



Governing Body

351st Session, Geneva, 15 June 2024

Minutes of the 351st Session of the Governing Body of the International Labour Office

Contents

	Page
Institutional Section	
1. Election of the Officers of the Governing Body for 2024–25 (No document)	5
Decision	5
Opening remarks	6
2. Approval of the minutes of the 350th Session of the Governing Body (GB.351/INS/2)	7
Decision	7
3. Appointment of Governing Body committees and bodies and of the Board of the International Training Centre of the ILO (GB.351/INS/3 and Add.1)	7
Decision	8
4. Questions arising out of the 112th Session of the International Labour Conference requiring immediate attention (No document)	8
Decision	11
5. Report of the Working Party on the New Social Contract for Our Common Agenda (GB.351/INS/5).....	11
Decision	18
6. 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.351/INS/6).....	18
Decision	23

7.	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.351/INS/7)	23
	Decision	29
8.	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) (GB.351/INS/8(Rev.1))	30
	Decision	33
9.	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.351/INS/9(Rev.1))	34
	Decision	36
10.	Report of the Committee on Freedom of Association (GB.351/INS/10)	37
	Decision	42
11.	Regular report of the Director-General (No document).....	43
11.1.	First Supplementary Report: Closure of the representation alleging non-observance by Uruguay of the Hours of Work (Industry) Convention, 1919 (No. 1), the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), and the Occupational Safety and Health Convention, 1981 (No. 155) pursuant to a successful conciliation process (GB.351/INS/11/1)	43
	Decision	43
11.2.	Second Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Mexico of the Social Security (Minimum Standards) Convention, 1952 (No. 102) (GB.351/INS/11/2)	43
	Decision	43
11.3.	Third Supplementary Report: Report of the Tripartite Committee set up to examine the representation alleging non-observance by Brazil of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) (GB.351/INS/11/3)	44
	Decision	44
11.4.	Fourth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Colombia of Conventions Nos 3, 12, 17, 18, 24, 25 and 144 (GB.351/INS/11/4)	44
	Decision	44
11.5.	Fifth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by France of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (GB.351/INS/11/5).....	45
	Decision	45

12.	Reports of the Officers of the Governing Body	45
12.1.	First report: Representation alleging non-observance by Chile of the Maritime Labour Convention, 2006, as amended (MLC, 2006), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) (GB.351/INS/12/1).....	45
	Decision	45
12.2.	Second report: Representation alleging non-observance by the Dominican Republic of the Protection of Wages Convention, 1949 (No. 95), the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Equality of Treatment (Social Security) Convention, 1962 (No. 118) (GB.351/INS/12/2).....	46
	Decision	46
12.3.	Third report: Representation alleging non-observance by Ecuador of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) (GB.351/INS/12/3)	46
	Decision	46
13.	Composition, agenda and programme of standing bodies and meetings (GB.351/INS/13(Rov.1))	46
	Decisions	47

1. The 351st Session of the Governing Body of the International Labour Office was held in Geneva on Saturday, 15 June 2024. It was presided over by the outgoing Chairperson, Mr Abiodun Richards Adejola (Nigeria), and Mr Seong Deok Yun as incoming Chairperson.
2. The spokespersons of the Employers' and Workers' groups were as follows:

Item	Employer spokesperson	Worker spokesperson
INS/1, 2, 3, 4, 5, 6 and 7	Ms Renate Hornung-Draus (Germany)	Ms Catelene Passchier (Netherlands)
INS/8	Mr Manuel Terán (Ecuador)	Ms Catelene Passchier (Netherlands)
INS/9	Mr Paul Mackay (New Zealand)	Ms Catelene Passchier (Netherlands)
INS/10	Mr Thomas Mackall (United States of America)	Mr Jeffrey Vogt (United States of America)
INS/13	Ms Emiko Nagasawa (Japan)	Ms Catelene Passchier (Netherlands)

► Institutional Section

1. Election of the Officers of the Governing Body for 2024–25 (No document)

3. **Speaking on behalf of the Government group**, a Government representative of Namibia nominated Mr Seong Deok Yun, Ambassador, Permanent Representative of the Republic of Korea to the United Nations Office and other international organizations in Geneva, for the post of Chairperson of the Governing Body for the period 2024–25. Mr Yun's distinguished career had included service as Deputy Minister for Economic Affairs and as Ambassador to Morocco as well as diplomatic postings in Belgium, China and Lebanon. Her group was confident that his decades of experience in trade, economic affairs and multilateral diplomacy would enable Mr Yun to guide the Governing Body's work skilfully in the context of the tripartism and social dialogue that lay at the core of the ILO.
4. **The Employer and Worker spokespersons** endorsed the nomination.
5. **Speaking on behalf of the Employers' group**, an Employer member from Japan nominated Ms Renate Hornung-Draus as Employer Vice-Chairperson.
6. **Speaking on behalf of the Workers' group**, a Worker member from the United Kingdom of Great Britain and Northern Ireland nominated Ms Catelene Passchier as Worker Vice-Chairperson.

Decision

7. **The Governing Body elected for the 2024–25 period:**
 - **Mr Seong Deok Yun, Ambassador, Permanent Representative of the Republic of Korea to the United Nations Office and other international organizations in Geneva, to the post of Chairperson;**
 - **Ms Renate Hornung-Draus (Employer, Germany) as Employer Vice-Chairperson; and**
 - **Ms Catelene Passchier (Worker, Netherlands) as Worker Vice-Chairperson.**
- (No document)

Opening remarks

8. **The outgoing Chairperson** said that he had been honoured and privileged to serve as Chairperson of the Governing Body. His year in office had been instructive, although not easy. Members of the Governing Body should keep the overarching goal of the ratification and implementation of the ILO's updated body of labour standards by Member States and the international community uppermost in their minds. The ILO might consider whether the inclusion of a degree of flexibility in Conventions might increase the number of ratifications. Changing global demographics as well as artificial intelligence and digitalization raised particular challenges for the future. A creative response was needed; the Governing Body had gained a head start in better structuring its understanding of the impact of digitalization at its March meeting with global experts on that topic. Labour migration was inevitable, and it would be important to seek a just framework that protected national and international workers, incentivized employers and entrepreneurs and secured productivity in all Member States. New innovations and COVID-19 had reshaped labour processes, transforming the future of work and the rights of the workers involved. Pertinent responses to potential challenges in that regard were needed, and which the International Labour Conference would engage with in greater depth in 2025. It was important to support the Office in its various priority action programmes and to continue to work assiduously to achieve the noble vision enshrined in the Global Coalition for Social Justice. He thanked all those who had worked with him as Chairperson and extended congratulations to his successor.
9. **The Director-General** expressed appreciation to the outgoing Chairperson for his contribution and, in keeping with tradition, presented him with the gavel that he had used in chairing the Governing Body as a souvenir.
10. **The Worker Vice-Chairperson** commended the outgoing Chairperson for having guided the Governing Body comfortably through a difficult and complex year with able hands, a cordial smile and insuperable eloquence.
11. **The Employer Vice-Chairperson** expressed appreciation for the outgoing Chairperson's unwavering patience and adept management and for his positive spirit and determination to steer the Governing Body through turbulent waters to safe harbour. Such leadership coupled with personal humility and kindness was a rare combination.
12. **Speaking on behalf of the Government group**, a Government representative of Namibia congratulated the outgoing Chairperson for his diplomatic astuteness, wit and erudition in guiding the Governing Body to work together through difficult circumstances to ensure that no one was left behind.
13. **Speaking on behalf of the Government group**, a Government representative of Mexico said that the time was ripe to reaffirm the commitment of all to improve labour conditions throughout the world and promote the ILO's core principles of social justice. Regional coordinators were well-placed to witness the impact of the Organization's collective efforts on the ground in the regions, the particular challenges and opportunities in which required tailor-made innovative solutions. The breadth of their experience was enriching for the Organization and underscored the need for cooperative action.
14. He thanked the outgoing Chairperson of the Government group, Ambassador Julia Imene-Chanduru and, also, Meriam Nicodemus from Namibia, for their leadership and dedication to keeping efforts towards significant outcomes on track, as well as the new members of the group and the incoming Chairperson of the Governing Body. The outgoing Chairperson of the Governing Body had driven forward a transformation towards a world in which every worker

enjoyed fundamental rights, fair and equal working conditions and equality of opportunities. His group looked forward to productive discussions that would shape the path to the future.

15. **Speaking on behalf of the Africa group**, a Government representative of Niger congratulated the outgoing Chairperson for his superb work at the helm of the Governing Body. He congratulated the incoming Chairperson, whose experience, sense of fair play and demonstrated goodwill would be assets to the work of the Governing Body. Similarly, he congratulated both the Employer and Worker Vice-Chairpersons, and assured all three of his group's strong support.

(Mr Yun took the Chair.)

