Moldova, Iceland, Norway and Switzerland aligned themselves with her statement. The EU and its Member States were deeply concerned at the situation of labour rights in Nicaragua and deplored the worsening human rights violations in the country. The Nicaraguan authorities' failure to take any action to follow up on the conclusions of the Committee on the Application of Standards in respect of Conventions Nos 87 and 111 was profoundly worrying. The EU and its Member States condemned the decision to exile members of employers' organizations and

trade unions and render them stateless. She urged Nicaragua to effectively implement the fundamental ILO Conventions, in law and in practice, and meet its obligations as an ILO Member. It was regrettable that the Nicaraguan Government had rejected the complaint. She supported the draft decision.

- 610. A Government representative of Algeria** underscored the efforts made by the Nicaraguan Government to ensure the application of Conventions Nos 87, 98, 111 and 144. He welcomed the initiatives taken by the Government to safeguard trade union rights, allowing the establishment and free operation of trade unions, the promotion of collective bargaining and the holding of tripartite consultations, in line with the Conventions in question. He noted with satisfaction the Government's commitment to ensuring respect for the Nicaraguan Constitution and labour legislation and to ratifying ILO Conventions that protected workers. The Algerian Government remained convinced that, despite the challenges that it faced, the Nicaraguan Government was firmly committed to respecting the Conventions under discussion. He strongly advocated maintaining open dialogue between the Nicaraguan Government and the competent ILO bodies in order to reach a mutual understanding and resolve the concerns raised.
- 611. A Government representative of Cuba** said that the nature of the case and the manner in which it had been declared receivable demonstrated the lack of transparency and democratization in the complaints mechanism. Such decisions should not be made solely by the Officers of the Governing Body, and the procedures that allowed for them to do so were outdated. His Government opposed the inclusion of the item on the agenda of the current Governing Body session and its examination in subsequent sessions. It firmly rejected the use of ILO mechanisms to facilitate allegations of a political nature. The Governing Body could not request a State to act against its national legislation and priorities.
- 612.** His Government fully supported the efforts of the Nicaraguan Government and people to achieve sustainable development, peace, justice and social emancipation. It also firmly opposed politicization, the imposition of punitive measures and the illegitimate use of the bodies and mechanisms of the United Nations system to try to manipulate the situation in Nicaragua, destabilize its democratically elected Government and tarnish its international image. Sovereignty and self-determination should always be fully respected, and interventionist action should not be promoted. Punitive approaches did not align with the ILO's mandate and had proven to be doomed to failure. Mechanisms for cooperation and respectful dialogue should take precedence over mechanisms of coercion.
- 613. A Government representative of Saudi Arabia** welcomed the constructive efforts of the Government of Nicaragua and expressed appreciation for its continued close cooperation with the Office, its responsiveness to the ILO supervisory bodies and its timely submission of replies and reports concerning the relevant Conventions. She urged the Office to afford the Government sufficient time and the necessary technical assistance to enable it to achieve the objectives set by the ILO supervisory system.
- 614. A Government representative of the Islamic Republic of Iran**, noting the Nicaraguan Government's commitment to international labour standards, as evidenced by the significant number of registered trade unions and collective agreements in the country, said that while concerns raised by UN bodies and ILO supervisory bodies deserved due consideration, Governments were responsible for implementing international instruments in accordance with their national contexts and legal frameworks. He called for constructive dialogue and technical assistance to enable the Government of Nicaragua to address gaps in compliance and urged all parties to approach the matter through respectful cooperation. The Government

should continue its efforts to adhere to the relevant Conventions which represented positive steps towards achieving the ILO's goals and improving conditions for workers.

- 615. A Government representative of China** welcomed the fact that the Government of Nicaragua had cooperated closely with the Office in its efforts to implement the relevant Conventions, respected the role of the ILO supervisory system and submitted relevant information in a timely manner. Any politicization, instrumentalization or weaponization of the ILO supervisory system must be avoided, and the principle of non-interference in the internal affairs of sovereign States should be upheld. The focus must be on protecting the rights and interests of employers and workers. He encouraged the Government to continue strengthening communication with the Office, provide more information to the Governing Body and promote mutual understanding and cooperation. He called on the Governing Body to take heed of the information provided by the Government. Lastly, he urged the Office to strengthen dialogue with the Government in a rational and pragmatic manner and to increase its technical support for promoting social dialogue.
- 616. A Government representative of the Russian Federation** noted that the draft decision appeared to take into account only the “deep concerns” expressed by the ILO supervisory bodies and not the information provided by the Government of Nicaragua on matters such as the refusal of COSEP to cooperate with the Nicaraguan authorities. The failure to consider such fundamentally important factors indicated that the Office's assessment of the situation was one-sided, an approach that undermined the authority of the ILO supervisory system and, ultimately, that of the Organization as a whole. He called on all parties to engage in constructive, objective and non-politicized dialogue. It would not be necessary to include an item on the situation in Nicaragua on the agenda of the 352nd Session (October–November 2024) of the Governing Body.
- 617. A Government representative of Argentina** urged the Government of Nicaragua to take urgent measures to address the concerning situation facing workers' and employers' organizations in the country. He supported the draft decision.
- 618. A Government representative of Nicaragua** urged the Office to continue supporting her Government in building on its progress in improving conditions for the working people of Nicaragua and strengthening the country's stability with a view to enhancing the well-being and economic development of Nicaraguan families. The ILO should seek to raise awareness of those achievements and refrain from voicing biases that could undermine the sovereignty of Nicaraguans and hamper economic development. Her Government would continue to support the working people of Nicaragua and defend national sovereignty while strengthening social dialogue with workers and employers. She expressed the hope that the matter would be brought to a swift conclusion.
- 619. The Worker spokesperson** said that membership of the ILO brought with it the responsibility to respect fundamental rights agreed at the international level, irrespective of national laws. It would be helpful if the Office could provide, in advance of the 352nd Session (October–November 2024) of the Governing Body, further information on the form that cooperation between the Government of Nicaragua and the Office might take, including whether the Government would accept the Office's technical advice and support regarding the issues raised in the complaint.
- 620. The Employer spokesperson** said that the violations of the Conventions in question by the Government of Nicaragua were so serious as to require immediate action; the fact that it had been many years since the ILO supervisory bodies had examined complaints concerning the Government was irrelevant. Respect for fundamental rights was the foundation on which

