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# ► Report of the Chairperson of the Governing Body for the period 2023–24

International Labour Conference  
112th Session, 2024

Report I(C)

► **Report of the Chairperson  
of the Governing Body  
for the period 2023–24**

First item on the agenda



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## ► Introduction

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This report on the work of the Governing Body is submitted to the International Labour Conference in accordance with paragraph 5.6.1 of the Standing Orders of the Governing Body.<sup>1</sup> It covers the period since the last general session of the Conference (June 2023): that is, the 348th (June 2023), 349th (October–November 2023), 349th *bis* (Special) (10 November 2023), 349th *ter* (Special) (11 November 2023) and 350th (March 2024) Sessions of the Governing Body. It focuses only on the highlights of the Governing Body's year, on the basis of the respective agendas, and does not cover any matter otherwise before the Conference.

## ► I. Institutional Section

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### **1. Matters arising out of the work of the 111th Session (2023) of the International Labour Conference: Follow-up to the resolution concerning the second recurrent discussion on labour protection**

1. At its 349th Session, the Governing Body was invited to provide guidance on the proposed plan of action on labour protection for the period 2023–29 to give effect to the conclusions adopted at the 111th Session (2023) of the International Labour Conference following the second recurrent discussion on labour protection.<sup>2</sup> The Governing Body was also invited to provide guidance on the holding of a meeting of experts on wage policies, including living wages in early 2024. The document discussed by the Governing Body,<sup>3</sup> which presented high-level outputs aligned with the conclusions of the second recurrent discussion on labour protection, was well received. The Governing Body welcomed the clarifications provided by the Office on specific elements of the plan of action. The Governing Body: (a) requested the Director-General to take into account its guidance in implementing the plan of action set out in the document giving effect to the conclusions concerning the second recurrent discussion on labour protection and to draw on it in preparing future programme and budget proposals; and (b) approved the holding of a meeting of experts on wage policies, including living wages, in the first quarter of 2024, as part of the plan of action.<sup>4</sup>

### **2. Matters arising out of the work of the 111th Session (2023) of the International Labour Conference: Follow-up to the resolution concerning a just transition towards environmentally sustainable economies and societies for all**

2. At its 111th Session (2023), the International Labour Conference held a general discussion on a just transition towards environmentally sustainable economies and societies for all. The

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<sup>1</sup> ILO, *Compendium of rules applicable to the Governing Body of the International Labour Office*.

<sup>2</sup> ILC.111/Resolution IV.

<sup>3</sup> GB.349/INS/3/2.

<sup>4</sup> GB.349/PV(Rev.1), para. 148.

discussion led to the adoption by the Conference of a resolution <sup>5</sup> and conclusions concerning a just transition towards environmentally sustainable economies and societies for all, in which the Conference reaffirmed the need for urgent action to advance a just transition in order to achieve social justice, decent work and poverty eradication and tackle environmental and climate change.

3. In addition, the Conference endorsed the *ILO Guidelines for a just transition towards environmentally sustainable economies and societies for all* (2015) (“the Guidelines”) <sup>6</sup> as the central reference for policymaking and a basis for action. The conclusions outlined an understanding of a just transition and highlighted the importance of a reinforced leadership role for the ILO in the multilateral system.
4. The Conference invited the Governing Body of the International Labour Office to give due consideration to the conclusions and to guide the Office in giving effect to them. The Conference also requested the Director-General to: (a) develop a strategy and action plan on a just transition towards environmentally sustainable economies and societies for all for consideration by the Governing Body at its 349th Session; (b) communicate the conclusions to relevant international and regional organizations; and (c) take into account the conclusions when preparing future programme and budget proposals and mobilizing extrabudgetary resources.
5. At its 349th Session (October–November 2023), the Governing Body discussed the document submitted to it <sup>7</sup> and adopted a decision <sup>8</sup> endorsing the proposed strategy and action plan on a just transition towards environmentally sustainable economies and societies for all. It also requested the Director-General to consider its guidance in implementing the strategy. The strategy and action plan are structured around three mutually supportive objectives, each with its respective set of outputs: (1) to further strengthen the knowledge base for a just transition; (2) to enhance constituents’ capacities to design and implement gender-responsive just transition policies and strategies through evidence-based, integrated and coordinated approaches; and (3) to advance a just transition through coherent approaches in international processes and partnerships with a reinvigorated leadership role by the ILO.
6. The strategy and action plan recognize the imperative of a just transition and aim to promote, accelerate and scale up action on a just transition grounded in the Guidelines. Based on the conclusions, they acknowledge that the achievement of the ILO’s mandate for social justice and a human-centred approach to the future of work is key to a just transition.
7. The strategy and action plan are aligned with strategic institutional documents, including the ILO’s Strategic Plan for 2022–25 <sup>9</sup> and the Programme and Budget for 2024–25. <sup>10</sup> Furthermore, they build on past and ongoing work on just transition and are informed by relevant evaluations, including high-level evaluations of Office strategies and Decent Work Country Programmes. <sup>11</sup>
8. In addition, the strategy and action plan provide a coherent and integrated framework for Office-wide action on just transition, placing departments, regional offices, decent work teams and country offices at the centre of its implementation. The priority action programme on just transitions towards environmentally sustainable economies and societies will ensure effective

<sup>5</sup> ILC.111/Resolution V.

<sup>6</sup> ILO, *Guidelines for a just transition towards environmentally sustainable economies and societies for all*, 2015.

<sup>7</sup> GB.349/INS/3/3.

<sup>8</sup> GB.349/PV(Rev.1), para. 187.

<sup>9</sup> GB.340/PFA/1(Rev.1).

<sup>10</sup> ILO, *Programme and Budget for 2024–25*, 2023.

<sup>11</sup> ILO, *Strategy and policy evaluations* and *Country programme evaluations*.

overall coordination of the current strategy and support its implementation. In following the recommended evaluation policy set out for all priority action programmes, findings from the evaluation related to this priority action programme will contribute to monitoring and evaluating progress in the proposed strategy and action plan.

9. The strategy and action plan will rely on resources provided for in the Programme and Budget for 2024–25 and future programme and budget proposals. The Office will also engage in extrabudgetary resource mobilization in order to fill resource gaps as required.

### 3. Update on the Global Coalition for Social Justice

10. At its 349th Session (October–November 2023), the Governing Body endorsed the Director-General’s proposal to establish a Global Coalition for Social Justice (“the Coalition”), based on the guidance provided at the 346th and 347th Sessions (October–November 2022 and March 2023) on, notably, the purpose of the Coalition, its partnership modalities and governance arrangements, its thematic development and its annual Forum.<sup>12</sup> Furthermore, the Governing Body requested the Director-General to take into account its guidance in the development of the Coalition and to report regularly on the progress of the Coalition at future sessions of the Governing Body.<sup>13</sup>
11. Consequently, and taking into account the guidance provided in these previous discussions, an update on the progress accomplished in respect of the establishment of the Coalition was presented to the Governing Body at its 350th Session (March 2024), in particular concerning the engagement of partners, the thematic development and the arrangements for the inaugural Forum of the Coalition.<sup>14</sup> During the discussion, constituents expressed general satisfaction about the progress reported so far, notably as regards the number of partners having joined the Coalition and the proposed programme of activities related to the thematic development of the Coalition. In this regard, constituents looked forward to the next update which would provide information on the concrete actions undertaken and initiatives developed. Several constituents expressed their appreciation for the work accomplished by the Office and for the way their guidance had been taken into account, and reaffirmed their commitment to the objectives of the Coalition. Additional information was requested regarding certain items, such as the report on the state of social justice in the world, the thematic webinars, and the inaugural Forum of the Coalition.
12. Following the clarifications provided, the Governing Body took note of the update on the Global Coalition for Social Justice and requested the Director-General to take into account its guidance in the further development of the Coalition.<sup>15</sup>

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<sup>12</sup> GB.346/INS/17/1, GB.347/INS/4 and GB.347/INS/4/Additional information.