16. **The incoming Chairperson** expressed thanks to his predecessor for his leadership of the Governing Body, to the Government group for its support and to the Asia and the Pacific region for having nominated him for the post of Chairperson. He would spare no effort to lead the Governing Body to the best of his abilities, working closely with his fellow Officers and the various groups. He intended to work hand in hand with the Government group and its regional coordinators to ensure that the work was as inclusive as possible, while preserving the independence of the role of Chairperson of the Governing Body

2. Approval of the minutes of the 350th Session of the Governing Body (GB.351/INS/2)

Decision

17. **The Governing Body approved the minutes of its 350th Session, as amended.**

(GB.351/INS/2, paragraph 2)

3. Appointment of Governing Body committees and bodies and of the Board of the International Training Centre of the ILO (GB.351/INS/3 and Add.1)

18. **Speaking on behalf of the Government group**, a Government representative of Mexico indicated that his group had received a communication from the Asia and Pacific group (ASPAG) nominating China as a member of the Standards Review Mechanism Tripartite Working Group (SRM TWG) and of the Board of the International Training Centre of the ILO (Turin Centre) and, also, the Philippines as a member of the Board of the Turin Centre.
19. **The Chairperson** said that additional time would be allowed for nominations to the positions that remained to be filled, until mid-July. The endorsement of those nominations could be made by the Officers under delegated authority.
20. **The Worker spokesperson** said that her group had no further nominations to make. She welcomed the renewal of Professor Kalula's appointment as Chairperson of the Committee on Freedom of Association, thanked the outgoing Chairperson of the SRM TWG for her work and welcomed the new incumbent of that important position, Mr Ramón Muñoz Castro of Colombia.
21. **The Employer spokesperson** said that her group wholeheartedly supported the Officers' proposal to extend the mandate of Professor Kalula as Chairperson of the Committee on Freedom of Association. It had submitted its nominations for six titular and six substitute

members of the Board of the Turin Centre. She thanked governments for their swift nominations to the SRM TWG and looked forward to hearing about the proposals made.

Decision

22. The Governing Body:

- (a) **reappointed Professor Evance Rabban Kalula as Chairperson of the Committee on Freedom of Association for the period 2024–27;**
- (b) **appointed for the period 2024–27 the Governing Body members mentioned in document [GB.351/INS/3\(Add.1\)](#), as members of the Committee on Freedom of Association;**
- (c) **conveyed its appreciation to Ms Thérèse Boutsen (Belgium) for the valuable services rendered as Chairperson of the Standards Review Mechanism Tripartite Working Group since 2021;**
- (d) **appointed for the period 2024–27 Mr Ramón Muñoz Castro (Colombia) as Chairperson of the Standards Review Mechanism Tripartite Working Group**
- (e) **noted the appointment of the 32 members of the Standards Review Mechanism Tripartite Working Group for the same period, made by the three groups and listed in document [GB.351/INS/3\(Add.1\)](#);**
- (f) **appointed 24 of its members as members of the Board of the International Training Centre of the ILO for the period 2024–27 (see [GB.351/INS/3\(Add.1\)](#)).**

([GB.351/INS/3](#), paragraph 11)

4. Questions arising out of the 112th Session of the International Labour Conference requiring immediate attention (No document)

- 23. **The Worker spokesperson** said that while the International Labour Conference had generally functioned well, the issue of excessively long working hours remained to be adequately addressed. Secondly, while her group had much appreciated Global Forum Day, in particular the presence and speech of President Lula, it was regrettable that the speakers' list was all-male. Although certain points, such as the current occupation of key leadership positions by men, could not be changed, certain elements, such as who to put on the podium, could be addressed. Gender equality was part of the social justice agenda.
- 24. Further to the special sitting on Palestine, she noted that under Article 4 of the 1946 Agreement between the United Nations and the International Labour Organization, the ILO had an obligation to bring General Assembly resolution ES-10/23, granting Palestine status equal to that of a full member at the United Nations, to the attention of the Governing Body as soon as possible for any follow up it deemed appropriate. She called on the Governing Body to discuss and adopt measures to align the status and participation of Palestine in the ILO as soon as possible, with particular focus on aligning participation rights for social partners with those of an ILO Member State, as that would allow Palestinian workers representation in the ILO pending full membership status. She therefore urgently requested that an item be included on the agenda of the 352nd Session on the status of Palestine in the ILO and participation rights in ILO meetings, including any necessary amendments to the relevant rules of procedure, and asked the Office to prepare a document to inform that discussion. Similarly, further to the recommendation of the Conference Credentials Committee, she requested the Office to

prepare, in a timely manner, a document on options to enhance the participation of worker and employer representatives from Myanmar, for discussion and decision in November.

25. **The Employer spokesperson** said that there was nothing wrong with being a man, and the only relevant criterion guiding the appointment of officials to the ILO should be their competence. As to Palestine and Myanmar, while she supported the substance of the points raised it would be appropriate to follow normal procedure in line with the Standing Orders and allow the screening group to set the Governing Body's November agenda.
26. Regarding the Conference, she called on the Office to ensure that both the Bureau for Employers' Activities (ACT/EMP) and the Bureau for Workers' Activities (ACTRAV) were properly involved in the production of balanced and impartial Office reports, in order to ensure that negotiations in the technical committees were conducted on an equal footing. She further called on the Office to ensure the timely publication of reports. In addition, she called on governments to ensure the timely appointment of committee chairpersons, so that they could receive adequate briefing on the relevant rules of procedure and recalled that the role of chairperson was to promote consensus, impartially. Meetings headed by impartial, well-briefed chairpersons would make swifter progress and, thereby, reduce working hours. Further, some observers attending the Conference that year had lobbied committee members. When accepting observers, the Office should indicate clearly that their role was to observe, not to influence, debates. Lastly, while the Conference application had worked well, the ILO web page would benefit from an overhaul.
27. **Speaking on behalf of the Africa group**, a Government representative of Senegal expressed support for the Workers' group proposal on Palestine. As to the Conference, the work done in plenary was well managed, including in terms of time management, and potential problems arising from ongoing renovation works at the Palais des Nations were addressed effectively. Attendance and participation in plenary debates was high that year; however, the unavailability of the Assembly Hall was sorely felt by participants following plenary work from overflow rooms. Regarding the Report of the Director-General, its earlier publication in 2025 would better enable delegates to analyse it and, consequently, improve the quality of statements. Concerning the working methods and programmes of the various committees, she proposed that they be reviewed to ensure that work did not continue past midnight. Further, the Office might consider ensuring time for discussions in the Conference by holding prior consultative meetings in the regions. Additionally, it was time to review the reduced length of the Conference, as the current two-week time frame had a serious impact on delegates' welfare. Lastly, difficulties encountered in obtaining visas had a negative impact on the participation of regional experts in the Conference. She therefore urged the ILO to address that issue with the host Government.
28. **Speaking on behalf of the group of industrialized market economy countries (IMEC)**, a Government representative of Canada said that she appreciated the implementation of some of IMEC's recommendations made following the previous year's Conference. However, she regretted that tripartite constituents at the 112th Session were not notified of modifications to a committee report and urged the Office to ensure timely communication and transparency at future sessions. While IMEC appreciated the consultations and preparations for the Inaugural Forum of the Global Coalition for Social Justice, she requested earlier notice of programme changes for future high-level Conference summits.
29. Noting reports of harassment of ILO staff during the Conference with deep concern, she urged the Office to continue efforts to enforce a zero-tolerance policy for all ILO staff and Conference participants. She further noted with regret that women were not represented at all on the

closing panel of the Inaugural Forum and strongly urged the Office to continue efforts to achieve gender parity for participation in the Conference.

30. The Office must make a determined effort to avoid late sittings. They were not conducive to effective discussions and decision-making, were detrimental to participants' safety and well-being and could exclude some from exercising their duties fully. Swiss law, for example, prohibited night work for pregnant and breastfeeding women. Where sittings exceeded core working hours, the Office must ensure the availability of food, drink and transport.
31. Although draft conclusions were prepared swiftly, they were lengthy. Time was not available to discuss or draft conclusions in the recurrent and general discussion committees. Her group urged the Office to innovate to ensure that draft conclusions were more concise and their timely and complete review. She recognized tripartite constituents' strong commitment to committee discussions. However, the absence of key officers for those discussions caused unnecessary delays and should be avoided. She emphasized that voting policies should have been applied more strictly in the Committee on the Application of Standards, including with regard to checking badges. Lastly, it was important that the Office ensure that amendment texts appeared on screen in English, French and Spanish to ensure the adequate participation of all members.
32. **Speaking on behalf of the Arab group**, a Government representative of Qatar said that granting the State of Palestine membership in international organizations was a matter not merely of principle but of urgent need, to achieve peace, stability and security for the Palestinian people. His group fully supported the Workers' group proposal to include an item on the November agenda of the Governing Body to review ways of granting the Palestinian Government and social partners status and rights similar to those of other Member States in the Organization and requested the Office to prepare a document on that issue. The Organization's recognition of the State of Palestine was an important step towards confirming the right of the Palestinian people to freedom, peace and self-determination and a prerequisite for sustainable peace in the region. He encouraged the Governing Body to take a decision on that issue, without waiting for the screening group: the matter of Palestine was urgent and called for an urgent decision.
33. **The Worker spokesperson** said, with respect to the lack of diversity on the podium, that the oft-invoked argument that competence was the only relevant criterion neglected to consider the competence of the highly qualified participants of all colours and genders who filled the room, or how they viewed the podium. In addition, she asked for clarification as to whether the Governing Body could decide to request the Office to place the urgent matter of representation rights for both Palestine and Myanmar on the Governing Body's November agenda and prepare the relevant documents without going through the screening group. Lastly, she commended the Office for the high quality of its Conference preparations, noting that any shortcomings could be addressed and resolved through dialogue.
34. **Speaking on behalf of the Organization of Islamic Cooperation (OIC)**, a Government representative of Libya said that her group would like Pakistan to be granted speaking rights as its coordinator on labour affairs, in the same manner as Belgium had been granted speaking rights for the European Union. She supported the proposal to include an item on ways to grant the Government of Palestine and the Palestinian social partners similar status and rights and to align its status and participation as a country on the Governing Body's November agenda.