freedom of association – a cornerstone of democracy – was based. The Government of Nicaragua had violated those rights. The Governing Body must act in a consistent and coherent manner and take decisive steps to address all instances of non-compliance with ILO standards identified by the supervisory bodies, regardless of whether it was workers or employers who were affected. It was impossible to envisage how social dialogue could take place in Nicaragua if the leaders of the most representative employers' organizations had been forced to leave the country. A key element of freedom of association was the freedom of employers and workers to form their own organizations and choose their own representatives; it was not for the Government to select the representatives with whom it would engage in social dialogue.

- 621.** There should be no further delays in addressing the situation. The Governing Body should request the Director-General to work with the Government to explore how to rectify the situation, including by encouraging the Government to prevent further closures of employers' and workers' organizations; allow exiled Nicaraguan citizens to return, or to uphold their right to due process and to a defence; and reinstate legitimate representatives of the business sector. Social dialogue must resume when the time was right; there was still some way to go in that regard. In the absence of immediate action to address the situation in Nicaragua, the Employers' group would insist on the establishment of a Commission of Inquiry. Despite its concerns, his group supported the draft decision.
- 622. A representative of the Director-General** (Director, International Labour Standards Department), said that cooperation between the Office and the Government of Nicaragua, in particular the Minister of Labour, could take the form of direct dialogue in the coming months. The Office had, on several occasions, offered its technical assistance with a view to explaining the intent, purpose and content of the comments made by the ILO supervisory bodies.
- 623. The Worker spokesperson** said that her group did not oppose the Employers' group's request for urgent action, provided that it was not subject to a specific time frame. She hoped that the Government of Nicaragua had taken note of the Governing Body's significant concerns and understood that it was in its interest to seek further clarification from the Office of the comments made by the ILO supervisory bodies, which cast doubt on the Government's claims that it had taken all necessary action. In order for genuine social dialogue to begin, social partners must be able to participate; that would be the result of a gradual process of cooperation between the Government and the Office. She therefore encouraged the Office to explore options for such cooperation.
- 624. The Employer spokesperson** expressed the hope that, regardless of the decision adopted, the Office would take note of the points raised during the discussion when engaging with the Government of Nicaragua. His group had no desire to stoke confrontation; on the contrary, it wished to ensure compliance with the Conventions in question and enable the Government to fulfil its obligations as soon as possible, given the seriousness of the violations observed by the ILO supervisory bodies. He agreed that the Office should approach the Government as soon as possible to discuss options for future cooperation.
- 625. A Government representative of Nicaragua** said that her Government was committed to strengthening tripartite consensus and social dialogue to promote a mutually respectful environment for the benefit of Nicaraguan families while maintaining national sovereignty. The Government hoped to soon be in a position to engage in dialogue in order to continue its progress towards strengthening labour market stability and restoring labour rights. The Government would consider the possibility of cooperation with the Office in the coming months.

- 626. The Employer spokesperson** expressed concern at the statement made by the Government representative of Nicaragua. He reiterated his call for the Director-General to make representations to the Government at the highest level with a view to resolving the situation and creating the conditions necessary to establish genuine, fruitful social dialogue among legitimate representatives of independent organizations.
- 627. The Worker spokesperson** reiterated the importance of taking a gradual approach to engagement with the Government of Nicaragua given the complexity of the situation. The Government should be given sufficient time to respond to the proposals made during the discussion. She was confident that the Office would take the right approach.
- 628. The Director-General** took note of the constituents' comments. The Office would make every effort to establish a dialogue with the Government of Nicaragua – which perhaps wished to hold internal consultations on the next steps – and would report to the Governing Body on its progress.

Decision

629. The Governing Body:

- (a) **took note of the deep concerns expressed by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and by the Conference Committee on the Application of Standards (CAS) in their latest examination of the implementation by the Government of Nicaragua of the Conventions subject of the article 26 complaint;**
- (b) **urged the Government to address, as a matter of urgency, the serious compliance gaps identified and to accept ILO technical assistance to that effect;**
- (c) **requested the Government and the social partners to provide detailed information on all the issues raised in the complaint to the Governing Body at its 352nd Session (October–November 2024);**
- (d) **deferred to its 352nd Session the decision to consider further action in respect of the article 26 complaint, in light of the follow-up given to paragraphs (a), (b) and (c) above.**

(GB.350/INS/15(Rev.1), paragraph 8)

16. Reports of the Committee on Freedom of Association

16.1 405th Report of the Committee on Freedom of Association

(GB.350/INS/16/1) and Addendum: Presentation of the Committee on Freedom of Association annual report for the year 2023
(GB.350/INS/16/1(Add.1))

16.2 406th Report of the Committee on Freedom of Association

(GB.350/INS/16/2)

- 630. The Chairperson of the Committee on Freedom of Association** said that, at its March 2024 session, the Committee had examined 13 cases on their merits, three of which had been concluded. The details of those cases were set out in the Committee's 405th Report. The Committee appreciated the efforts made by governments to provide their observations in a

timely manner, as not doing so hampered its work. Information received after the deadline might not be taken into account, so he made a special appeal to all governments with cases pending before the Committee to ensure that any communications were submitted before 15 April 2024, drawing the particular attention of the Governments of Afghanistan, Albania, Angola and the Democratic Republic of the Congo to the urgent appeals issued by the Committee.