<sup>13</sup> GB.349/INS/4 and GB.349/PV(Rev.1), para. 265.

<sup>14</sup> GB.350/INS/5.

<sup>15</sup> GB.350/INS/5/Decision.

#### **4. Work plan on the strengthening of the supervisory system: Review of the arrangements to allow for optional voluntary conciliation and other measures introduced on a trial basis concerning the operation of representations submitted under article 24 of the ILO Constitution and consideration of proposals to streamline reporting under article 22**

13. At its 329th Session (March 2017), the Governing Body approved the revised work plan for the strengthening of the supervisory system, which included ten proposals focused on four priority areas.<sup>16</sup> The revised work plan provided for the consideration of the operation of the procedure for the examination of representations submitted under article 24 of the ILO Constitution (action 2.2) and for the consideration of proposals to streamline reporting under article 22 of the Constitution (action 3.1).<sup>17</sup>
14. In respect of action 2.2, the Governing Body, at its 334th Session (October–November 2018), approved a number of measures<sup>18</sup> that included an optional voluntary conciliation procedure to be reviewed after a two-year trial period. At its 349th Session (October–November 2023),<sup>19</sup> the Governing Body: (i) confirmed the arrangements allowing for optional voluntary conciliation and other measures at the national level that were introduced on a trial basis in November 2018; and (ii) requested the Office to prepare, based on its guidance and prior informal tripartite consultations on the considerations set out in paragraphs 19 to 29 of document GB.349/INS/7, proposed amendments to the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution of the International Labour Organization, for its consideration at its 350th Session (March 2024).<sup>20</sup> At the latter session, the Governing Body adopted the amendments and corresponding modifications to the Introductory note.<sup>21</sup>
15. In respect of action 3.1, the Governing Body, at its 334th Session, requested more information on the pilot project on the establishment of baselines for the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).<sup>22</sup> This pilot project aimed to test the validity of baseline-based reporting as a means of streamlining reporting under article 22 of the Constitution, and was evaluated by the Governing Body at its 349th Session (October–November 2023). Some avenues to further modernize the regular reporting system were explored at that session, including: (i) the expansion of the thematic approach initiated by the pilot project and other initiatives in the areas of social security and maritime instruments, through the development of 15 thematic templates based on existing report forms; (ii) the digitalization and publication of reports to foster transparency and facilitate peer learning; and (iii) short-term measures to be quickly implemented, like converting the existing report forms (available in PDF format only) into Word documents, and discontinuing requests for reports under outdated Conventions in cases in which there were no pending direct requests or observations from the

<sup>16</sup> GB.329/PV, para. 148.

<sup>17</sup> GB.329/INS/5(Add.)(Rev.).

<sup>18</sup> GB.334/PV, para. 288(1) and (4).

<sup>19</sup> GB.349/INS/7.

<sup>20</sup> GB.349/PV(Rev.1), para. 369.

<sup>21</sup> GB.350/LILS/1/Decision.

<sup>22</sup> GB.334/PV, para. 288(7)(e).

Committee of Experts on the Application of Conventions and Recommendations (CEACR). After this assessment, the Governing Body: (i) requested the Office to present, based on its guidance and prior informal tripartite consultations, proposals for the streamlining of reporting on ratified Conventions at its 352nd Session (October–November 2024); and (ii) endorsed the short-term measures to modernize the reporting process set out in paragraphs 64 and 65 of document GB.349/INS/7.<sup>23</sup>

## 5. ILO regional meetings

16. Following an evaluation undertaken by the Office at the beginning of 2023 on the impact of regional meetings, the Governing Body, at its 347th Session (March 2023) concluded that the Office should continue to hold regional meetings.<sup>24</sup> Subsequently, at its 349th Session (October–November 2023), the Governing Body provided the Office with further guidance concerning several options for the format of future regional meetings and requested the Office to prepare a document indicating proposed arrangements for the regional meetings to be held during a trial period (2024–28).<sup>25</sup> The Governing Body discussed these arrangements at its 350th Session (March 2024)<sup>26</sup> and adopted the modalities proposed by the Office for the regional meetings to be held on a trial basis for a period of four years (2025–28). Furthermore, the Governing Body 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. It also requested the Office to prepare, for its consideration at either its 351st (June 2024) or its 352nd (October–November 2024) Session, a document containing the proposed venue and date of the next regional meeting.<sup>27</sup>

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

17. At its 350th Session, the Governing Body carried out the Annual Review under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, with respect to countries that have not yet ratified the relevant fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930.<sup>28</sup> The annual report review took into consideration reports received from governments and employers' and workers' organizations for the year 2023 with a view to providing, in a summarized form, an overview of the efforts made by the Member States concerned in that regard, as well as the challenges they faced and the needs they expressed. It is worth recalling that reports on the Occupational Safety and Health Convention, 1981 (No. 155), and Convention No. 187, which are now considered fundamental Conventions within the meaning of the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, will be required for the first time as part of the annual review in 2024.<sup>29</sup> In view of the interest shown in the ratification of one or more fundamental

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<sup>23</sup> GB.349/PV(Rev.1), para. 369.

<sup>24</sup> GB.347/PV(Rev.), para. 552.

<sup>25</sup> GB.349/INS/9(Rev.1) and GB.349/PV(Rev.1), para. 442.

<sup>26</sup> GB.350/INS/7.

<sup>27</sup> GB.350/INS/7/Decision.

<sup>28</sup> GB.350/INS/3.

<sup>29</sup> GB.347/LILS/6.

instruments, in particular the Protocol of 2014, the Governing Body invited the Office to further intensify its technical assistance in this regard.<sup>30</sup>

## **7. Mid-term report on the implementation of the ILO Action Plan for Gender Equality 2022–25**

18. At its 350th Session (March 2024), the Governing Body reviewed a report on mid-term progress in the implementation of the ILO Action Plan for Gender Equality 2022–25.<sup>31</sup> A report on this subject is submitted to the Governing Body on a regular basis, enabling it to review progress and identify areas for improvement in the implementation of the Action Plan.
19. The report provided the Governing Body with detailed information on preliminary results of the analysis conducted on the 17 indicators measured in the Action Plan. It highlighted that, of the 42 targets, at least 22.5 of them had been met or exceeded, which represented a positive trend when compared to the mid-term review of the Action Plan for 2018–2021.<sup>32</sup>
20. The Governing Body welcomed clarifications provided by the Office on specific elements of the mid-term review during the discussion. 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; and (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.<sup>33</sup>

## **8. Follow-up to the decision to report on the modalities of the Working Party on the New Social Contract for Our Common Agenda**

21. At its 350th Session (March 2024), the Governing Body reviewed a document<sup>34</sup> which provided a follow-up to the decision, adopted at its 349th Session (October–November 2023), to establish a Working Party on the New Social Contract for Our Common Agenda, with the view to preparing a tripartite input to the Second World Summit for Social Development to be held in 2025.<sup>35</sup>
22. The Governing Body's discussion was informed by a tripartite informal consultation which took place in January 2024. The focus of the discussion was twofold, covering first the modalities applicable to the Working Party in line with the Standing Orders of the Governing Body, and second the building blocks of a New Social Contract for Our Common Agenda.

<sup>30</sup> GB.350/INS/3/Decision.

<sup>31</sup> GB.350/INS/4.

<sup>32</sup> GB.344/INS/10.

<sup>33</sup> GB.350/INS/4/Decision.