35. **The Employer spokesperson** said that her group fully supported the substance of the Workers' group proposal and its request to include the matter on the Governing Body's November agenda but sought to protect the integrity of the procedures. She had no doubt that the right decisions would be taken by following the Standing Orders.
36. **A representative of the Director-General** (Legal Adviser) clarified that the Governing Body had sovereign authority to determine its own agenda and make the decisions it wished without submitting proposed agenda items to the screening group, citing paragraph 34 of the introductory note to the Compendium of rules applicable to the Governing Body of the International Labour Office.
37. **The Worker spokesperson** said that the Legal Adviser had clarified the Employers' question concerning procedure. The Employers' group and several government groups had expressed support for her group's proposal on Palestine and, it was hoped, its proposal on Myanmar. The Office could therefore prepare documents on both issues for discussion by the Governing Body in November. Concerning the OIC request for speaking rights to be granted to Pakistan, a request to speak on behalf of a government group should normally be addressed to the Officers of the Governing Body with a clear indication of the countries represented.
38. **The Employer spokesperson** said that there was agreement on the substance of the Workers' group proposal. Concerning the OIC request, she saw no reason why Pakistan should be refused a right granted to Belgium as a non-member of the Governing Body and, further, noted that the OIC was a clearly defined group of countries.

Decision

39. **The Governing Body decided to add to the agenda of its 352nd Session (October–November 2024) two items for debate and decision:**
- (a) **The status of Palestine in the ILO and participation rights of Palestine in ILO meetings following the United Nations General Assembly resolution ES-10/23;**
 - (b) **Possible options that could allow employers' and workers' representatives from Myanmar to contribute to the work of future sessions of the Conference, based on the recommendation of the Credentials Committee of the 112th Session of the International Labour Conference.**

(No document)

5. Report of the Working Party on the New Social Contract for Our Common Agenda (GB.351/INS/5)

40. The Governing Body had before it an amendment to the draft decision, proposed by the European Union (EU) Member States and circulated by the Office, which read:
- 7. The Governing Body, in accordance with the agreed road map:
 - (a) requested the Director-General to transmit to the co-facilitators of the intergovernmental preparatory process leading up to the Second World Summit for Social Development in 2025, his report entitled *Towards a renewed social contract*;
 - (b) requested the Office to prepare a summary of the Conference discussions on the report of the Director-General *Towards a renewed social contract* and invited Member States to send national tripartite contributions;
 - (b~~c~~) instructed the Working Party to prepare the draft key messages of the tripartite input to the 2025 Summit, for approval at its 352nd Session (October–November 2024). In

doing so, the Working Party shall take into account the Conference discussions on the report of the Director-General entitled *Towards a renewed social contract*, as well as possible national tripartite contributions.

41. **The Employer spokesperson** said that her group was eager to work constructively on providing substantive tripartite inputs into the Second World Summit for Social Development (2025). That event could secure the ILO's relevance in the United Nations (UN) family and the international community if its statement both resonated with the topics discussed by the UN in New York and brought out the ILO's tripartite nature. She welcomed the substantive ideas put forward concerning the Summit and its content by the two Summit co-facilitators who had attended the Conference.
42. In order to be relevant, the ILO's input should recognize the contribution of the private sector to sustainable development as the main employment provider. Enterprises, especially small and medium-sized enterprises, drove investments, innovation and growth. Without sustainable enterprises, there were no jobs. It was important to ensure that the UN promoted the creation of a conducive environment for sustainable enterprises, which would also contribute to addressing and reducing informality. Furthermore, it was important to include labour market governance, the recognition of the central role of representative and independent employers' and workers' organizations, investment in skills development and, also, productivity growth as a driver for social justice. Those points were all developed in the ILO Centenary Declaration for the Future of Work, which should guide the ILO's preparation of its input.
43. She rejected the proposed amendments to the draft decision requesting the Office to prepare a summary of Conference discussions and contributions on the Report of the Director-General entitled *Towards a renewed social contract* as unwieldy and impracticable, particularly in view of the timeline for the submission of inputs to the Summit. Her group supported the draft decision.
44. **The Worker spokesperson** welcomed the establishment of the Working Party. It would be crucial to remain resourceful and agile in response to a fast-moving process. She expressed regret and concern that agreement with the Employers' group remained to be reached on a joint text, despite sustained efforts to that end and although there appeared to be substantial common ground for a statement. Since the ILO's unique selling point was tripartism and social dialogue, it should be able to deliver a useful contribution at an early stage and it was somewhat embarrassing that it had not been able to do so, particularly before a full Conference and external guests. In order to be ready for the November session of the Governing Body, she proposed that the Working Party skip ahead on the road map to draft key messages and important points that the ILO wished to feed into the UN process while doing so had an impact. In the meantime, her group was pleased to send the Report of the Director-General to New York as an initial ILO input. It had greatly appreciated all exchanges with the co-facilitators, as well as the efforts made by France to come up with a tripartite input at the national level. It encouraged other countries to follow the French lead and hold tripartite discussions and consultations with a view to bringing interesting inputs to the 2025 Summit. She welcomed the fact that the Conference had requested the Director-General to communicate the conclusions of the third recurrent discussion on fundamental principles and rights at work to relevant international and regional organizations for their attention in the context of that Summit. Together, those documents provided a solid tripartite input to the process and a substantial basis on which to build in developing a list of key points and messages for submission in November.

45. With regard to the proposed amendment, she asked whether the request for an Office summary should be included in the draft decision at that moment. She further asked what purpose national tripartite contributions would serve, and whether they would precede the ILO's work on the key messages. As to proposed subparagraph (c), she agreed that the Conference discussions on the Report of the Director-General should be taken into account in the preparation of the key messages, in accordance with the road map, and invited the Employers' group to recognize the logic of doing so, since national tripartite contributions that arrived in time could then be considered. In respect of proposed subparagraph (b), she sought clarification from the Office as to what could, and could not, be done.
46. **A Government representative of Spain** said that the amendment proposed by the EU Member States would be dealt with by Belgium.
47. **Speaking on behalf of the Africa group**, a Government representative of Gabon said that the 2025 World Social Summit would come 30 years after the first World Social Summit in Copenhagen and 20 years after the African Union Extraordinary Summit on Employment and Poverty Alleviation in Africa in Ouagadougou. Despite the progress achieved, inequalities continued to grow between and within countries, in Africa due to poverty, social crises, economic difficulties, conflicts and geopolitical instability. The 2025 Summit afforded an opportunity to renew commitment to the implementation of the 2030 Agenda for Sustainable Development (2030 Agenda) and Agenda 2063, with a view to building a fairer and more resilient society. Greater social justice would contribute to the establishment of universal and lasting peace. His group placed great hope in the 2025 Summit because of the important issues with which it would deal. The co-facilitators had acknowledged in the strategic dialogue of 7 June that key social development issues were closely linked to the ILO's mandate, based on social justice and the promotion of decent work. The ILO should, therefore, ensure that it played a leadership role on issues relevant to its mandate and make a contribution on social development issues. Its input to the document submitted for adoption by Member States should take into account the priorities of the African region, including youth employment, social protection, climate change and labour migration. The ILO should ensure that its tripartite constituents played an active part and, further, reiterate the importance of standards in the world of work and in social development overall.
48. As to the proposed amendment, he requested further information on the nature of the contributions sought from Member States.
49. **Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)**, a Government representative of Peru said that his group noted the discussions held by the Working Party, welcomed the Organization's interest in the renewal of the social contract and further welcomed the strategic dialogue with the co-facilitators. GRULAC supported the efforts of the Office to reach agreement on a draft statement forming the basis of a tripartite input to the Second World Social Summit and to continue the discussion with the 352nd Session of the Governing Body in view. He urged the Working Party to continue to pursue the objectives of social justice, decent work and the inclusion of vulnerable groups, with focus on the principles of the 2030 Agenda, namely, universality, inclusion, a human-centred approach, social protection and combating inequalities, with a gender perspective and attention to just technological and environmental transitions. His group supported the draft decision.
50. **Speaking on behalf of the EU and its Member States**, a Government representative of Belgium, authorized to speak in accordance with article 1.8.3 of the Standing Orders, said that North Macedonia, Montenegro, Ukraine, Albania, the Republic of Moldova, Bosnia and Herzegovina, Norway and Switzerland aligned themselves with her statement. She welcomed

the emphasis placed on the Social Summit during the Conference, the Director-General's Report on a renewed social contract and the meeting with the co-facilitators.