- 631.** The Committee had examined four cases in which the Government had kept it informed of measures taken to give effect to its recommendations, and concluded its examination with respect to three of them. The Committee had noted with interest the reinstatement of several trade unionists in Cases Nos 2533 and 3170 concerning Peru.
- 632.** He drew attention to three serious and urgent cases. Case No. 3203 related to allegations of systematic and serious violations of freedom of association rights, through acts of violence, anti-union discrimination and other retaliatory acts against trade union members and leaders in Bangladesh. While the Government had provided information addressing anti-union discrimination, it had not addressed anti-union violence, therefore the Committee was concerned that there might be persistent obstacles impeding their full investigation. The Committee had urged the Government to take the necessary measures to investigate the allegations of physical violence, threats and murder of trade union leaders and members. It had also deplored the murder of Mr Shahidul Islam, a union organizer for the Bangladesh Garment and Industrial Workers Federation, and the violent attack on other trade unionists. Noting that the Government had already taken steps, the Committee had urged it to take any further measures necessary to shed full light on the facts and motive of that attack, to determine where responsibilities lay and punish the perpetrators and instigators.
- 633.** Case No. 2318 concerned the murder of three trade union leaders and the continuing repression of trade unionists in Cambodia. The case had been lodged 20 years earlier and examined by the Committee on numerous occasions. While the Committee appreciated the Government's agreement to meet in person to provide further information, it had been obliged to once again firmly urge the Government to take all necessary measures to expedite the process of investigation into the murder of trade union leader Chea Vichea, and to provide detailed information on the steps taken to resolve the obstacles hindering progress in that regard. The Committee had also reiterated its urgent request on other pending investigations for relevant court decisions to be communicated to it.
- 634.** Case No. 3185 concerned allegations of a labour rights situation in the Philippines characterized by extrajudicial killings of trade union leaders and members, attempted assassinations, illegal arrests and detention, red-tagging, harassment, intimidation and threats against unionists, as well as trade union repression and interference in union affairs. The Government's failure to adequately investigate those cases and bring the perpetrators to justice was reinforcing the climate of impunity, violence and insecurity, and damaging the exercise of trade union rights. The Committee had once again urged the Government to further intensify its efforts to combat violence against trade unionists and the accompanying impunity. In cases that had been archived due to the absence of sufficient information or witnesses, the Committee had recommended that the Government take steps to ensure their full review by a specialized, eminent, independent non-judicial body for the consideration of any appropriate compensation.
- 635.** The 406th Report contained information on the measures taken by the Government of Belarus to implement the recommendations of the Commission of Inquiry established to examine the observance by the Government of Conventions Nos 87 and 98, which the Committee had

examined for the 14th time. The Committee had deplored the continuing deterioration of freedom of association in the country, the total lack of progress in implementing the recommendations of the 2004 Commission of Inquiry and the failure of the Government to address the outstanding recommendations of the ILO supervisory bodies and the conclusions of the Governing Body. The lack of a response from the Government, beyond a reiteration of information that had already been examined, had further reinforced the reality of wilful non-compliance with its obligations stemming from its membership of the Organization. The Committee had therefore urged the Government to receive without further delay an ILO tripartite mission with a view to gathering information on the implementation of the recommendations of the Commission of Inquiry, including a visit to the independent trade union leaders and activists in prison or detention.

636. Turning to the presentation of the Committee on Freedom of Association annual report for the year 2023, he noted that it contained information on the use of the Committee's complaints procedure throughout the year, supported by statistical data and other details with regard to the work undertaken by the Committee, the progress made, and the serious and urgent cases examined. He underlined that the Committee's conclusions in specific cases, issued following robust tripartite discussions, were intended to guide governments and national authorities in their discussions and the action to be taken to follow up on its recommendations.
637. He drew particular attention to the cases of progress made by the Committee in 2023, as well as to a case in which, following the successful completion of national voluntary conciliation, the parties had reached agreement on a number of matters and agreed to avail themselves of ILO technical assistance. The Office had carried out an assistance mission, as requested, to address the remaining issues, the results of which would be reported back to the Committee and subsequently to the Governing Body. The Committee had proposed five missions in 2023, and suggested that governments avail themselves of ILO technical assistance in 12 cases.
638. He expressed appreciation to the members of the Committee for their commitment to finding common solutions, to government representatives for making time to meet with them in follow-up cases, and to the Office for all its work.
639. **The Employer Vice-Chairperson of the Committee** said that the Committee on Freedom of Association would be ceasing a practice that had emerged whereby it designated certain cases as "extremely serious and urgent" rather than simply "serious and urgent". That practice would be ceased solely for the purpose of coherence and consistency. Under no circumstances should that change be interpreted as mitigating the perceived seriousness of matters involving human life, personal freedom, or new or changing conditions affecting the freedom of action of a trade union or employers' organization movement.
640. While the overwhelming majority of matters were filed by workers' organizations, the Committee complaint procedure was a legitimate and valid tool for both employers' and workers' organizations seeking pathways towards harmonizing government actions on the ground with the principles of freedom of association and the effective recognition of collective bargaining. The Committee was not empowered to supervise Conventions; its object was to engage in constructive tripartite dialogue to promote respect for trade union rights in law and practice while remaining cognizant of different national realities and legal systems. As such, the Committee's conclusions were specific to each individual case. While drawing on a compilation of previous decisions might promote continuity, predictability, fairness and equal treatment, the Committee must resist the temptation to turn such a compilation into a canon or use particular cases as vehicles for broad pronouncements. The Committee must not become a vehicle for naming and shaming. It was on that understanding that the Employers'

group engaged in the work of the Committee with good faith and focused on finding consensus solutions.