<sup>34</sup> GB.350/INS/6.

<sup>35</sup> GB.349/PV(Rev.1), para. 310.

23. A first exchange of views among the constituents on a proposed road map highlighted the need for amendments. An addendum to the document under review,<sup>36</sup> containing a revised road map, was subsequently adopted unanimously. It was agreed that the amended road map would be applied with flexibility to respond to the developments related to the Second World Summit on Social Development.
24. As per the agreed road map, the Working Party would prepare two statements to be submitted to the Governing Body for adoption. The first statement would be presented at its 351st Session (June 2024), and the second at its 352nd Session (October–November 2024).
25. The Governing Body decided that the composition of the Working Party should be of 16 members, including eight representatives of governments, four representatives of workers and four representatives of employers. It was further agreed that, at its first meeting scheduled at the end of April, the Working Party would elect its chairperson and two vice-chairpersons. The Governing Body also decided to place on the agenda of the 113th Session (2025) of the International Labour Conference an item on the tripartite input to the Second World Summit on Social Development.<sup>37</sup>
26. The adopted road map foresaw that discussions regarding this tripartite input would be held as a Committee of the Whole at the 352nd and 353rd Sessions (October–November 2024 and March 2025) of the Governing Body, so as to ensure that governments that are not represented in the Governing Body could express their views.
27. The Governing Body welcomed the opportunity to discuss the Director-General's report at the 113th Session (2025) of the International Labour Conference, which would focus on a renewed social contract. The Governing Body was of the view that this exchange would be useful to inform the work of the Working Party.
28. Regarding the content of the tripartite input, an initial discussion took place on five identified building blocks, namely: (1) the foundation of the new social contract; (2) its key functions; (3) new and emerging risks and opportunities; (4) the actors and stakeholders of a new social contract; and (5) the enabling framework for a new social contract.
29. The discussion on the building blocks showed there was a high degree of interest from all constituents on the topic. It was stressed by several participants that decent work and social justice should be at the heart of the tripartite contribution to the Second World Summit on Social Development, which in turn should be informed by existing ILO tripartite agreements and declarations. It was further emphasized that the tripartite contribution should build upon the outcome of the First World Social Summit on Social Development which took place in Copenhagen in 1995, while taking account of the 2030 Agenda for Sustainable Development and its Goals.

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<sup>36</sup> GB.350/INS/6(Add.1).

<sup>37</sup> GB.350/INS/6/Decision.

## **9. 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**

- 30.** Under the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance, adopted by the International Labour Conference at its 109th Session (2021),<sup>38</sup> the Conference requested the Chairperson of the Governing Body to include in the annual report to the Conference a specific section on efforts undertaken by the Governing Body for the completion of the process of ratification of the Instrument for the Amendment of the ILO Constitution, 1986 ("the 1986 Amendment").<sup>39</sup>
- 31.** The Governing Body continued to receive regular updates on the status of ratification of the 1986 Amendment at its 349th and 350th (October–November 2023 and March 2024) Sessions.
- 32.** At its 349th Session (October–November 2023), the Governing Body was informed that the number of ratifications stood at 125, that is, two thirds of the ILO Member States, including two from Members of chief industrial importance (India and Italy). A further three ratifications from Members of chief industrial importance (from among Brazil, China, France, Germany, Japan, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America) were required for the 1986 Amendment to enter into force.<sup>40</sup>
- 33.** At its 350th Session (March 2024), the Governing Body was informed that one new ratification (Azerbaijan) had been registered.<sup>41</sup> On 17 January 2024, the Director-General sent a new formal communication to the ministers of foreign affairs and labour of the eight Members of chief industrial importance which had not yet ratified the 1986 Amendment, indicating that the entry into force of the 1986 Amendment had become increasingly urgent and appealing for support to this end, in order to ensure that the views of the vast majority of ILO Member States were respected.
- 34.** The Governing Body requested the Director-General to undertake tripartite consultations and provide an update to its 352nd Session (October–November 2024) on the concrete measures taken to accelerate the ratification of the 1986 Amendment. It also requested the Director-General to 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.<sup>42</sup>

## **10. Review of the functioning of the Governing Body**

- 35.** In the course of the preparation of the agenda of the 350th Session (March 2024), following discussions at the tripartite Screening Group and a series of consultations among the Officers of

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<sup>38</sup> ILC.109/Resolution IV.

<sup>39</sup> ILC.110/Report I(C), paras 33–36.

<sup>40</sup> GB.349/INS/INF/3.

<sup>41</sup> GB.350/INS/8.

<sup>42</sup> GB.350/INS/8/Decision.

the Governing Body, it was decided to include an agenda item on the identification of areas where the rules and practices of the Governing Body might need to be clarified or amended, as appropriate. The Office was requested to prepare a document containing information on previous constituent-led reviews of the functioning of the Governing Body, which had led to the adoption of the current Compendium of rules. The Office was also requested to identify areas in which constituents indicated a need for potential further reviews and improvements and outline the different modalities that could be used by the Governing Body to review the current rules, should the Governing Body decide that further action was advisable or necessary. This document<sup>43</sup> was discussed at the 350th Session (March 2024) of the Governing Body. On the basis of this discussion, the Governing Body 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).<sup>44</sup>

## 11. Right to strike under Convention No. 87 of the ILO

36. Two special sessions of the Governing Body were held respectively on 10 and 11 November 2023. The convening of the 349th *bis* (Special) Session of the Governing Body was decided in accordance with article 7(8) of the ILO Constitution following a request to this effect submitted by 23 regular Governing Body members. The special session of the Governing Body was convened to discuss the request of the Workers' group and 36 governments to urgently refer the dispute around the interpretation of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), in relation to the right to strike to the International Court of Justice for an advisory opinion.
37. The convening of the 349th *ter* (Special) Session of the Governing Body was decided in accordance with paragraph 3.2.2 of the Standing Orders of the Governing Body following a request made by 14 regular members of the Employers' group and the Republic of Türkiye to discuss the placing of a standard-setting item on the right to strike on the agenda of the 112th Session (2024) of the International Labour Conference. It was proposed that the Conference adopt a Protocol to Convention No. 87 on the right to strike, or more broadly on industrial action, with a view to authoritatively determining the scope and limits of the right to strike in the context of Convention No. 87.
38. At its 349th Session (October–November 2023), the Governing Body approved practical arrangements for the two special sessions, and decided, in particular, to hold each special session, in part, as a Committee of the Whole, to allow an exchange of views on the agenda item with the full participation of governments which were not represented in the Governing Body.<sup>45</sup>
39. In the context of the 349th *bis* (Special) Session, the Governing Body adopted by 33 votes in favour, 21 votes against and 2 abstentions, a resolution requesting the International Court of Justice to render urgently an advisory opinion under article 65 of the Court's Statute, on the following question: Is the right to strike of workers and their organizations protected under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)?<sup>46</sup>

<sup>43</sup> GB.350/INS/9.

<sup>44</sup> GB.350/INS/9/Decision.

<sup>45</sup> GB.349/INS/18/5(Rev.1) and GB.349/PV(Rev.1), para. 738.

<sup>46</sup> GB.349bis/INS/1/1/Decision.