51. A renewed social contract should be anchored in human rights and the ILO's fundamental principles and rights at work and should address major inequalities and transformative challenges in the world. The EU and its Member States were committed to reinforcing the social dimension of sustainable development. The 2025 Summit would address challenges that had emerged since the Copenhagen Summit and lend momentum to the implementation of the 2030 Agenda. Given the ILO's central role in promoting decent work for all, she called on all Member States to work with their New York counterparts to ensure that it played a leading role in the 2025 Summit in line with its mandate and recalled that the Organization, with its unique tripartite structure, was founded on the premise that universal and lasting peace can only be based on social justice.
52. While the transmission of the Director-General's Report to the co-facilitators in New York was welcome, the report would have been better enriched with a statement from the Office and the Working Party based on the Conference discussion. She encouraged the Working Party to continue to prepare a draft key message for discussion and adoption by the Governing Body at its 352nd Session.
53. It was important to amend the draft decision. The Office was requested to prepare a summary of the Conference discussion of the Director-General's Report to facilitate the Working Party's deliberations. The Office had presumably taken note of the discussions and conclusions concerning that important institutional document, hence forwarding the relevant material to those concerned, particularly the co-facilitators, should not entail excessive work. She further encouraged constituents to develop national tripartite initiatives that would provide valuable input and in search of a common position between those expressed in New York and Geneva and expressed confidence that the ILO would be able to demonstrate how tripartism and social dialogue could lead to meaningful outcomes.
54. **A Government representative of Congo** recalled that as the Conference had reaffirmed 80 years previously in the Declaration of Philadelphia, labour was not a commodity. He commended the Working Party for the work done and underscored his country's firm belief that complex matters were best addressed through international cooperation. Losing the fight against social inequality would be judged badly by history. He supported the draft decision.
55. **A Government representative of the United States of America** said that opportunities to unite the international community behind a programme of social justice were infrequent and should be fully utilized. The potential of the Second World Social Summit to address gaps in the implementation of the 1995 Copenhagen Declaration on Social Development must be realized, including by increasing efforts to advance decent work. The ILO had played a critical role at the 1995 Summit. The value of its input into the 2025 Summit was premised on what could be achieved when, as stated in the Declaration of Philadelphia, workers and employers joined with governments in free discussion and democratic decision with a view to the promotion of the common welfare. He regretted that agreement on a draft statement as the basis of a tripartite input to the 2025 Summit had not been reached. However, his country was committed to working closely with fellow Working Party members to reach consensus on the draft key messages of tripartite input to the Summit for approval at the next session of the Governing Body. It would also work within its own Government to emphasize the importance of focusing on the promotion of decent work at the Summit and encouraged other ILO constituents to do the same. He supported the draft decision and could be flexible on the proposed amendment.

56. **The Chairperson of the Working Party** said that the Working Party had received few contributions from Governments, which had hindered its work. However, interest in the new social contract had been evident both during the plenary sessions of the Conference and at the Inaugural Forum of the Global Coalition for Social Justice, and a number of interesting statements had been delivered that could contribute substantially to the drafting of the document and the impact of the contributions made at the Conference to the Summit. He therefore called on Governments to put pressure on their capitals to ensure that the desired topics were included.
57. **A Government representative of Colombia** expressed the hope that the Summit would soon be held in his region, as that would enable Latin American social movements to participate in Summit discussions through civil society.
58. **A Government representative of the Russian Federation** requested clarification concerning the legal and procedural basis on which Belgium represented the EU, as his Government would be interested in representing regional organizations such as the Eurasian Economic Union on the same basis.
59. **A representative of the Director-General** (Assistant Director-General, External and Corporate Relations Cluster) expressed confidence that the Working Party would move forward and reach consensus on a proposed statement by November. Regarding the preparation of a report on the discussion of the Director-General's Report and with the co-facilitators, the Office had offered to provide the Working Party with its broad summary of main key points raised; a more detailed summary listing every single intervention would be a more complex exercise. The objective of the proposed amendment was unclear.
60. Concerning tripartite consultations, the time frame for producing meaningful results that could be systematically incorporated into the Working Party's work had been limited from the outset. In view of the September submission deadline for the Governing Body document, any tripartite inputs received over the coming month could be incorporated; however, it would be difficult to incorporate inputs received after August. It was hoped that tripartite delegations would attend the Summit having held discussions and defined tripartite positions. All would agree that tripartite consultations should be promoted. However, it was less clear in the proposed amendment how such consultations would be incorporated into the road map agreed in March.
61. The Working Party would have the Director-General's Report, the summary of key elements discussed at the Conference plenary sessions and the specific event with the co-facilitators, as well as any tripartite inputs received from different countries at its disposal to prepare the draft statement, or key messages and resultant draft statement. By September, it should be in a position to have identified the key elements that it had promised to deliver to the Governing Body in time for its October–November meeting.
62. **A Government representative of South Africa** requested, in the interest of following correct procedure and with reference to the point raised by the Russian Federation, further clarification concerning the Belgian contribution, as the Standing Orders did not appear to clarify the matter.
63. **A Government representative of Canada** asked whether the Office could share the summary of the discussion with the co-facilitators more widely with tripartite constituents or publish it online on the Conference website.

64. **The representative of the Director-General** (Assistant Director-General, External and Corporate Relations Cluster) said that it had initially been envisaged to share that summary with the Working Party.
65. **The Clerk of the ILO Governing Body** said that such a summary would not normally be widely shared.
66. **The Employer spokesperson** said that she saw no need to circulate anything. In the interest of simplicity, it would be preferable to stay with the Working Party, established by the Governing Body, and with the original draft decision.
67. **The Worker spokesperson** said that nobody appeared to disagree with proposed subparagraph (c). A full report of the Conference would appear in due course; meanwhile, informal summaries would help constituents in their deliberations and it was unclear how taking into account any tripartite contributions shared would pose a problem. Her group could support proposed subparagraph (b) if it moved work forward. The important point was that the Working Party should deliver something useful for the November session of the Governing Body
68. With regard to the issue of speaking rights, clear rules existed, as well as procedures to be followed when a non-member Government wished to speak in the Governing Body. As an Officer of the Governing Body, she was involved in those authorization procedures. At the November 2023 sessions of the Governing Body, all requests for the right to speak had been granted. She requested the Legal Adviser to further clarify the matter of access to speaking rights.
69. **The Employer spokesperson** said that that issue should be discussed at a separate meeting. Article 1.8.3 of the Standing Orders stated that "[a] representative of a State that is not a member of the Governing Body will also be able to speak, with the authorization of the Officers, to express views on matters concerning the State's own situation if a decision point may affect its interests, or if that State, or the situation of that State, has been specifically referred to in the discussion." As South Africa and the Russian Federation appeared to indicate, that was clearly not the case with Belgium, which had requested the right to speak on behalf of the EU for a different reason. That had set a precedent which should be discussed, but on a later occasion once the relevant rules had been clarified and, perhaps, amended to ensure that they were fair and applied equally to all.
70. **Speaking on behalf of GRULAC**, a Government representative of Peru said that his group initially supported the original proposal but subsequently understood that contributions to the Working Party were insufficient and the proposed amendment sought to cover that gap. The extension of deadlines for contributions had potential to create imbalances in quality and quantity; it would be unfeasible to reach tripartite consensus and submit consensus-based contributions by the August deadline. As an alternative, Member States could be requested to make contributions that were not necessarily tripartite.
71. **The Employer spokesperson** said that proposed subparagraph (c) was unduly prescriptive and should be reworded. She proposed that the words "shall take into account" be replaced by the words "should take into account, as far as possible", which her group could accept in the interest of consensus if agreed by all. Otherwise, her group supported the original draft decision.
72. **Speaking on behalf of the EU and its Member States**, a Government representative of Belgium said that the proposed subamendments to subparagraphs (b) and (c) were acceptable.

73. **The Worker spokesperson** said that the idea behind the proposed amendments was that any initiatives to provide tripartite input would be welcome but were not obligatory. Similarly, the Working Party was not obliged to do anything specific with such inputs but would simply take them into account. Any further tripartite communication, consultation and work leading up to the Summit would be positive.
74. **The Employer spokesperson** said that it was unnecessary to specify that the Working Party would take into account the plenary discussions and any tripartite contributions. The original draft decision was sufficient.
75. **Speaking on behalf of the Africa group**, a Government representative of Niger said that he also considered the discussion unnecessary and the original draft decision was sufficient.
76. **Speaking on behalf of the EU and its Member States**, a Government representative of Belgium said that the ultimate objective was to adopt a declaration based, inter alia, on the Conference discussions. The Working Party had not reached consensus, but the most important matter was to take into account the input of the parliament of the world of work. The proposed subamendments simply reflected the co-facilitators' requests. The Office was perfectly capable of taking into account the necessary elements from the discussion and plenary.
77. **A Government representative of China** said that he was flexible regarding the amendments proposed by the EU. The Working Party would continue to work towards an outcome based on tripartite agreement. China had made constructive contributions to the Working Party's efforts to reach consensus and to the draft decision under discussion. In that context, he had expressed his country's understanding that the social contract at the national level should be decided upon in the national conversation involving the Government and the social partners. China was not opposed to any aspect of the social contract or involvement with the social partners.
78. **The Employer spokesperson** said that she agreed that national tripartite members should take decisions at the national level. In the interest of consensus, she could agree to delete proposed subparagraph (b) and subamend the following subparagraph, replacing the words "shall take into account" by the words "should take into account, as far as possible".
79. **The Worker spokesperson** said that the co-facilitators might find it puzzling that while, in New York, emphasis was placed on fighting for social dialogue to be integral to the Summit, the Governing Body did not wish to mention its relevance. She welcomed tripartite discussions and contributions and found it strange not to mention them. However, in the interest of moving forward, she could accept the proposed subamendment.
80. **Speaking on behalf of GRULAC**, a Government representative of Peru clarified that his group was not against tripartite contributions.
81. **A representative of the Secretary-General** (Legal Adviser) said, in response to questions concerning the Belgian representation of the EU, that the Governing Body was an organ of limited composition. The issue of the speaking rights of Member States not elected as Governing Body members was regulated under article 1.8.3 of the Standing Orders. The Office of the Legal Adviser had repeatedly and consistently advised in favour of a strict, narrow and literal application of that article, although it did provide for the discretion of the Officers of the Governing Body. A practice had emerged where the Officers granted, always on an exceptional basis, speaking rights to non-members of the Governing Body. Because that emergent practice was in contradiction to article 1.8.3, the Office of the Legal Adviser had advised that the matter be addressed during the forthcoming review of the functioning of the Governing Body.