641. In all three of the serious and urgent cases highlighted by the Chairperson, the Committee had made repeated requests for information that had been ignored, dismissed or insufficiently addressed. He acknowledged and welcomed the appearance of the Government of Cambodia before the Committee, which promised progress, but noted that information gaps remained. He called on all governments involved in matters before the Committee to provide the Committee with all information requested and, where that was not possible, to provide the information available and explain why it had not been possible to provide the rest. Where governments had been encouraged to take particular measures, specific information about measures taken or why it was not possible to do so should be provided. It was only with that level of engagement that the Committee would be able to come to meaningful conclusions and make meaningful recommendations.
642. **The Worker Vice-Chairperson of the Committee** wished to draw the attention of the Governing Body to the severely hostile environment for the exercise of trade union rights that was evident in Cases Nos 2318 (Cambodia), 3185 (Philippines) and 3203 (Bangladesh), three long-standing serious and urgent cases. She called on those Governments to take urgent action in line with the Committee's recommendations.
643. Recalling the Committee's discussions on working methods, specifically the language used in conclusions and recommendations to ensure clarity, she noted that it had been useful to discuss such matters outside of the time allocated for consideration of cases.
644. She wished to draw the Governing Body's attention to the sharp drop in the number of complaints received by the Committee in recent years, as shown in figure 5 of document GB.350/INS/16/1(Add.1). The factors contributing to that drop were likely myriad, but she wished to emphasize the vital importance for the Workers' group that trade unionists must remain confident that they had access to a robust international supervisory system that would protect their fundamental trade union rights and bring about real change. The Committee, of course, supported voluntary national tripartite conciliation. However, where such conciliation appeared not to be fruitful, it was important that the suspension of the Committee's consideration of a matter could be lifted quickly and the complaint brought before the Committee.
645. Lastly, noting that most of the allegations considered by the Committee in 2023 had involved breach of trade union rights and civil liberties, she said that the observance of the rights of trade unions and workers was closely related to the respect shown to democratic institutions and practices. She highlighted the active role that the Committee continued to play in upholding the founding principles of the ILO.
646. **Speaking on behalf of the Government group of the Committee**, a Government representative of France expressed appreciation that some Governments and regional groups had agreed to meeting informally to discuss cases of mutual concern. She drew the Governing Body's attention to the cases identified as serious and urgent, namely Cases Nos 2318 (Cambodia), 3185 (Philippines) and 3203 (Bangladesh), and to the gravity of the situation in the follow-up case regarding the recommendations of the Commission of Inquiry to the Government of Belarus. The Committee had continued to devote part of its work to improving the transparency and effectiveness of its working methods, focusing on the scope of its mandate and on the terminology used in its conclusions and recommendations to ensure predictability and legal certainty. The Committee had agreed to refer in the future only to "serious and urgent" cases, and not "extremely serious and urgent" cases. The Government

group had submitted a position paper on the sources and application of the principles of freedom of association and collective bargaining to the cases before the Committee, but consensus had not been reached. The group considered it essential to continue those discussions at subsequent sessions, with a view to reaching a tripartite conclusion that was respectful of the Committee's well-established mandate and practices since its establishment in 1951.

- 647. Speaking on behalf of GRULAC**, a Government representative of Mexico noted with concern that more than half of the 3,449 cases in the annual report were from Latin America, and that four of the ten complaints submitted in 2023 were from the region. As the complaints concerned threats to trade union rights and civil liberties, protection against anti-union discrimination and the violation of collective bargaining rights, those areas could be a focus for ILO specialists in the region, who could provide more targeted technical assistance on request. Of the 84 cases reviewed in the previous year, 35 had been closed because the parties had been able to resolve the issues raised or the Government had provided information on the effective implementation of the Committee's recommendations, which was a welcome development.

(The Chairperson opened the discussion on individual cases.)

- 648. A Government representative of China**, referring to Case No. 3406, said that the National Security Law applicable to the Hong Kong Special Administrative Region guaranteed democracy and the rule of law, freedom of association and trade union rights. The Law stipulated that the safeguarding of national security must respect and protect human rights, and that the principle of the rule of law must be observed when relevant law enforcement action was taken. The Government of the Hong Kong Special Administrative Region had taken action against the persons involved in Case No. 3406 because they had committed serious acts that endangered national security and not because of their political position, background or occupation. It was therefore not a violation of the rights of trade unions and their members.
- 649. A Government representative of Belarus** categorically disagreed with the conclusions and recommendations in the report on measures taken by the Government of Belarus to implement the recommendations of the Commission of Inquiry, as they were one-sided and partial, did not reflect the real situation of the development of social dialogue and tripartism or compliance with the principles of freedom of association, and had been compiled exclusively on the basis of unverified information from the Belarus Congress of Democratic Trade Unions (BKDP), an illegitimate organization. The Government's regular, detailed reports on the situation in Belarus and on measures taken were not given due attention, in a clear example of double standards. The Committee's conclusion in paragraph 48 of the report that the BKDP had been dissolved by an administrative decision of the Government was incorrect, as it had been dissolved by a ruling of the Supreme Court. Moreover, there was no reason to assert that the BKDP continued to exist de facto; it was not a representative workers' organization, given that it was not registered in Belarus and did not represent the interests of workers in any enterprise in the country. The ILO had overstepped its mandate in the Belarus case and his Government could not support the proposal of a tripartite mission, as the terms of reference would not be in line with the ILO's mandate. Representatives of the Office should, however, participate in meetings of the National Council on Labour and Social Issues and the Council for improvement of legislation in the social and labour sphere to see how tripartism worked in Belarus.