40. In the context of the 349th *ter* (Special) Session, the Governing Body decided not to place a standard-setting item on the right to strike on the agenda of the 112th Session (2024) of the International Labour Conference and that, after having received the advisory opinion of the International Court of Justice, it would consider appropriate follow-up action.<sup>47</sup>
41. By a circular letter dated 13 November 2023, the Director-General informed all Member States of the outcome of the two special sessions of the Governing Body. On the same date, the Director-General [wrote to the President](#) of the International Court of Justice transmitting certified copies of the Governing Body resolution. By an [Order dated 16 November 2023](#), the Court decided that the International Labour Organization and the States parties to Convention No. 87 were considered likely to be able to furnish information on the question submitted to the Court for an advisory opinion and fixed 16 May 2024 as the time-limit within which written statements on this question may be presented to the Court. The Court further decided that six organizations having been granted general consultative status at the International Labour Organization by the Governing Body (the International Organisation of Employers, the International Trade Union Confederation, the World Federation of Trade Unions, the International Cooperative Alliance, the Organization of African Trade Union Unity and Business Africa) were also considered likely to be able to furnish information on the question submitted to the Court for an advisory opinion, and therefore decided to invite those organizations to make written contributions to the Court within the above time limit.
42. On 14 December 2023, the Office submitted to the Court a [dossier](#), accompanied by an Introductory Note, containing the documents that, in its view, were likely to throw light upon the question on which the advisory opinion of the Court was requested.
43. The Office submitted a Written Statement to the Court on 14 May 2024.

## **12. Annual report on the implementation of the ILO technical cooperation programme “Strengthening the National Tripartite Committee on Labour Relations and Freedom of Association in Guatemala for the effective application of international labour standards”**

44. It is recalled that: (i) at its 334th Session (October–November 2018), the Governing Body closed the article 26 procedure resulting from a complaint filed in 2012 against Guatemala for the violation of Convention No. 87;<sup>48</sup> and (ii) at its 340th Session (October–November 2020), it welcomed the technical cooperation programme elaborated by the Office, called for funding for its implementation and requested the Office to report annually on its implementation at its October–November sessions for the duration of the three-year programme.<sup>49</sup>
45. At its 349th Session (October–November 2023), on the third occasion on which the Office reported on the implementation of the referred technical cooperation programme, the Governing Body took note of the information provided by the Office.<sup>50</sup>

<sup>47</sup> GB.349ter/INS/1/Decision.

<sup>48</sup> GB.334/PV, para. 401.

<sup>49</sup> GB.340/PV, para. 117.

<sup>50</sup> GB.349/INS/10(Rev.1) and GB.349/PV(Rev.1), para. 462.

### **13. Complaint alleging non-observance by Guatemala 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), filed by various delegates at the 111th Session of the International Labour Conference (2023) under article 26 of the ILO Constitution**

46. At its 349th Session (October–November 2023), the Governing Body decided that the complaint alleging non-observance by Guatemala of Convention No. 87 and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), filed by various delegates at the 111th Session (2023) of the International Labour Conference, was receivable given that it fulfilled the conditions established in article 26 of the ILO Constitution. The Governing Body thus: (a) requested the Director-General to forward the complaint to the Government of Guatemala, inviting it to communicate its observations on the complaint by 20 April 2024; and (b) included this item on the agenda of its 351st Session (June 2024).<sup>51</sup>

### **14. Developments on 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**

47. At its 349th Session (October–November 2023), in light of the developments in the Bolivarian Republic of Venezuela outlined in an updated report of the Director-General,<sup>52</sup> the Governing Body, on the recommendation of its Officers: (a) took note of the report on the activities carried out and the developments concerning the implementation of the action plan and reiterated its call to the Government of the Bolivarian Republic of Venezuela to accept the recommendations of the Commission of Inquiry; (b) urged the Government to accelerate the implementation of the commitments adopted in the action plan as updated by the Social Dialogue Forum in February 2023, in order to achieve concrete results without delay; (c) regretted the rescheduling of the fourth session of the Social Dialogue Forum while taking due note of the continued commitment of the Government and the social partners of the Bolivarian Republic of Venezuela to engage in social dialogue; (d) welcomed the imminent posting of an ILO special adviser to the country and expected the Government to quickly facilitate his deployment to the country in November 2023 to accompany and support the implementation of the action plan and the preparation of the fourth session of the Social Dialogue Forum to be held at the beginning of February 2024; and (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 the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), Convention No. 87, and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), in law and practice, and to submit to the 350th Session (March 2024) of the Governing Body a further report on any developments concerning the above.<sup>53</sup>

<sup>51</sup> GB.349/INS/19/2 and GB.349/PV(Rev.1), para. 774.

<sup>52</sup> GB.349/INS/11(Rev.1).

<sup>53</sup> GB.349/PV(Rev.1), para. 498.

48. At its 350th Session (March 2024), in light of a further updated report of the Director-General,<sup>54</sup> the Governing Body, on the recommendation of its Officers: (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 adviser 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; and (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.<sup>55</sup>

## **15. 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**

49. At the 108th Session (2019) of the International Labour Conference, a complaint under article 26 of the ILO Constitution, alleging non-observance by Bangladesh of the Labour Inspection Convention, 1947 (No. 81), and Conventions Nos 87 and 98, was filed by several Workers' delegates. At its 337th Session (October–November 2019), the Governing Body took note of the complaint and declared it receivable.<sup>56</sup>
50. At its 343rd Session (November 2021), the Governing Body took note of the road map of actions submitted by the Government in May 2021 to address all the outstanding issues mentioned in the complaint.<sup>57</sup> The road map was developed around four priority areas: (a) labour law reform; (b) trade union registration; (c) labour inspection and enforcement; and (d) addressing acts of anti-union discrimination, unfair labour practices and violence against workers.<sup>58</sup>
51. At its 349th and 350th Sessions (October–November 2023 and March 2024), the Governing Body took note of the reports on progress made in the implementation of the road map submitted by the Government in September 2023 and January 2024, respectively.<sup>59</sup> At its 350th Session (March 2024), the Governing Body noted the strong commitment made by the Government to engage in further tripartite consultations, with the technical assistance of the Office, to address

<sup>54</sup> GB.350/INS/12(Rev.1).

<sup>55</sup> GB.350/INS/12(Rev.1)/Decision.

<sup>56</sup> GB.337/PV, para. 525.

<sup>57</sup> GB.343/PV, para. 343.

<sup>58</sup> GB.342/INS/INF/2(Rev.1).

<sup>59</sup> GB.349/INS/12(Rev.1), GB.349/PV(Rev.1), para. 543 and GB.350/INS/14(Rev.1).

the outstanding issues mentioned in the article 26 complaint and 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. The Governing Body requested the Government of Bangladesh to report on further progress made at its 352nd Session (October–November 2024) and deferred the decision on further action in respect of the complaint to that session.<sup>60</sup>

## **16. 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**

- 52.** At its 349th Session (October–November 2023), the Governing Body considered the follow-up to the resolution<sup>61</sup> concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus.<sup>62</sup> On that occasion, it took note with continuing concern of the developments; once again urged the Government of Belarus to receive as a matter of urgency an ILO tripartite mission with a view to gathering 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; invited Member States to continue taking steps to ensure an effective follow-up to the Conference resolution; and requested the Director-General to develop an action plan to implement the resolution.<sup>63</sup>
- 53.** At its 350th Session (March 2024), the Governing Body once again considered the follow-up to this resolution<sup>64</sup> and took note with growing concern of the developments. It further: 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; 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); took note of the action plan to implement the Conference resolution; 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; 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

<sup>60</sup> GB.350/INS/14(Rev.1)/Decision.

<sup>61</sup> ILC.111/Resolution I.

<sup>62</sup> GB.349/INS/13(Rev.1).

<sup>63</sup> GB.349/PV(Rev.1), para. 575.

<sup>64</sup> GB.350/INS/10(Rev.1).