82. **A Government representative of the Russian Federation** said, in view of the legal analysis provided, that if the decision to grant speaking rights to non-members was at the discretion of the Officers, it should be clearly stated that Belgium was granted speaking rights on behalf of the EU on an exceptional basis at the current session, and that that did not constitute a practice for the Governing Body. Further, he would like to put on record that while his delegation could accept that arrangement at the current session, such acceptance did not constitute any kind of acquiescence or silent agreement with the practice in future. At the next session, it would be useful to have a clear understanding of how the Governing Body would proceed with the representation of the EU and the practice at hand should be brought in line with the Standing Orders of the Governing Body.
83. **The Worker spokesperson** said that she had recently flagged that the Officers were becoming too flexible in allowing speaking rights. The specific request to allow Belgium, a Governing Body member until recent days, to speak on behalf of the EU at the current, one-day session of the Governing Body deserved, in her view, to be exceptionally agreed. Officers should always consider whether there was a good reason for the request. She agreed that transparency and clarity were needed, and that Officers should use their discretion with due diligence. She remained ready for further discussions on that matter.

Decision

84. **The Governing Body, in accordance with the agreed road map:**
- (a) **requested the Director-General to transmit to the co-facilitators of the intergovernmental preparatory process leading up to the Second World Summit for Social Development in 2025 his Report entitled *Towards a renewed social contract*;**
 - (b) **instructed the Working Party to prepare the draft key messages of the tripartite input to the 2025 Summit, for approval at its 352nd Session (October–November 2024). In doing so, the Working Party should take into account, as far as possible, the Conference discussions on the Report of the Director-General entitled *Towards a renewed social contract*.**

(GB.351/INS/5, paragraph 7, as amended by the Governing Body)

6. 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.351/INS/6)

85. The Governing Body had before it an amendment to the draft decision, which had been proposed by the Workers' group and circulated by the Office, which read:
- 8. The Governing Body:
 - (a) requested the Office to prepare for its consideration at the 352nd Session (October–November 2024) an issues paper containing an analysis of the matters outlined in paragraph 2(g) of document GB.351/INS/6 and relevant recommendations, taking into account the guidance provided during the discussion;
 - (b) decided to continue its discussion on ~~the form and modalities of~~ the review of the functioning of the Governing Body regarding possible areas for improvement at the 352nd Session (October–November 2024), ~~and, to this end, requested the Office to prepare for further decision by the Governing Body;~~

~~(i) procedural proposals for the composition, terms of reference and duration of a working party;~~

~~(ii) a roadmap and timeframe for tripartite intersessional consultations.~~

- 86. The Employer spokesperson** said that she supported the areas of convergence listed in the document, noting that constituents broadly agreed on the need to review those areas to improve the functioning of the Governing Body. Two areas where there was no convergence were also highlighted. In that regard, she emphasized the importance of discussing special sessions of the Governing Body and the delegation of authority by the International Labour Conference. Disagreement from one group should not block the rest of the Governing Body from discussing governance issues that it believed to be of key relevance. She therefore reserved the right to bring those matters back up.
- 87.** As to modalities and options on the way forward, establishing a working party was the most appropriate way to address the issues in an inclusive manner, a crucial aspect omitted from the assessment of advantages and disadvantages. She noted that the two alternative modalities remained open for discussion at the 352nd Session of the Governing Body, even though a working group was needed to discuss the granting of speaking rights to non-Governing Body members, to make the practice more flexible and establish rules on fair treatment. Her group looked forward to receiving the procedural proposals and road map from the Office and supported the draft decision.
- 88. The Worker spokesperson** said that her group remained puzzled by the prolonged discussion of the functioning of the Governing Body, since it functioned quite well. However, the lack of progress towards ratification of the Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986 (1986 Amendment) meant that there was a democratic deficit on the Government side. In that regard, she welcomed the recent announcement from the President of Brazil that his Government would ratify the 1986 Amendment and noted the ongoing discussions within the Government group on that issue, including through interim measures.
- 89.** Turning to the document at hand, she noted that the Government group was making progress towards a solution for regional representation in the Screening Group.
- 90.** She did not agree with most issues presented as areas of convergence in the document. There was no need to review the periodicity of agenda items. Her group had consistently favoured extending the meeting time by at least an extra day. The rules for agenda-setting were clear and it was not necessary to create additional work by producing minutes for the Screening Group. While she agreed that all should endeavour to keep to their allotted speaking times, extending the sessions would reduce the need for evening sittings. She further agreed that in-session consultations were generally undesirable and, where necessary, should not interrupt discussions. However, there was no need to create rules for what had always been informal arrangements. The Governing Body had already agreed that statements made on behalf of groups should clearly indicate the list of Member States represented; the matter required no further discussion. Furthermore, there was no need to review the use of the High-Level Section or Committee of the Whole format, as rules were already in place. Most issues listed in paragraph 2 of the document simply required respectful implementation of the Standing Orders of the Governing Body.
- 91.** Her group found no justification for establishing a working party without prior agreement on the issues to be discussed. The Governing Body needed to agree on how many issues required review before deciding on the appropriate format. Further discussions without a clear agenda would be an injudicious use of time and resources. Furthermore, a working party was not

necessarily more inclusive. The Governing Body had recently spent ten years discussing its functioning in a working party that was brought to an end having fulfilled its programme of action. She was therefore reluctant to commence a new, open-ended process without clear justification. The items pending from the last reform package, outlined in paragraph 2(g), included most points that members believed could still be improved, so those areas should be the focus for follow-up.

92. For the foregoing reasons, her group proposed amending the draft decision to simply refer to paragraph 2(g) of the document in the issues paper, and to limit the discussion at the next session to possible areas for improvement.
93. **Speaking on behalf of ASPAG**, a Government representative of Japan said that the Governing Body had a responsibility to ensure inclusivity in the participation of observers in special sessions and in the Committee of the Whole format. The role of those meeting formats should be further discussed to clarify the conditions in which such meetings could be held. Time management was the key to effective and efficient discussions. Another area of discussion could be the role of the Office in the effective management of Governing Body and other meetings. As small group meetings might sometimes be necessary, on an exceptional basis, the Office could provide additional support to constituents. Preparing documents in a timely manner was also important. Consideration could also be given to announcing consultations and information sessions, as well as distributing documents, to Member States directly as had been done through the ILO Events app during the Governing Body's previous session.
94. ASPAG would support the establishment of a working party, subject to agreement on the scope and topics to be discussed. The mandate of the previous working party on the functioning of the Governing Body had perhaps not been renewed in 2021 to avoid duplication of work with the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance, established in 2020, which concluded its work in 2023. When last renewed in 2017, its mandate was expanded to include a review of the role and functioning of regional meetings, the composition of the Governing Body and the ratification of the 1986 Amendment. Previous decisions had also highlighted the importance of the tripartite Screening Group, which needed to be more democratic and representative.
95. His group considered that a working party should be established as a standing structure for a period of three years, with its mandate renewed at the June session of the Governing Body in each election year. It was important to have a structured platform for systematic, comprehensive discussion of outstanding issues and the need for continuous improvement. A working party with a well-defined mandate, composition and timeline could provide such a framework, enabling the development of proposals to enhance the efficiency and transparency of the Governing Body and its responsiveness to the evolving needs of its constituents and the Organization as a whole. He supported the draft decision.
96. **Speaking on behalf of GRULAC**, a Government representative of Peru said that the areas of convergence identified in the document would make a good starting point for working towards improving the functioning of the Governing Body, particularly the issues relating to the agenda-setting process and time management. As to the Screening Group, it was for the Government group to decide how it was represented in that forum. GRULAC would continue to participate fully in all ILO bodies, irrespective of the arrangements. He appreciated the information about the advantages, disadvantages and cost implications of holding informal consultations or establishing a working party. His group remained flexible concerning modalities for the way forward, but considered that further discussions required a clear time frame. He supported the draft decision.