Decisions

405th Report of the Committee on Freedom of Association

650. The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1–67, and approved the recommendations made in paragraphs: 188 (Case No. 3434: Algeria); 207 (Case No. 3203: Bangladesh); 227 (Case No. 2318: Cambodia); 275 (Case No. 3406: China – Hong Kong Special Administrative Region); 308 (Case No. 3027: Colombia); 327 (Case No. 3429: Ecuador); 367 (Case No. 3447: Spain); 459 (Case No. 3042: Guatemala); 476 (Case No. 3199: Peru); 509 (Case No. 3185: Philippines); 565 (Case No. 3439: Republic of Korea); 592 (Case No. 3178: Bolivarian Republic of Venezuela); 613 (Case No. 3441: Bolivarian Republic of Venezuela) and adopted the 405th Report of its Committee on Freedom of Association as a whole.

(GB.350/INS/16/1)

406th Report of the Committee on Freedom of Association: Measures taken by the Government of the Republic of Belarus to implement the recommendations of the Commission of Inquiry

651. The Governing Body approved the Committee's recommendations as set out in paragraph 61 of document GB.350/INS/16/2.

(GB.350/INS/16/2, paragraph 61)

Presentation of the Committee on Freedom of Association annual report for the year 2023

652. The Governing Body took note of the seventh annual report of the Committee on Freedom of Association which covers the year 2023.

(GB.350/INS/16/1(Add.1), paragraph 4)

17. Report of the Director-General: Regular report (GB.350/INS/17)

653. The Worker spokesperson welcomed the newly appointed staff members and the progress made in international labour legislation during the reporting period, especially the four new ratifications of the Violence and Harassment Convention, 2019 (No. 190) and the ratification by Azerbaijan of the Instrument for the Amendment of the Constitution of the International Labour Organization, 1986.

654. The Employer spokesperson said that her group looked forward to collaborating with the newly appointed colleagues and urged the Regional Director for Latin America and the Caribbean and the Regional Director for Africa in particular to engage actively with employers' organizations in their respective regions.

655. Speaking on behalf of the Africa group, a Government representative of Algeria said that his group eagerly awaited the publication by the International Court of Justice of an advisory opinion on 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, welcomed the new appointments and the progress made in international labour legislation during the reporting period and encouraged the Director-General to continue to promote the ratification of the Instrument for the Amendment of the Constitution of the International Labour Organization, 1986, particularly among Members of chief industrial importance.

Decision

656. The Governing Body:

- (a) took note of the information contained in document GB.350/INS/17;
- (b) having taken note at its 349th Session of the appointment of Ms Ana Virginia Moreira Gomes as Assistant Director-General and Regional Director for Latin America and the Caribbean (see GB.349/INS/18/3), invited Ms Moreira Gomes to make and sign the prescribed declaration of loyalty as provided under article 1.4(b) of the ILO Staff Regulations.

(GB.350/INS/17, paragraph 20)

(Ms Moreira Gomes made and signed the declaration of loyalty.)

Addendum: Obituary (GB.350/INS/17(Add.1))

- 657. The Employer spokesperson** paid tribute to Ms Cornelie Hak, who recently had passed away at the age of 100 years. She had been a very valued representative of the Dutch employers' organizations and a member of the Governing Body. She had had a distinguished career as one of the first female Employer representatives within the Governing Body of the ILO, from 1978 to 1996, and at the International Labour Conference, also until 1996. She was also the first President of the General Council of the International Organisation of Employers from 1994 to 1995. During her tenure as Employer spokesperson in the Committee on Legal Issues and International Labour Standards and in the Committee on Multinational Enterprises in the 1990s, she had had a significant impact, addressing complex issues and offering insightful perspectives during a period of rapid growth for the Employers. The Employers' group was deeply saddened by the news of the passing and honoured her legacy with deep gratitude, in the knowledge that her contribution was continuing to shape and inspire both the Employers' group and the work of the International Labour Organization.
- 658. The Worker spokesperson** speaking also on behalf of the Netherlands Trade Union Confederation, expressed her deep appreciation with respect to Ms Cornelie Hak, with whom she had worked in the 1990s as part of the Dutch delegation. Ms Hak was both strict as a professional and entertaining when hosting receptions at her home. The Workers' group wished to pay tribute to the important contribution Ms Hak had made to the Organization and to social dialogue, as reflected in the Office document and by the Employer spokesperson.
- 659. Speaking on behalf of the Government group**, a Government representative of Namibia said that her group acknowledged the passing of Ms Hak with great sorrow.
- 660. A Government representative of the Netherlands** said that, within the ILO, Ms Hak had played a vital role in the Committee on Discrimination and the Committee on Action against Apartheid. She would be remembered for her integrity, her determination in defending her convictions and her commitment to constructive social dialogue.
- 661. Speaking on behalf of the Africa group**, a Government representative of Morocco said that his group wished to extend its heartfelt condolences on the passing of Ms Hak.

Decision

- 662. The Governing Body** paid tribute to the memory of Ms Cornelie Hak and invited the Director-General to convey its condolences to the family of Ms Hak, to the Confederation

of Netherlands Industry and Employers (VNO-NCW) and to the International Organisation of Employers (IOE).