Conference of the latest developments; and requested the Director-General to prepare an updated report for the 352nd Session (October–November 2024) of the Governing Body.<sup>65</sup>

## **17. Report of the Commission of Inquiry established in accordance with article 26 of the ILO Constitution concerning the non-observance by Myanmar of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Forced Labour Convention, 1930 (No. 29)**

- 54.** At its 349th Session (October–November 2023), the Governing Body examined the report of the Commission of Inquiry established in accordance with article 26 of the ILO Constitution concerning the non-observance by Myanmar of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Forced Labour Convention, 1930 (No. 29).<sup>66</sup> It took note of the report, as well as of the reply from the military authorities, urged the authorities to desist from any and all acts of retaliation against any individual or organization which provided information to the Commission of Inquiry and requested the Director-General to prepare a report for discussion at the 350th Session (March 2024) of the Governing Body, including options for possible further measures to secure compliance by Myanmar with the recommendations of the Commission of Inquiry in the event the military authorities did not accept said recommendations and did not commit to implement them fully and promptly.<sup>67</sup>
- 55.** At its 350th Session (March 2024),<sup>68</sup> in light of the urgency of the national situation in Myanmar and recalling 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)<sup>69</sup> and the recommendations of the Commission of Inquiry in its 2023 report, the Governing Body deplored the absence of progress towards restoring the democratically elected government in the country. It called on the military authorities to end all acts of violence, and the arbitrary arrest, detention and torture of trade unionists, labour activists and others. It repeated its call for Myanmar to uphold immediately its obligations under Convention No. 87 and to ensure that workers' and employers' organizations were able to exercise their rights in a climate of freedom and security, free from violence, arbitrary arrest and detention. It called on the authorities to end, in law and practice, any forced recruitment into the military contrary to Convention No. 29. It also called on the authorities to take immediate action to remove all restrictions impeding the full exercise of the activities of the International Labour Office. The Governing Body decided for the Office to take action within the framework of the UN system to ensure that the Commission's recommendations were widely known and acted upon within each body's respective mandates, and, in the event the military authorities did 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), an assessment of developments considering further steps to secure compliance by Myanmar, including article 33 of the ILO Constitution.<sup>70</sup>

<sup>65</sup> GB.350/INS/10(Rev.1)/Decision.

<sup>66</sup> GB.349/INS/14.

<sup>67</sup> GB.349/PV(Rev.1), para. 614.

<sup>68</sup> GB.350/INS/11(Rev.1).

<sup>69</sup> ILC.109/Resolution II.

<sup>70</sup> GB.350/INS/11(Rev.1)/Decision.

## **18. Complaint alleging non-observance by Nicaragua 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), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), filed by various delegates at the 111th Session of the International Labour Conference (2023) under article 26 of the ILO Constitution**

56. At its 349th Session (October–November 2023),<sup>71</sup> the Governing Body decided that the complaint alleging non-observance by Nicaragua of Conventions Nos 87 and 98, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and Convention No. 144, filed by various delegates at the 111th Session (2023) of the International Labour Conference, was receivable given that it fulfilled the conditions established in article 26 of the ILO Constitution. The Governing Body thus: (a) requested the Director General to transmit the complaint to the Government of Nicaragua, inviting it to communicate its observations on the complaint by 15 January 2024 and to appoint a delegate to participate in the discussions on this matter at its 350th Session (March 2024); and (b) included this item on the agenda of its 350th Session (March 2024).<sup>72</sup>
57. At its 350th Session (March 2024),<sup>73</sup> 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); and (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.<sup>74</sup>

## **19. 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**

58. At its 348th Session (June 2023), the Governing Body discussed the developments in Ukraine<sup>75</sup> and the resolution concerning the Russian Federation’s aggression against Ukraine from the perspective of the mandate of the ILO, adopted at its 344th Session (March 2022).<sup>76</sup> The Governing Body reiterated its most profound concern at the continuing aggression by the Russian

<sup>71</sup> GB.349/INS/19/1.

<sup>72</sup> GB.349/PV(Rev.1), para. 754.

<sup>73</sup> GB.350/INS/15(Rev.1).

<sup>74</sup> GB.350/INS/15(Rev.1)/Decision.

<sup>75</sup> GB.348/INS/5/2.

<sup>76</sup> GB.344/Resolution.

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. It also reiterated its unwavering support for the tripartite constituents in Ukraine, requested the Director-General to continue to respond to constituents' needs in Ukraine and to expand the ILO's resource mobilization efforts, and welcomed the update on the establishment of an ILO Country Office for Ukraine in Kyiv. The Governing Body also 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 following session of the Governing Body on developments in the light of the resolution, including the ILO's continued engagement with relevant United Nations bodies involved in monitoring human rights violations and the situation of maritime and nuclear workers.<sup>77</sup> Thereafter, the same subject was discussed by the Governing Body at the 349th and 350th Sessions (October–November 2023 and March 2024)<sup>78</sup> when the Governing Body noted the latest information provided by the Office and requested the Director-General to continue to enhance resource mobilization efforts for other affected countries across Eastern Europe and Central Asia. It also 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.<sup>79</sup>

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<sup>77</sup> GB.348/PV, para. 99.

<sup>78</sup> GB.349/INS/15 and GB.350/INS/13.

<sup>79</sup> GB.349/PV(Rev.1), para. 642 and GB.350/INS/13/Decision.

## ► II. Policy Development Section

### A. Social Dialogue Segment

#### ILO integrated strategy for the promotion and implementation of the right to collective bargaining

59. At its 349th Session (October–November 2023), the Governing Body was invited to provide guidance on the ILO integrated strategy for the promotion and implementation of the right to collective bargaining.<sup>80</sup> The strategy proposed by the Office built, notably, upon the revised plan of action on social dialogue and tripartism for the period 2019–23<sup>81</sup> to give effect to the conclusions adopted by the International Labour Conference in June 2018<sup>82</sup> and the Programme and Budget for the 2024–25 biennium.<sup>83</sup> The strategy was generally welcomed by Governing Body members as it was rooted in the normative framework of the Organization and prioritized key areas, such as implementing relevant international labour standards, setting an enabling environment for collective bargaining, strengthening public institutions to promote collective bargaining, strengthening the capacities of social partners, maintaining databases and knowledge products, including regarding topics covered in collective agreements, promoting collective bargaining at the multilateral level and monitoring and reporting on collective bargaining. The Governing Body endorsed the proposed ILO integrated strategy for the promotion and implementation of the right to collective bargaining and requested the Director-General to take into account its guidance in implementing the strategy and to submit a progress report at its 352nd Session (October–November 2024).<sup>84</sup>

### B. Development Cooperation Segment

#### Crisis-related ILO work in the Occupied Palestinian Territory

60. The sudden escalation of the conflict in the Occupied Palestinian Territory since 7 October 2023 necessitated the issuance of an addendum<sup>85</sup> to the report on the enhanced programme of development cooperation for the occupied Arab territories<sup>86</sup> detailing the initial impact of the conflict on the labour market and the immediate measures the ILO had taken to mitigate this impact on jobs and businesses, for discussion at the 349th Session (October–November 2023) of the Governing Body. Expressing its grave concern at the situation, and acknowledging that the continuity of the ILO's technical assistance had been rendered extremely difficult, the Governing Body emphasized that the provision of relief for and support to affected workers and employers had taken on a pressing urgency. While welcoming the programme for immediate assistance outlined in the report, the Governing Body further requested the Director-General to submit, for

<sup>80</sup> GB.349/POL/2.

<sup>81</sup> GB.335/INS/3(Rev.).

<sup>82</sup> ILC.107/Resolution III.

<sup>83</sup> ILO, *Programme and Budget for 2024–25*.

<sup>84</sup> GB.349/PV(Rev.1), para. 859.

<sup>85</sup> GB.349/POL/4(Add.1).