- 97. Speaking on behalf of the Africa group**, a Government representative of South Africa welcomed the Government of Brazil's recent commitment to ratifying the 1986 Amendment, and called on all remaining Member States to follow their lead. Concerning the issues raised in the document, his group appreciated the Office's support to Governments through briefings to permanent missions in Geneva before Governing Body and Conference sessions. Effective time management was crucial. The trend for extended sittings had health implications for members and must be addressed through strict adherence to the time limits established in the Standing Orders. With respect to the composition and functioning of the Screening Group, its composition should reflect the ILO regions and there must be balanced representation. Lastly, the ILO must prioritize consensus in decision-making, particularly on critical matters. The recent spate of decisions adopted by vote risked undermining the core principles of social dialogue and tripartism.
- 98.** In terms of the way forward, his group supported the establishment of a new working party, with a defined composition, duration and terms of reference that would lend its discussions focus and direction. It did not support intersessional informal consultations. His group endorsed the request for an issues paper for the 352nd Session of the Governing Body, as the basis for establishing a new working party.
- 99. Speaking on behalf of IMEC**, a Government representative of the United States said that the tripartite consultations convened on the item had been productive. Although an additional consultation could have been useful in seeking further convergence, encouraging progress had been made. IMEC was always ready to engage in conversations with a view to strengthening governance and supported continuing discussion on the areas of convergence outlined in paragraph 2 and further efforts to refine them through tripartite consultations ahead of the next Governing Body session. The modality must be proportionate to the scale of work agreed, so a limited, clearly defined and consensus-based mandate should first be agreed. As the list of issues with developing convergence was relatively short and uncomplicated, she requested the Office to provide information in its next report on the modality of simply continuing the discussion in the Governing Body.
- 100.** Noting that Appendix III explained that informal tripartite consultations between the meetings of the previous working party were included in the arrangements, she asked the Office why no provision was made for such consultations in the cost estimates for a potential future working party.
- 101.** Lastly, her group strongly preferred not to add the item to the agenda of June Governing Body sessions or push it to late-night sittings, as that went against the effective functioning of the Governing Body. IMEC supported the draft decision, with the proviso that further discussion in the Governing Body be included as an additional modality for consideration.
- 102. A representative of the Director-General** (Assistant Director-General, External and Corporate Relations) clarified that informal working groups had only minor indirect costs, normally absorbed by the secretariat.
- 103. The Worker spokesperson** concurred with the representative of IMEC that the modality chosen should be proportionate to the objective. The few main areas of concern appeared to be relatively small issues. Swift progress on those issues could be made through further discussion in the Governing Body and a separate working party was not necessary. In any case, the Governing Body first had to reach agreement on the issues needing improvement.

104. She could agree to subparagraph (a) of the draft decision, maintaining the reference to the whole of paragraph 2, in the hope that the Office would identify those areas where there was indeed convergence. However, subparagraph (b) appeared to be based on the assumption that there would be a working party. The Office should not be requested to do work on something that might not be needed.
105. **The Employer spokesperson** noted that all regional groups and her group supported the original draft decision. If the Workers' group did not want to accept it, the matter could be put to a vote. However, that should not be necessary, as there was a clear majority in favour.
106. **The Worker spokesperson** said that it was not appropriate simply to call for a vote when her group did not agree. The objective of consensus sometimes took time to achieve.
107. **The Employer spokesperson**, speaking on a point of order, said that she had never called for a vote.
108. **The Worker spokesperson** said that her group maintained that the draft decision was in the wrong order. Nonetheless, it hoped that on the basis of the issues paper that the Office was requested to prepare for the next session, the Governing Body could first identify those areas which all agreed needed further improvement and then make a rational decision on the appropriate modality, including whether the issues identified could be resolved through debate in the Governing Body itself. On that basis, her group could perhaps accept the draft decision.
109. However, with regard to subparagraph (b), in order to clarify that the discussion would continue not only on the form and modalities but also on the content of the review of the functioning of the Governing Body, she proposed adding the word "including" before "the form and modalities".
110. **The Employer spokesperson** said that her group and regional groups had agreed with the original wording of the draft decision. The addition of the word "including" took away the original meaning of the sentence.
111. **The Worker spokesperson** said that the Governing Body was obliged to seek consensus, which was what she was attempting to do.
112. **Speaking on behalf of the Africa group**, a Government representative of South Africa expressed support for the Workers' interpretation that it was important to have a clear picture of the matters to be addressed and that both the format and the content should be discussed.
113. **Speaking on behalf of IMEC**, a Government representative of the United States said that she could support the addition of the word "including" and appreciated the efforts to achieve consensus.
114. **A Government representative of India** and **a Government representative of Bangladesh** expressed support for the original draft decision.
115. **The Chairperson** proposed amending the wording of subparagraph (b) to include the word "content" before "form and modalities".
116. **The Worker spokesperson** said that she could agree to that amendment.
117. **The Employer spokesperson** said that while she could agree to that clarifying word, she did not believe it necessary.

- 118. Speaking on behalf of the Africa group, ASPAG and IMEC**, Government representatives of South Africa, Japan and the United States, respectively, expressed support for the proposed amendment.
- 119. Speaking on behalf of GRULAC**, a Government representative of Peru expressed support for the consensus reached.

Decision

120. The Governing Body:

- (a) requested the Office to prepare for its consideration at the 352nd Session (October–November 2024) an issues paper containing an analysis of the matters outlined in paragraph 2 of document GB.351/INS/6 and relevant recommendations, taking into account the guidance provided during the discussion;
- (b) decided to continue its discussion on the content, form and modalities of the review of the functioning of the Governing Body at the 352nd Session (October–November 2024), and, to this end, requested the Office to prepare for further decision by the Governing Body:
 - (i) procedural proposals for the composition, terms of reference and duration of a working party;
 - (ii) a road map and time frame for tripartite intersessional consultations.

(GB.351/INS/6, paragraph 8, as amended by the Governing Body)

7. 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.351/INS/7)

- 121.** The Governing Body had before it amendments to subparagraphs (b), (c), (d) and (g) of the draft decision, proposed by the Russian Federation, seconded by the Government of China and circulated by the Office, which read:

42. [...]

- (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 352nd Session (October–November 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.

122. **The Employer spokesperson** thanked the Office for its continued actions in support of the tripartite constituents in Ukraine, in line with the March 2022 Governing Body resolution. Although there was little new data available since its previous discussion of the item, she welcomed the update, including on the ongoing challenges of labour shortages and the negative impacts on enterprises, in particular on micro, small and medium-sized enterprises, which affected the whole economy. On a more positive note, most enterprises that had survived the early phase of the conflict appeared to have adapted to the circumstances.
123. Noting that trade unions and employers' organizations continued to operate, she said it was essential to strengthen their capacity to help them survive and manage post-conflict transformations. In that regard, the Federation of Employers of Ukraine had received assistance from the Office to develop a tailored training package on Essentials in Occupational Safety and Health. She welcomed the positive developments in the economic recovery of countries neighbouring Ukraine but requested the Office to pay particular attention to deep-rooted structural issues that hindered the capacity to translate economic growth into employment creation.
124. Efforts to increase the operational capacity of the ILO Country Office for Ukraine (CO-Kyiv) would be critical to the ILO's support for constituents in the country, particularly in the context of the ongoing legal reform agenda. She welcomed the Office's continued efforts to monitor the overall security situation, consistent with the United Nations Security Management System, and to ensure its duty of care for all staff members. Efforts to continue providing technical cooperation and assistance to all countries in the subregion – other than the Russian Federation and Belarus – through the ILO Decent Work Technical Support Team and Country Office for Eastern Europe and Central Asia (DWT/CO-Moscow), were also welcome. Her group appreciated that the Organization would continue to respond to the most urgent needs of its constituents and to play an active role in efforts to foster employment-rich growth.
125. She supported the original draft decision.
126. **The Worker spokesperson** said that the war in Ukraine, in its third year, continued to destroy lives and livelihoods, with serious and widespread human rights violations and massive civilian casualties. Attacks on critical civilian infrastructure had disrupted water supplies and left more than 1.5 million Ukrainians without electricity. The country's largest dam had been damaged, with millions of people displaced, thousands losing their homes and hundreds of medical and educational institutions damaged or destroyed. Russian missile attacks on the town of Chernihiv on 17 April had destroyed the Ukrainian trade union education centre.
127. With Europe's largest nuclear power plant in Zaporizhzhya (ZNPP) at risk of being hit or losing off-site power, there were serious dangers to nuclear safety and security, and the risk of nuclear war was at its highest in decades. De-escalation was needed urgently and peace in Ukraine immediately. While continuing to call for an immediate and unconditional ceasefire and the withdrawal of Russian troops from Ukrainian territory, she welcomed the continued efforts of Switzerland to reach a negotiated, lasting peace based on international law, and

encouraged all governments to participate. International security should rest on a commitment to joint survival, rather than the threat of mutual destruction.

128. Reconstruction needs were massive. Costs were estimated at US\$486 billion over the coming decade, equivalent to three times the total funds allocated under the 1948 Marshall Plan to rebuild Western Europe after the Second World War. In that regard, she welcomed the recent Ukraine Recovery Conference (URC2024) and called on governments to support the initiative. The Workers appreciated that the German Government, as co-host, had involved the ILO as well as Ukrainian and international trade unions, although they regretted that the social partners were not involved in developing the plans presented. The precondition for a successful recovery plan was genuine dialogue with those who would work to make it a reality. Labour exploitation in reconstruction must be avoided, so investment agreements should include clauses to ensure compliance with ILO standards and accessible trade union grievance mechanisms, and to allocate budgets for joint inspections.
129. The 2024 International Trade Union Confederation Global Rights Index reported that the authorities in the Russian Federation had intensified restrictions on civil rights and liberties, particularly on political dissent. In that regard, her group continued to strongly denounce the fact that the International Transport Workers' Federation and the IndustriALL Global Union had been declared "undesirable" by the Russian authorities and called on the Prosecutor General to reverse those decisions. At the same time, trade unions in Ukraine were reporting continued violations of labour rights and forced recruitment into Russian trade unions in the occupied territories. There were also reports of a backlash against migrant workers following the terrorist attack on Crocus City Hall in Moscow, with greater restrictions and an increase in racist and xenophobic attacks against Central Asian migrant workers. Tens of thousands of Tajiks had not been permitted to enter the Russian Federation and had been deported or imprisoned in border areas. Migrant workers from Asian and African countries were also reportedly forced to fight alongside Russian troops in Ukraine after being lured to the Russian Federation with offers of domestic work. She called on the ILO to continue to monitor the human and labour rights violations, in conjunction with the Office of the United Nations High Commissioner for Human Rights (OHCHR), in particular the human rights monitoring mission in Ukraine.
130. Her group was deeply concerned at the worsening situation of workers' rights in the wider region. Freedom of association and the exercise of the right to collective bargaining had continued to shrink. The war, coupled with other inter-State conflicts, threatened to further escalate socio-economic challenges and reverse democratic development gains, notably in Belarus and Kyrgyzstan.
131. She supported the original draft decision, while stressing the importance of continuing to monitor any violations of workers' rights in both the Russian Federation and Ukraine, and in all countries covered by the Moscow Country Office, ensuring that ILO cooperation with those countries was directed at the full implementation of their obligations under ratified Conventions, particularly the fundamental ones. No lasting peace was possible without respect for fundamental workers' rights.
132. **A Government representative of the Russian Federation** said that both the report and the draft decision were based on the resolution adopted at a previous session of the Governing Body and, as such, contained the same elements that the Russian Federation deemed unacceptable. The draft decision contained statements that were factually untrue, inaccurate, or fell clearly outside the ILO's mandate. Therefore, in a spirit of compromise, His Government wished to remove the most unacceptable passages, to make it less politicized and bring it back into line with the Organization's mandate.