(GB.350/INS/17(Add.1), paragraph 6)

17.1 First Supplementary Report: Report of the 21st International Conference of Labour Statisticians (Geneva, 11–20 October 2023) (GB.350/INS/17/1)

- 663. The Employer spokesperson** said that his group was grateful for the comprehensive report, which emphasized the importance of up-to-date labour statistics for informed decision-making, and for the efforts of all those involved in the 21st International Conference of Labour Statisticians (ICLS). The ICLS provided a critical platform for ensuring that labour statisticians worldwide contributed to the achievement of social justice by improving definitions and statistical methods. The report reflected the issues of major concern to his group, including the need to measure informality, reduce gender inequality and facilitate the transition to formality as key steps towards creating an environment that promoted economic growth, productivity and decent work for all.
- 664.** The group particularly welcomed the adoption of a resolution concerning statistics on the informal economy, which constituted one of the biggest threats to global economic development. The resolution contained a set of statistical standards that would help to enhance understanding of and address the complexities of the informal economy while providing a basis for policy formulation. Allowing countries flexibility to adapt the standards to their stage of development and priorities would ensure that efforts to tackle the challenges of informality were strategic and effective and would promote a more inclusive and equitable path towards economic development and social justice.
- 665.** It would be preferable to postpone the development of a statistical standard on digital platform employment and work, as mentioned in paragraph 8(c) of the report, until after the conclusion of the standard-setting discussion on the platform economy at the 114th Session (2026) of the International Labour Conference. It was vital to align efforts in the field of statistics with the definitions and priorities that were expected to be agreed upon by the tripartite constituents at the Conference.
- 666.** The group was of the view that future sessions of the ICLS should be shorter and involve fewer room documents. Nevertheless, it was satisfied with how the 21st ICLS had been organized and conducted. It supported the draft decision.
- 667. The Worker spokesperson** said that the importance of the 21st ICLS for the world of work could not be overestimated. Her group commended the efforts by the Office to strengthen the involvement of the social partners in the work of the ICLS and to demonstrate to other international entities the added value of tripartite engagement.
- 668.** The revision of statistical standards on measuring informality had been long overdue, particularly given the absence of clear definitions and the number of overlaps between the formal and informal economies. All stakeholders agreed on the urgency of transitioning to formality in line with the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204). The new standards would make it easier to evaluate the effectiveness of formalization policies and enable governments and the social partners to exchange good labour protection practices and ensure decent work for all. It was crucial for data measurement to remain responsive to changing realities in the world of work so that it could form a solid basis for policy development.

669. The 21st ICLS had adopted a number of resolutions and a road map whose implementation would require appropriate funding. While none of the elements of the road map should be neglected, some warranted priority attention, for example the revision and modernization of the International Standard Classification of Occupations (ISCO-08), which should be completed as soon as possible, and the development of a statistical standard on digital platform employment and work, for which there had been a high level of support from the vast majority of participants. Since such a standard would contribute to evidence-based policymaking, she was surprised and saddened by the call by the Employers' group for its development to be postponed.
670. Priority should also be afforded to collecting more data and conducting further methodological work on occupational safety and health, to developing a methodology and a new statistical standard on industrial relations, to developing statistical definitions of care work and the care economy and to promoting the ratification of the Labour Statistics Convention, 1985 (No. 160), especially among the 14 non-ratifying countries bound by the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63), which was set to be abrogated despite its continued relevance.
671. Her group called for better use to be made of the Office's invaluable work in generating data from the outcomes of the ICLS and for greater efforts to be made to build the capacity of national statistical offices, particularly in developing countries. It supported the draft decision.
672. **Speaking on behalf of the Africa group**, a Government representative of Eswatini said that the Office was to be commended for sponsoring the attendance of some Member States at the 21st ICLS and for enabling hybrid participation. Through the Abidjan Declaration, the tripartite constituents in Africa had undertaken to progressively extend sustainable social protection coverage to the informal economy and to strengthen the efficiency of the institutions of work to ensure adequate protection of all workers through effective and comprehensive action to achieve the transition to formality. The resolution of the 21st ICLS concerning statistics on the informal economy would help countries to meet their commitments under that Declaration by enabling them to collect accurate data and develop policies and strategies for achieving decent working conditions in the informal economy.
673. To address the obstacles faced by workers in the informal economy, a large proportion of whom were women and young people, there was a need to integrate public policies, involve social actors and adopt non-discriminatory, gender-responsive strategies, all of which required the collection of statistics on the informal economy. The other three resolutions adopted by the 21st ICLS would also be useful in policy development, strategic planning and programming. His group supported the draft decision.
674. **Speaking on behalf of GRULAC**, a Government representative of Mexico noted that 37 per cent of the participants had been women and called on the Office to redouble its efforts to achieve gender parity at future sessions and to guarantee the participation of all tripartite constituents under equal conditions, including by continuing to allow online participation to the extent possible. GRULAC acknowledged the ambitious resolution concerning statistics on the informal economy and considered that the other three resolutions were fundamental instruments for reflecting recent transformations in the world of work. It requested the Office to approach the offices of the regional coordinators to liaise on logistical and informational aspects prior to and during future sessions in order to facilitate the participation of delegations in both formally scheduled and ad hoc meetings.
675. Concerning the road map for the Office's future work, it would be helpful to know how the Office would ensure the availability of the human and financial resources needed to present

progress reports and the provision of technical assistance to States to improve or implement statistical standards and collect more and better data. GRULAC called for adequate resources to be provided for future sessions of the ICLS. It supported the draft decision.