<sup>86</sup> GB.349/POL/4(Rev.1).

its consideration at its next session, a report to be used as the basis for the development of a more detailed action plan to address the impact of the current crisis situation, detailing the impact of the situation on the labour market, the ILO's support to the constituents, including through the Decent Work Programme 2023–26, and proposals to mitigate the devastating impact of the current situation. The Governing Body also requested the Office to refer to the Director-General's annual Report on *The situation of workers of the occupied Arab territories*<sup>87</sup>, last presented at the 111th Session (2023) of the International Labour Conference, and to take all necessary measures in response to its observations and conclusions. While calling on all parties to promptly allow and facilitate, consistent with international humanitarian law, full, rapid, safe and unhindered humanitarian access, the Governing Body also urged Member States to support the ILO programme in the Occupied Palestinian Territory, to ensure the promotion of decent work within the context of the broader relief and recovery efforts of the United Nations.<sup>88</sup>

61. At its 350th Session (March 2024), the Governing Body took note of the information presented in the report submitted for its review,<sup>89</sup> which described the impact of the war on the labour market, the volatility of the environment, and a proposed way forward. It reiterated its concern at the deteriorating humanitarian situation and the grave repercussions on the labour market across the Occupied Palestinian Territory, but particularly in Gaza, and recalled Security Council resolutions 2720 (22 December 2023) and 2712 (15 November 2023), as well as its own decision adopted in November 2023,<sup>90</sup> which included a call for all parties to facilitate full, rapid, safe and unhindered humanitarian access to the Gaza Strip. The Governing Body emphasized the need to respect the ILO's fundamental principles and rights at work to advance decent work for all Palestinians and stressed the importance of ensuring the access, safety and security of ILO staff to deliver on the ILO mandate in the Occupied Palestinian Territory. The Governing Body also noted the progress made under the emergency response programme, launched following its decision concerning the enhanced programme of development cooperation for the occupied Arab territories<sup>91</sup> and the developments under each of the three phases of relief, review and recovery. Welcoming the ILO's engagement in a broader United Nations recovery framework, and the importance of continuing the implementation of the emergency response programme, the Governing Body called on Member States to urgently fund the programme and requested the Director-General to convene a resource mobilization meeting on the margins of the 112th Session (2024) of the International Labour Conference. The Governing Body also recommended that the 112th Session of the Conference include a special sitting to discuss the Director-General's Report on *The situation of workers of the occupied Arab territories*, with a view to providing specific guidance to the Office and the Director-General on appropriate follow up actions to the findings of the report.<sup>92</sup>

<sup>87</sup> ILC.111/DG/APP.

<sup>88</sup> GB.349/PV(Rev.1), para. 968.

<sup>89</sup> GB.350/POL/4(Rev.1).

<sup>90</sup> GB.349/PV(Rev.1), para. 968.

<sup>91</sup> GB.349/PV(Rev.1).

<sup>92</sup> GB.350/POL/4(Rev.1)/Decision.

## C. Multinational enterprises segment

### Promotional activities with regard to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, including in the context of relevant developments outside the ILO

62. At its 350th Session (March 2024), <sup>93</sup> the Governing Body highlighted the continued relevance of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy <sup>94</sup> (“the MNE Declaration”) among a myriad of global challenges, including climate change, digitalization, migration and conflict, and welcomed further progress made in its promotion. The Governing Body noted enhanced Office support for the efforts deployed by tripartite constituents in applying the principles of the MNE Declaration and make use of its practical tools, including dialogues between host and home countries of MNEs and between enterprises and unions. It called on the ILO to play a greater role in initiatives aiming to strengthen the social responsibilities of businesses, including broader contributions to economic and social development. It also welcomed the broader integration of the MNE Declaration in development cooperation projects, as well as in the ILO action programmes, in particular the action programme on decent work outcomes in supply chains. The Governing Body also welcomed the ILO’s efforts to collaborate with other international organizations to promote and harmonize decent work and trade and investment policies, and commended in particular the ILO’s contributions to the business and human rights agenda.
63. The Governing Body asked that the Office prioritize efforts to raise awareness and build constituents’ capacities at the country level, in making better use of the MNE Declaration, including its various operational tools such as the Company Union Dialogue, tripartite appointed national focal points and the ILO Helpdesk for Business. The Governing Body also expressed strong support for the regional follow-up mechanism of the MNE Declaration, which provided an important platform for tripartite constituents to exchange experiences and discuss further promotional activities under the MNE Declaration at the regional and national levels. The new format of ILO regional meetings for the trial period 2025–28 <sup>95</sup> provided additional promotional opportunities, using all elements of the regional follow-up (information gathering, regional reporting, tripartite discussion during the regional meeting, and global reporting following the four regional meetings).
64. In its decision, the Governing Body: (a) requested the Director-General to take into account its guidance to strengthen the promotion of the MNE Declaration and its operational tools, including in the context of relevant developments outside the ILO; and (b) decided to continue implementing the regional follow-up outlined in Annex II of the Declaration, aligning it with the cycle of regional meetings. <sup>96</sup>

<sup>93</sup> GB.350/POL/5.

<sup>94</sup> ILO, Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

<sup>95</sup> GB.350/INS/7.

<sup>96</sup> GB.350/POL/5/Decision.

## ► III. Legal Issues and International Labour Standards Section

### A. Legal Issues Segment

#### Proposed amendments to the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution of the International Labour Organization

65. At its 350th Session (March 2024), the Governing Body adopted amendments to the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution of the International Labour Organization and corresponding modifications to the Introductory note. The amendments reflect the new arrangements permitting the suspension of the examination of the merits of a representation to allow for possible resolution of the dispute through optional voluntary conciliation or other voluntary measures at the national level.<sup>97</sup>

### B. International Labour Standards and Human Rights Segment

#### Standards Review Mechanism Tripartite Working Group

66. A priority for the Organization, the Standards Review Mechanism Tripartite Working Group (SRM TWG) is charged with ensuring that the ILO has a clear, robust and up-to-date body of international labour standards that responds to the changing patterns of the world of work, for the purpose of the protection of workers and taking into account the needs of sustainable enterprises. At its 349th Session (October–November 2023), the Governing Body approved the recommendations of the eighth meeting of the SRM TWG, welcoming its consensual recommendations and requesting the Office to take the necessary action in follow-up as a matter of institutional priority. It also noted that the SRM TWG had postponed its decision on the classification of the instruments concerning night work of children and young persons, pending research requested from the Office, until its next review at an appropriate time.<sup>98</sup>
67. In relation to the SRM TWG's review of the instruments concerning maternity protection, social security (old age, invalidity and survivors' benefits) and the protection of children and young persons, the Governing Body decided that the Maternity Protection Convention, 2000 (No. 183) and the Maternity Protection Recommendation, 2000 (No. 191), were "up to date", and that the Maternity Protection Convention, 1919 (No. 3), the Minimum Age (Non-Industrial Employment) Recommendation, 1932 (No. 41), and the Minimum Age (Family Undertakings) Recommendation, 1937 (No. 52), were "outdated". It confirmed the status of the related instruments previously determined to be outdated by the Governing Body.
68. The Governing Body took a number of decisions as a follow-up to the SRM TWG's recommendations. It requested the Office to prepare research to be discussed by a tripartite meeting, which would enable the Organization to assess whether there were gaps in respect of paternity and parental protection and, if so, what normative and/or non-normative actions could be appropriate. It recommended placing items concerning the abrogation or withdrawal of

<sup>97</sup> GB.350/LILS/1 and GB.350/LILS/1/Decision.

<sup>98</sup> GB.349/LILS/1 and GB.349/PV(Rev.1), para. 991.