- 133. Speaking on behalf of a cross-regional group of countries,**¹ a Government representative of the United States noted the resilience of the Ukrainian people, including its workers and employers, in the face of the ongoing Russian war of aggression. In spite of the numerous serious challenges that they continued to confront, they persisted in resisting, working, reforming and planning for reconstruction. The ILO was supporting the tripartite constituents of Ukraine to promote job creation, social protection and workers' rights, and to plan an employment-rich, rights-based reconstruction. In that regard, she thanked the staff of CO-Kyiv and the surrounding region for their dedicated service. There were an impressive number of ongoing initiatives under the ILO Transitional Cooperation Strategy for Ukraine 2024–2025, including support for legal and policy reform, training and active labour market policies. The ILO should continue to cooperate with other United Nations (UN) agencies and international financial institutions. The Organization's work to support neighbouring countries to integrate refugees into their labour markets and promote decent work opportunities was also appreciated.
- 134.** The ongoing Russian war of aggression was detrimental not just to Ukraine, but to the whole region and around the world. It needed to end. It continued to jeopardize global food stability, with Ukrainian maritime workers risking their lives to continue to export grain. She echoed the concerns of the Committee of Experts on the Application of Conventions and Recommendations for worker safety in light of the deteriorating working conditions at the ZNPP. Reports of the arbitrary detention, torture and ill-treatment of school administrators and teachers for refusing to teach the Russian curriculum were also a concern. The ILO should continue cooperating with OHCHR to document instances of human rights abuse.
- 135.** Although her group appreciated the ILO's efforts to safeguard its technical assistance in the region, it continued to question the appropriateness, suitability and ongoing feasibility of maintaining the DWT/CO Moscow. Noting the outposting of a senior operations specialist in Tashkent, they encouraged the Office to continue to ensure an appropriate presence in the subregion to cover the growing needs.
- 136.** With the war of aggression well into its third year, having a devastating impact on the world of work, she renewed the call for the Russian Federation to cease its aggression and reaffirmed the call for the Office to continue its implementation of the March 2022 resolution. She rejected the amendments proposed by the Russian Federation and supported the original draft decision.
- 137. Speaking on behalf of the EU and its Member States,** a Government representative of Belgium said that North Macedonia, Montenegro, Albania, Ukraine, Republic of Moldova, Georgia, Iceland and Norway aligned themselves with her statement. Reiterating the group's condemnation of the Russian war of aggression against Ukraine – which was a manifest violation of the UN Charter and incompatible with the values and principles of the ILO – she reaffirmed its unwavering support for the independence, sovereignty and territorial integrity of Ukraine, and for its inherent right of self-defence. The war's toll on human lives and livelihoods was deplorable.

¹ Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Iceland, Ireland, Israel, 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 and United States.

138. She commended the Organization's work to support Ukraine, including through CO-Kyiv and the implementation of the ILO Transitional Cooperation Strategy for Ukraine 2024–2025. The EU and its Member States remained committed to supporting Ukrainian recovery and reconstruction and welcomed the recent URC2024 and the Conference on the Reconstruction of Ukraine, held in April, while reiterating the importance of international labour standards in the recovery process. The ILO's cooperation with other UN agencies and international partners to provide assistance to other affected countries in the region was also appreciated.
139. She commended the resolve of trade unions and employers' organizations in Ukraine in remaining operational to provide assistance to their members and the wider population. The impact of the war on the Ukrainian economy and labour market was a persistent concern. Major efforts would be required to facilitate the reintegration of internally displaced persons and returnees, and to enable the labour market inclusion of women and those in vulnerable situations, including war veterans. The ILO's work with the International Maritime Organization, the Government of Ukraine and the social partners regarding the war's impact on seafarers was appreciated. The illegal seizure of the ZNPP was extremely concerning, particularly in view of the potential compromise by the Russian Federation of the seven indispensable pillars of nuclear safety and security outlined by the International Atomic Energy Agency.
140. The EU and its Member States also had concerns about severe workers' rights violations in several sectors in occupied Ukrainian territories, which posed existential threats to workers and their families. They appreciated the ILO's work with OHCHR on labour rights and encouraged continued cooperation with the human rights monitoring mission to investigate violations. It remained essential to raise awareness of reporting mechanisms among the social partners. She requested the Office to continue to document labour rights violations in Ukrainian territories temporarily occupied by Russian forces.
141. The EU and its Member States continued to monitor the ability of the DWT/CO Moscow to provide technical cooperation and assistance to all countries in the subregion, and to question the appropriateness, suitability and ongoing feasibility of its presence in the Russian Federation, given that country's ongoing violation of the ILO Constitution. She reiterated their request for a broader cost-benefit analysis, including on the diminished occupancy rate. She welcomed the appointment of a new Senior Operations Specialist based in Tashkent.
142. She supported the draft decision and rejected the amendments proposed by the Russian Federation.
143. **A Government representative of China** expressed deep concern at the worsening humanitarian situation resulting from the Ukraine crisis, which had a negative impact on the region's labour market. As conflicts could only be resolved through negotiation, he called on all parties to resume dialogue as soon as possible in order to promote de-escalation.
144. The ILO had an important mandate to promote the economic and social development of its members. He therefore called on the Organization and its constituents to play an active role in resolving the crisis, while adhering to its Constitution. He welcomed the measures taken by the Organization in response to the severe regional impact of the conflict, and the progress achieved.
145. Noting that the draft decision strongly resembled previous versions, he reiterated that the Governing Body should focus on labour, not politics. The Organization should not be used as a political platform. For those reasons, he supported the amendments proposed by the Russian Federation.

- 146. A Government representative of France** reiterated her country's strong condemnation of the ongoing war of aggression against Ukraine and expressed solidarity and support for Ukraine and its people. The Russian Federation must cease its attacks, particularly those against civilian targets, and must immediately withdraw from all occupied Ukrainian territory completely and unconditionally, as a prerequisite for restoring lasting peace and preserving an international order based on the rule of law. A Summit on Peace in Ukraine was being held in Switzerland to rally the international community around a ten-point plan (Ukraine's Peace Formula), which her Government supported. Such a desire for peace formed a stark contrast to the recent aggressive statements from the Russian Federation.
- 147.** It was of the utmost importance that the March 2022 resolution be fully implemented. Her Government was disappointed that the ILO maintained its Country Office for Eastern Europe and Central Asia in Moscow. The impact of the war of aggression on the labour market was a particular concern, so she welcomed the ILO's work in Ukraine, in particular through the Transitional Cooperation Strategy for Ukraine and the CO-Kyiv, which was now fully operational.
- 148. A Government representative of Ukraine**, authorized to speak in accordance with article 1.8.3 of the Standing Orders, said that in the third year of the full-scale Russian invasion of his country, with daily attacks depriving civilians of their livelihoods, the war was having a devastating impact on quality of life and the labour market. There were lengthy daily blackouts, a quarter of the population was living below the poverty line and more than five million Ukrainians had fled as refugees, with almost four million more internally displaced. He commended the Office for its continued support on labour-related issues, response to the needs of constituents and mobilization of resources amid challenging circumstances. He also praised the resilience of Ukrainian trade unions and employers' organizations, which were providing aid to their members and the wider community. An impressive number of initiatives were ongoing under the ILO Transitional Cooperation Strategy for Ukraine 2024–2025.
- 149.** Ukrainian workers in territories temporarily occupied by the Russian Federation continued to report violations of their labour rights, including forced membership of Russian unions. It was an insult to the ILO that a representative of such Russian trade unions had been granted a seat at the Governing Body.
- 150.** The deterioration in working conditions at the occupied ZNPP was a matter of extreme concern. The increased risk of radiation exposure and nuclear accidents remained very high. A rocket attack on 17 April had destroyed the large trade union training centre in Chernihiv. There were increasing numbers of reports of arbitrary detention, torture and ill-treatment against school administrators and teachers who refused to teach the Russian curriculum and propaganda in the occupied territories. He therefore requested the Office to continue documenting labour violations in Ukraine and clearly identify those responsible, including through continued engagement with other UN bodies.
- 151.** Since March 2022, the Russian Federation had not implemented a single point of the Governing Body's six decisions adopted in response to its armed aggression against Ukraine and continued to demonstrate total disregard for the ILO Constitution, its fundamental principles and its mission to promote peace through social justice. The pattern of denial and non-compliance required action. The Russian Federation did not deserve the privilege of hosting an ILO subregional office.
- 152.** Nearly one hundred world leaders from peace-loving nations had gathered in Switzerland for the Summit on Peace in Ukraine to chart a path towards a comprehensive, just and lasting peace, based on Ukraine's Peace Formula and consistent with the UN Charter and international

law. He thanked all participants, as without peace there could be no social justice, and called on all Member States to support Ukraine on that path.