- 676. A Government representative of Cameroon** said that she agreed with the need to update ISCO-08 and with the decision to revise the statistical standards on measuring informality. The information contained in the report would be taken into account in national practice and legislation to ensure the production of consistent and harmonized labour statistics. The resolution concerning statistics on the informal economy was timely and welcome, particularly as the annual statistical yearbook published by her country's Ministry of Labour and Social Security contained data only from the formal sector. She called on the Office to provide a detailed report on the progress made with regard to labour statistics in developing countries. She supported the draft decision.
- 677. A Government representative of the Islamic Republic of Iran** said that his country welcomed the adoption by the 21st ICLS of four resolutions, especially the resolution concerning statistics on the informal economy, and was encouraged by the ambitious road map for the Office's future work on crucial labour statistics issues. It was important for the road map to be responsive to the diverse realities of and capacity constraints faced by Member States, particularly those grappling with emergencies or fragile contexts. In that regard, the Office should explore modalities for strengthening South-South and triangular cooperation in the field of labour statistics and prioritize capacity-building efforts, with a focus on providing tailored technical assistance and training to Member States. Such training should cover not only the application of statistical standards but also the development of robust labour market information systems and the effective utilization of administrative data sources. The Office should also engage actively with constituents to identify emerging issues and develop responsive statistical frameworks that could capture the multifaceted nature of decent work in the twenty-first century. He supported the draft decision.
- 678. A representative of the Director-General** (Director, Department of Statistics) said that preparations were already under way for the 22nd ICLS, to be held in 2028, and that there were plans to discuss the possibility of reflecting the priorities identified at the 21st ICLS, such as the need for statistical standards on care work, and set out in the ambitious road map for the Office's future work on crucial labour statistics issues in the ILO's Programme and Budget for 2026–27. Furthermore, the Office was promoting South-South cooperation and actively seeking partnerships and donor opportunities to support its work on statistics issues.
- 679.** There was broad support for the Office to start developing a statistical standard on digital platform employment and work, and efforts in that regard had already begun at the country level. The Office intended to take stock of those efforts and was of the view that the development of a standard would facilitate, rather than hinder, the standard-setting discussion on the platform economy at the 2025 and 2026 sessions of the International Labour Conference. Work on the statistical standard would not need to be completed until a later date.
- 680.** Work had commenced on the crucial update to ISCO-08, which had been requested by many constituents, and a campaign had been launched to encourage and facilitate the ratification of Convention No. 160, especially among the 14 countries that would be particularly affected by the abrogation of Convention No. 63.

Decision

- 681. The Governing Body:**

- (a) took note of the reports of the 21st International Conference of Labour Statisticians (ICLS);
- (b) endorsed the recommendations and approved resolutions of the 21st ICLS and requested the Director-General to take them into account in the future programme and budget proposals;
- (c) expressed its views on the significance of the ICLS and requested the Office to take them into account for the future sessions of the ICLS;
- (d) authorized the Director-General to promote the report of the proceedings of the 21st ICLS among all constituents.

(GB.350/INS/17/1, paragraph 10)

17.2 Second Supplementary Report: Documents submitted for information only (GB.350/INS/17/2)

Decision

682. The Governing Body took note of the information contained in the following documents:

- Approved symposia, seminars, workshops and similar meetings (GB.350/INS/INF/1);
- Report of the Committee of Experts on the Application of Conventions and Recommendations (Geneva, 27 November–9 December 2023) (GB.350/INS/INF/2);
- Report on the status of pending representations submitted under article 24 of the ILO Constitution (GB.350/INS/INF/3);
- Programme and Budget for 2024–25: Collection of contributions from 1 January 2024 to date (GB.350/PFA/INF/1);
- Update on the headquarters building renovation project (GB.350/PFA/INF/2);
- Update on the premises for the ILO Regional Office for Africa and Country Office for Côte d'Ivoire, Benin, Burkina Faso, Mali, Niger and Togo in Abidjan (GB.350/PFA/INF/3);
- Second progress report on the implementation of the Information Technology Strategy 2022–25 (GB.350/PFA/INF/4);
- External audit plan (GB.350/PFA/INF/5);
- Composition and structure of the staff at 31 December 2023 (GB.350/PFA/INF/6);
- Report of the Board of Trustees of the Special Payments Fund (GB.350/PFA/INF/7);
- Decisions of the United Nations General Assembly on the report of the International Civil Service Commission for 2023 (GB.350/PFA/INF/8);
- Decisions of the United Nations General Assembly on the report of the 75th session of the United Nations Joint Staff Pension Board (2023) (GB.350/PFA/INF/9);
- Report of the Ethics Officer for the year ended 31 December 2023 (GB.350/PFA/INF/10);
- Conclusion of the review of the jurisdictional set-up of the United Nations common system (GB.350/PFA/INF/11).

(GB.350/INS/17/2, paragraph 3)

17.3 Third Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Poland of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (GB.350/INS/17/3)

(The Governing Body considered this report in its private sitting.)

Decision

683. In the light of the conclusions and recommendations set out in the report of the Committee contained in document GB.350/INS/17/3, the Governing Body:

- (a) approved the report of the Committee;**
- (b) decided to make the report publicly available and to close the representation procedure.**

(GB.350/INS/17/3, paragraph 7)

17.4 Fourth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Poland of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and Workers' Representatives Convention, 1971 (No. 135) (GB.350/INS/17/4)

(The Governing Body considered this report in its private sitting.)

Decision

684. In the light of the conclusions and recommendations set out in the report of the Committee contained in document GB.350/INS/17/4, the Governing Body:

- (a) approved the report of the Committee;**
- (b) requested that the Government of Poland, in the context of application of Conventions Nos 87, 98 and 135, take into account the observations made in paragraphs 19 and 20 of the Committee's conclusions;**
- (c) invited the Government to provide information in that respect for examination by the Committee of Experts on the Application of Conventions and Recommendations; and**
- (d) made the report publicly available and closed the representation procedure.**

(GB.350/INS/17/4, paragraph 8)

17.5 Fifth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Ecuador of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) (GB.350/INS/17/5)

(The Governing Body considered this report in its private sitting.)