Conventions Nos 5, 10, 33, 59 and 123 and Recommendations Nos 41, 52 and 124 on the agenda of the 116th Session (2028) of the International Labour Conference; the abrogation of Conventions Nos 35, 36, 37, 38, 39 and 40 on the agenda of the 121st Session (2033) of the International Labour Conference; and the abrogation or withdrawal of Conventions Nos 3 and 103 and Recommendation No. 95 on the agenda of the 121st Session (2033) of the International Labour Conference, following an evaluation that would be held in 2028 to assess whether Member States with effective ratifications of the outdated Conventions had taken necessary action to ratify up-to-date Convention No. 183. It once again called upon the Organization and its tripartite constituents to take concerted steps to follow up on all its recommendations.

69. The Governing Body decided that the SRM TWG's ninth meeting would take place from 16 to 20 September 2024, when it would review 14 instruments and examine the follow-up to 4 outdated instruments concerning fishers, dock work, indigenous and tribal peoples, and other categories of workers, as included in the SRM TWG's initial programme of work. It also noted the SRM TWG's decision to provisionally set its work plan for the next five years with the aim of possibly completing the review of all instruments in its initial programme of work by 2028, while maintaining the quality of its work.
70. Finally, the Governing Body underscored the need to ensure that the SRM TWG's planned programme of work was considered in the ILO's strategic planning and future resource allocations, to ensure adequate funding was provided to support the work of the SRM TWG.
71. At its 350th Session (March 2024), the Governing Body undertook a fourth evaluation of the functioning of the SRM TWG. The Governing Body reiterated the importance of the SRM TWG in contributing to ensuring a clear, robust and up-to-date body of international labour standards and stressed the need for timely follow-up action by Member States, social partners as well as by the Office to its recommendations as adopted by the Governing Body. A further evaluation would be undertaken in March 2026.<sup>99</sup>

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<sup>99</sup> GB.350/LILS/3 and GB.350/LILS/3/Decision.

## ► IV. Programme, Financial and Administrative Section

### A. Programme, Financial and Administrative Segment

#### 1. ILO programme implementation 2022–23

72. At its 350th Session (March 2024), the Governing Body examined the biennial report on the implementation of the ILO Programme and Budget for 2022–23,<sup>100</sup> accompanied by a digital [guide](#) and the updated version of the [ILO Decent Work Results Dashboard](#). The report delineated the developments in the world of work over the biennium, provided updates on the progress made in the global promotion of social justice, summarized decent work achievements at the country level, and reflected on the lessons learned from the implementation, monitoring and evaluation. Part I of the report described decent work trends during the biennium and the major milestones of the ILO's global initiatives in relation to global advocacy, international labour standards, knowledge generation and capacity-building, work in crisis situations, governance and management. This part also featured highlights of the budget and expenditures in 2022–23. Part II focused on organizational performance during the biennium, presenting results achieved and the ILO's delivery under the policy and enabling outcomes. Finally, Part III provided insights into lessons learned from the programme's implementation and evaluations. These lessons played a pivotal role in shaping the programme for 2024–25 and would serve as a guide for its implementation. The Governing Body provided guidance to the Office during the session and requested the Office to take into account the observations made.<sup>101</sup>

#### 2. Scale of assessments of contributions to the budget for 2025

73. At its 350th Session (March 2024),<sup>102</sup> the Governing Body, in accordance with the established practice of harmonizing the rates of assessment of ILO Member States with their rates of assessment in the United Nations, decided to base the ILO scale of assessment for 2025 on the UN scale for 2022–24, and to propose to the International Labour Conference the adoption of the draft scale of assessment for 2025 as set out in the appendix to the document under review, subject to such adjustments as might be necessary following any further change in the membership of the Organization before the Conference is called upon to adopt the recommended scale.<sup>103</sup>

### B. Audit and Oversight Segment

#### 3. Audit and oversight

74. At its 350th Session (March 2024), the Governing Body considered the 16th annual report<sup>104</sup> of the Independent Oversight and Advisory Committee (IOAC) on its work from February 2023 to

<sup>100</sup> GB.350/PFA/1(Rev.1).

<sup>101</sup> GB.350/PFA/1(Rev.1)/Decision.

<sup>102</sup> GB.350/PFA/4.

<sup>103</sup> GB.350/PFA/4/Decision.

<sup>104</sup> GB.350/PFA/6.

January 2024. The Governing Body took note that the Committee's report made six specific recommendations, and requested the Office to follow up on the implementation of these recommendations. In addition, it noted that the IOAC's terms of reference were due to be reviewed and that any proposed amendments would be submitted to the Governing Body at its 350th *bis* Session (June 2024) for approval.<sup>105</sup>

75. At its 350th Session (March 2024), the Governing Body also considered the report of the Chief Internal Auditor for the year ended 31 December 2023.<sup>106</sup> The report contained key findings resulting from internal audit and investigation assignments conducted by the Office of Internal Audit and Oversight during the year. The Governing Body noted with satisfaction that no major weaknesses had been identified in the ILO's system of internal control and requested the Office to ensure the appropriate implementation of the recommendations made.<sup>107</sup>

## 4. Evaluations

76. At its 349th Session (October–November 2023), the Governing Body considered the annual report on the ILO Evaluation Office covering the reporting period 2022–23,<sup>108</sup> as measured against the indicators and targets in its new results-based Evaluation Strategy 2023–25.<sup>109</sup> In addition, Part II of the report focused on the assessment of the ILO's effectiveness and results and presented findings from the most recent meta-analysis of all independent project evaluations conducted in 2022, as well as the data gathered on the performance results achieved by interventions funded by Regular Budget Supplementary Accounts from 2018 to 2022, and a comparative review of performance based on policy outcomes and clusters of country programme outcomes across the different regions. The Governing Body endorsed the recommendations of the annual evaluation report 2022–23.<sup>110</sup>
77. At the same session, the Governing Body considered a report<sup>111</sup> presenting a summary of the findings and recommendations of three independent high-level evaluations conducted in 2023, namely: the ILO's strategies and actions to promote fundamental principles and rights at work for 2018–23; the ILO's strategies and actions to promote decent work in the rural economy (with a focus on rural employment) for 2016–23; and the ILO's post-conflict and recovery work in the Arab States region, with an emphasis on Iraq and Yemen, for 2019–23. The Governing Body requested the Director-General to take into consideration the recommendations of the three high-level independent evaluations, and to ensure their appropriate implementation.<sup>112</sup>

## 5. Matters relating to the Joint Inspection Unit

78. At its 349th Session (October–November 2023),<sup>113</sup> the Governing Body reviewed the summary of the annual report of the Joint Inspection Unit (JIU) for 2022 and its programme of work for 2023, and three reports published in 2022 on the following United Nations system-wide issues:

<sup>105</sup> GB.350/PFA/6/Decision.

<sup>106</sup> GB.350/PFA/7/1.

<sup>107</sup> GB.350/PFA/7/1/Decision.

<sup>108</sup> GB.349/PFA/4.

<sup>109</sup> ILO, *ILO Results-based Evaluation Strategy 2023–25*, 2023.

<sup>110</sup> GB.349/PV(Rev.1), para. 1053.

<sup>111</sup> GB.349/PFA/5.

<sup>112</sup> GB.349/PV(Rev.1), para. 1077.