Decision

685. In the light of the conclusions and recommendations set out in the report of the Committee contained in document GB.350/INS/17/5, the Governing Body:

- (a) approved the report of the Committee and, in particular, the conclusions formulated by the Committee in paragraphs 49, 50, 57, 58, 61, 63, 64, 66 and 68;**
- (b) requested the Government of Ecuador to provide the Committee of Experts on the Application of Conventions and Recommendations with information on the matters addressed in the report and in the Committee's conclusions;**
- (c) decided to publish the report and to close the representation procedure.**

(GB.350/INS/17/5, paragraph 69)

18. Reports of the Officers of the Governing Body

18.1 First report: Closure of the representation alleging non-observance by Chile of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), pursuant to a successful conciliation process (GB.350/INS/18/1)

(The Governing Body considered this report in its private sitting.)

Decision

686. The Governing Body, noting that an agreement had been reached between the parties concerned following a conciliation process, and on the recommendation of its Officers, decided to close the procedure of the representation alleging non-observance by Chile of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

(GB.350/INS/18/1, paragraph 3)

18.2 Second report: Representation alleging non-observance by Uruguay of the Occupational Safety and Health Convention, 1981 (No. 155), and the Occupational Health Services Convention, 1985 (No. 161) (GB.350/INS/18/2)

(The Governing Body considered this report in its private sitting.)

Decision

- 687.** In the light of the information contained in document GB.350/INS/18/2, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and to set up a tripartite committee to examine it.

(GB.350/INS/18/2, paragraph 5)

18.4 Fourth report: Representation alleging non-observance by Namibia of the Forced Labour Convention, 1930 (No. 29), the Labour Inspection Convention, 1947 (No. 81), the Termination of Employment Convention, 1982 (No. 158) and the Work in Fishing Convention, 2007 (No. 188) (GB.350/INS/18/4)

(The Governing Body considered this report in its private sitting.)

Decision

- 688.** In the light of the information contained in document GB.350/INS/18/4, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and to set up a tripartite committee to examine it.

(GB.350/INS/18/4, paragraph 7)

19. Oral report by the Chairperson on the work of the High-Level Section (GB.350/INS/19)

(The report of the Chairperson has been published in document GB.350/INS/19.)

20. Composition, agenda and programme of standing bodies and meetings (GB.350/INS/20(Rev.1))

- 689.** The Worker spokesperson expressed support for the draft decision.

- 690.** The Employer spokesperson expressed concern that a sectoral meeting on forestry had been scheduled two weeks prior to the 112th Session (2024) of the Conference. The month prior to any session of the Conference should remain free from other meetings, so as not to overburden the groups and the Office, which would be busy with Conference preparations. Furthermore, she noted that a significant number of international non-governmental organizations had been invited to attend the 112th Session as observers, a large majority of which were workers' organizations. She expressed concern regarding the practical challenges of accommodating them, given the limited space available, and regarding the imbalance it would create in representation between the groups. She asked whether those organizations had requested observer status, or whether an automatic invitation had been issued by the Office, based on past participation. Pending an explanation from the Office on those points, her group supported the draft decision.

- 691.** Speaking on behalf of IMEC, a Government representative of Japan said that his group was in favour of inviting the Government of Bhutan to send an observer delegation to the 112th Session (2024) of the Conference, and expressed the hope that the Government would gain insight from observing tripartite discussions on the promotion of decent work. He welcomed the proposed participation of so many intergovernmental organizations as

observers at that session, which could serve to strengthen partnerships under the Global Coalition for Social Justice. Finally, taking note of the proposed programme of ILO official meetings in 2024 and 2025, he urged the Office to endeavour to ensure the early publication of documents that would be subject to discussion. His group supported the draft decision.

- 692. The Worker spokesperson** said that it was regrettable that the Governing Body had opened a discussion on the document, particularly as the draft decision had already been approved by the Officers of the Governing Body. She recalled that the process of scheduling sectoral meetings included consultations with the social partners. Any concern regarding the participation of international non-governmental organizations as observers at a session of the Conference and any potential imbalance in representation should have been raised at an earlier opportunity, and not in the context of a plenary sitting of the Governing Body. The Employers' group should share any such concerns with her group directly in the future.
- 693. The Employer spokesperson** reiterated that her group supported the draft decision. She had simply been seeking additional clarification.
- 694. The Clerk of the Governing Body** clarified that all the international non-governmental organizations listed had sent requests to participate in the 112th Session (2024) of the Conference, and had not been invited automatically. All those requests had been reviewed and approved by the Officers of the Governing Body, in accordance with the Standing Orders of the Governing Body.

Decision

695. The Governing Body, upon the recommendation of its Officers:

- (a) **authorized the Director-General to issue an invitation to the Government of Bhutan to send an observer delegation to the 112th Session (2024) of the International Labour Conference, as well as to the organizations listed in the appendix to document GB.350/INS/20(Rev.1), it being understood that it would be for the Conference to consider their requests to participate in the work of the committees dealing with the agenda items in which they have stated a special interest, and to inform the organizations concerned that they may nominate one person only for each of the agenda items in respect of which their interest has been recognized;**
- (b) **endorsed the proposals made in relation to the invitation of intergovernmental and international non-governmental organizations as observers to the other official meeting listed in the appendix to document GB.350/INS/20(Rev.1);**
- (c) **took note of the programme of meetings contained in Part II of document GB.350/INS/20(Rev.1), subject to further decision-making by the Governing Body.**

(GB.350/INS/20(Rev.1), paragraph 12)