<sup>113</sup> GB.349/PFA/6.

management of implementing partners; ethics function; and business continuity management. The report contained two reference documents: the first reference document <sup>114</sup> included recommendations made in these three reports whereby recommendations addressed to the Governing Body and to the Office were listed separately for the Governing Body's appropriate attention and guidance; the second reference document <sup>115</sup> provided details of the updated status of follow-up to those JIU recommendations that were presented to the Governing Body in the previous three years. The Governing Body took note of the information contained in the report as well as of the two reference documents and provided guidance to the Office. <sup>116</sup>

## C. Personnel Segment

### 6. Amendments to the Staff Regulations

79. At its 349th and 350th Sessions (October–November 2023 and March 2024), the Governing Body considered two Office papers proposing amendments to the Staff Regulations. The first paper <sup>117</sup> contained amendments to Chapter XII of the Staff Regulations relating to discipline, reflected by the establishment of a Disciplinary Committee and the expansion of the list of available disciplinary measures and other related matters. The second paper <sup>118</sup> contained a set of negotiated amendments to article 4.2 and Annex I of the Staff Regulations relating to the development of a new ILO mobility policy with an increased focus on geographical mobility, offering enhanced opportunities such as development assignments, temporary exchanges of staff between different duty stations and inter-agency mobility, and the relevant changes in the recruitment and selection procedures resulting in significant improvements in opportunities for mobility and a much greater alignment of the terms and conditions of employment across the Office, while ensuring sound financial management and operational effectiveness. The Governing Body approved the proposed amendments in both papers. <sup>119</sup>

### 7. Progress Report on the implementation of the Human Resources Strategy for 2022–25: Diversity, accountability and respect

80. At its 350th Session (March 2024), the Governing Body considered a progress report on the implementation of the Human Resources (HR) Strategy 2022–25 <sup>120</sup> in respect of the key deliverables and the results for the interim milestones achieved in 2022–23, at the mid-point of the period covered by the HR Strategy. It also considered an outline of key deliverables for the remaining two years, i.e. 2024–25. The Governing Body requested the Office to take into account the guidance provided in the further implementation of the HR Strategy. <sup>121</sup>

<sup>114</sup> GB.349/PFA/6/REF/1.

<sup>115</sup> GB.349/PFA/6/REF/2.

<sup>116</sup> GB.349/PV(Rev.1), para. 1089.

<sup>117</sup> GB.349/PFA/8.

<sup>118</sup> GB.350/PFA/9.

<sup>119</sup> GB.349/PV(Rev.1), para. 1097 and GB.350/PFA/9/Decision.

<sup>120</sup> GB.350/PFA/10.

<sup>121</sup> GB.350/PFA/10/Decision.

## 8. Review of the jurisdictional set-up of the United Nations common system

81. At its 349th Session (October–November 2023), the Governing Body considered an update on the review of the jurisdictional set-up of the UN common system undertaken by the UN Secretary-General at the request of the UN General Assembly.<sup>122</sup> The Governing Body decided to take no follow-up action for the time being noting the lack of support for the various proposals to address the issue of inconsistent implementation of the recommendations and decisions of the International Civil Service Commission, with the exception of the promotion of informal exchanges among the judges of the tribunals of the UN common system. The Governing Body requested the Director-General to communicate this decision to the UN Secretariat and to keep the Governing Body informed of any decisions that the UN General Assembly might take on this matter at its 78th session or thereafter.<sup>123</sup>
82. At its 350th Session (March 2024), the Governing Body was informed through a letter of the UN Under-Secretary-General for Management Strategy, Policy and Compliance addressed to the Director-General that the Fifth Committee of the UN General Assembly had decided, at its 78th session to take no action on the third report of the Secretary-General, thus bringing the review of the jurisdictional set-up to a conclusion.<sup>124</sup>

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<sup>122</sup> GB.349/PFA/10.

<sup>123</sup> GB.349/PV(Rev.1), para. 1106.

<sup>124</sup> GB.350/PFA/INF/11.

## ► V. High-Level Section

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### Challenges and opportunities of digitalization

83. At its 350th Session (March 2024), the High-Level Section of the Governing Body met as the Working Party on the Social Dimension of Globalization on the morning of Monday, 11 March 2024, to discuss the challenges and opportunities of digitalization, including artificial intelligence (AI) and algorithmic management for the world of work. The Office had prepared a background paper to inform the High-Level Section entitled *Challenges and opportunities of digitalization*.<sup>125</sup> There was no point for decision and this summary does not necessarily represent a consensus; however, there was convergence on many points.
84. In his introductory remarks, the Chairperson of the Governing Body highlighted that the application of digital technologies in economy and society was already fundamentally altering the landscape of work, while recognizing that digitalization and artificial intelligence held the potential to significantly improve efficiency and productivity. He also pointed out that these changes raised critical questions about jobs, skills needs, working conditions, labour protection and inequalities, including between countries and regions, and urged participants to keep the principle of social justice at the forefront of the discussions.
85. The Working Party met as a Committee of the Whole. This format permitted the participation of the following invited experts: Mr Amandeep Singh Gill, UN Secretary General's Envoy on Technology; Ms Ifeoma Ajunwa, Professor of Law, Emory University School of Law; Mr Jeremias Adams-Prassl, Professor of Law, University of Oxford; Ms Natasha Crampton, Chief Responsible AI Officer, Microsoft; Mr Duncan Crabtree-Ireland, Executive Director and Chief Negotiator, Screen Actors Guild – American Federation of Television and Radio Artists (SAG-AFTRA); and Ms Lane Dilg, Head of Strategic Partnerships and Global Affairs, OpenAI. The six experts responded to two rounds of questions from constituents.
86. Several speakers and constituents spoke of the opportunities to harness new technologies to advance decent work, as well as the Sustainable Development Goals, including Sustainable Development Goal 8. However, many noted that appropriate safeguards and “guardrails needed to be put in place to govern AI”. This would require the development of appropriate governance mechanisms and regulations at the international, national and workplace levels, as well as the application of existing norms and regulatory instruments. Many speakers stressed that such safeguards would not stifle innovation, but rather ensure a human-centred adoption of technology.
87. Constituents from the three groups emphasized the role of the tripartite constituents and social dialogue in addressing the challenges presented by AI. Employers' and workers' organizations had a critical role to play in representing those most directly affected by technology – from micro, small and medium-sized enterprises to platform workers. Collective bargaining offered a form of responsive regulation and a means to respond quickly and responsively to the specific needs of a sector, occupation, or enterprise. It could be a particularly effective way to establish mutually agreeable concepts and guardrails in the implementation and use of AI while the public policy setting process was still in progress.

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<sup>125</sup> GB.350/HL/1(Rev.1).

88. Many spoke of the importance of engaging workers in technology development processes. Speakers mentioned the need for enduring values of fairness, accountability and transparency to be incorporated into such processes. They emphasized the need for workplace culture that promoted responsible innovation. This meant determining appropriate AI uses cases, that could support productivity improvements while reducing some of the drudgery in day-to-day work.
89. A number of speakers and constituents pointed to the continued relevance of existing norms and regulations to address the risks of AI, specifically with respect to privacy, data protection and fundamental rights, such as the right to association, anti-discrimination, and safety and health at work. At the same time, there was also a need to identify regulatory gaps, at both the international and national levels, particularly in respect of algorithmic management. A number of stark examples were given of algorithmic bias, for example in screening gaps in experience and subsequent discrimination against women.
90. Addressing the digital divide was also identified as a crucial priority to ensure that all countries could benefit from AI. At the time of the discussion, 2.6 billion people around the world were offline.
91. In his closing remarks, the Director-General of the ILO spoke of efforts to position the ILO as the leading international hub for research, policy analysis and dialogue on AI and digitalization in the world of work. The Office was in the process of developing an ILO observatory on AI and work in the digital economy and would convene a cross-departmental task force to support this effort.
92. The Chairperson of the Governing Body provided to the Institutional Section an oral report of the discussions during the High-Level Section that was published as document GB.350/INS/19.

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93. In addition to the items summarized above, details of the Governing Body's consideration of all other items are reflected in the minutes of its 348th, 349th and 350th Sessions.