153. A Government representative of the Russian Federation requested that the amendments he had proposed be put to a vote.

154. A Government representative of China supported the motion to put the proposed amendments to a vote.

155. The Chairperson said that, at the request of the Government representatives of the Russian Federation and China, the amendments proposed by the Russian Federation would be put to a vote by show of hands.

(The proposed amendments were rejected with 3 votes in favour, 40 against, and 8 abstentions.)

Decision

156. In the light of the developments in Ukraine outlined in document GB.351/INS/7 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;
- (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 352nd Session (October–November 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.351/INS/7, paragraph 42)

8. 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) (GB.351/INS/8(Rev.1))

- 157. A Government representative of Guatemala** (Minister of Labour and Social Welfare) recalled that the Governing Body had extended the deadline for his Government to comply with its international obligations to allow the incoming administration sufficient time to act. Through constructive social dialogue and tripartite efforts, considerable progress had been made over the previous four months. The budget of the Prosecutor's Office had been increased to improve its investigative capacities and security protection had been provided to at-risk trade unionists and trade union leaders. The Ministry of the Interior had also given a commitment to reactivate the technical roundtables, as requested by Worker representatives.
- 158.** The National Tripartite Committee on Labour Relations and Freedom of Association (CNTRLLS) had worked with the Parliamentary Labour Commission to promote two bills, one to elevate the instrument establishing the CNTRLLS from a ministerial agreement to a legislative decree, and one to bring national legislation into line with international commitments. The Government appreciated the technical assistance provided by the Office on other bills for which tripartite consensus was still pending.
- 159.** The CNTRLLS was set to work with judges to enhance its effectiveness in cases of non-compliance with labour legislation. A proposal to facilitate the registration of trade unions was under consultation as part of the Government's recently launched freedom of association and collective bargaining campaign.
- 160.** She remained convinced that social and tripartite dialogue was not only a way of solving disputes, but also a powerful tool for achieving progress. The Government was determined to make all necessary efforts to promote tripartite consultation and coordination and to ensure that the CNTRLLS could continue to work at both the national and international levels. On 27 May 2024, the President of Guatemala had pledged his support for the road map on freedom of association and collective bargaining at a high-level meeting. The ILO Director-General had received a delegation from the CNTRLLS during the 112th Session of the International Labour Conference. No effort would be spared to ensure that Guatemala would meet its obligations regarding 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). Her delegation hoped to be able to report even more progress in building a fairer, more peaceful and harmonious State at the 352nd Session of the Governing Body.
- 161. The Worker spokesperson** paid her respects to all the workers and trade unionists who had suffered in Guatemala and paid tribute to the new Government for its efforts to address pending issues. The premature closure of a similar complaint, submitted against Guatemala by workers in 2012, had resulted in minimal changes on the ground, despite 11 years of dedicated efforts by the ILO to address systematic violations of trade union rights in that country in other ways. Since the filing of the current complaint, however, a general election had changed the national political landscape substantially. The new Government had

immediately changed the course of previous governments by signalling its commitment to implement the ILO road map. Moreover, it had already started to implement several measures and to hold consultations with the social partners represented in the CNTRLLS.

162. She welcomed the increase in budget granted to the Special Investigation Unit for Crimes against Judicial Officials and Trade Unionists, and the tripartite consultations being held to improve the risk analysis of officials under threat. While those were but small initiatives, given the enormity of anti-trade union violence in Guatemala, her group truly valued the fact that, after a decade of inaction, careful steps were being taken in the right direction.
163. The obstacles imposed by the Ministry of Labour to trade union registration was another long-standing concern of the Workers. The Government had initiated a review of its procedures and further consultations with the social partners were under way, with a view to adopting a ministerial agreement to streamline the registration process. It had further engaged in dialogue with the National Assembly to provide the CNTRLLS with legislative authority. A second bill promoted by the Government aimed to pass a series of legislative reforms that had received tripartite approval in 2018 but had been obstructed in Congress due to a lack of goodwill from previous administrations.
164. The climate of violence in Guatemala persisted, exemplified by the murder of a young trade union leader, Sergio Horacio Ramírez, in the town of Jocotenango, only five days earlier. The Workers strongly condemned that crime and urged the Government to continue investigations to prosecute and punish the perpetrators without delay. In addition, a number of banana workers had been dismissed during the previous month simply for attending a trade union training session in southern Guatemala. She noted that the Vice-Minister of Labour had actively sought mediation to reinstate those workers.
165. While much remained to be done to resolve the serious issues faced by workers and their trade unions in Guatemala, the Government had established a sense of trust among the workers, and the CNTRLLS was finally being effectively utilized to address pending issues. She encouraged the Government to continue the process to deliver tangible and concrete results by the 352nd Session of the Governing Body. She called on the Office to continue providing invaluable technical support to the Government of Guatemala, and on countries in the region to support Guatemala on its path upwards. She supported the draft decision.
166. **The Employer spokesperson** welcomed the new investigations opened into murders committed and the penalties imposed on perpetrators. With respect to anti-union dismissals, he would welcome further information from the Government regarding the number of workers who had asked to be reinstated.
167. The Employers were concerned that Bill No. 5508, which gave a legal basis to the CNTRLLS, had not yet been adopted by Congress. He noted the willingness of the Government to accept technical assistance from the Office to establish a clear system for the establishment of collective agreements. He supported the draft decision and expressed the hope that the Government of Guatemala would be able to report progress made in the implementation of the road map and the adoption of pending legislation at the 352nd Session of the Governing Body.
168. **Speaking on behalf of a majority of GRULAC countries,**² a Government representative of Peru welcomed the fresh perspective brought by Guatemalan President Bernardo Arévalo,

² Argentina, Bahamas, Barbados, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru and Uruguay.

who held that tripartite dialogue was the way to achieve democracy and social justice. He noted with interest the efforts made by the Government of Guatemala as part of the bipartite discussions between workers and employers on the Ministry of Labour's work plan. He welcomed the fact that the CNTRLLS had been able to put forward proposals to the President of the Republic, the Chairperson of the Parliamentary Labour Commission and the Director-General of the ILO. The technical support provided by the Office to the CNTRLLS and its subcommittees reinforced the Government's efforts to identify precise needs and solutions to make the system more efficient. He invited the international community to contribute more to technical assistance to boost progress in the application of Conventions Nos 87 and 98. He noted the efforts made by Guatemala and the social partners and encouraged them to continue along their current path. He supported the draft decision.

169. **Speaking on behalf of the EU and its Member States**, a Government representative of Belgium said that North Macedonia, Montenegro, Albania, Republic of Moldova, Iceland and Norway aligned themselves with her statement. The EU and its Member States were committed to the promotion, protection, respect and fulfilment of human rights, including labour rights, such as the right to freedom of association. They promoted the universal ratification and effective implementation of fundamental Conventions and supported the ILO in developing and promoting international labour standards and supervising their application.
170. It was regrettable that, at the end of the implementation of the three-year technical cooperation programme in Guatemala following a complaint, the Governing Body was discussing a new complaint alleging non-observance of Conventions Nos 87 and 98. In December 2023, the Committee of Experts on the Application of Conventions and Recommendations had noted with concern the persistence of serious violations of Convention No. 87 and of significant shortcomings in compliance with Convention No. 98, and urged the Government to intensify its efforts to overcome the legislative and practical difficulties in their application, with the technical assistance of the Office. She acknowledged the commitment expressed by the new Government of Guatemala in its letter of April 2024 regarding its intention to implement both Conventions and to strengthen tripartite social dialogue as a fundamental tool for democracy and social justice. She welcomed the steps taken to provide legislative recognition of the CNTRLLS, through which continued tripartite social dialogue was ensured. Tripartite consultations and robust social dialogue were crucial to compliance with fundamental principles and rights at work and strengthening them in Guatemala would be vital for the effective realization of labour rights.
171. Although the budget for investigating serious acts of violence had been increased, the persistence of impunity in many cases of murders of trade unionists remained deeply concerning. She urged the Government to strengthen prevention, protection and response mechanisms with respect to threats and attacks against trade union officials and activists. She also called on the Government to complete, without delay and in consultation with social partners, the legislative reform process to ensure full compliance with ILO Conventions Nos 87 and 98.
172. She welcomed the steps taken to streamline the trade union registration process based on close consultations with the social partners and a clear indication that the process would be finalized in 2024. She urged the Government to further strengthen awareness-raising on freedom of association in order to also reach sectors with a low unionization rate, such as agriculture and export processing, and to abolish obstacles to the exercise of collective bargaining in both the private and public sectors. She reminded Guatemala of its commitment, under the trade and sustainable development title of the EU–Central America Association

Agreement, to effectively implement the fundamental ILO Conventions in both law and practice.

173. The EU reaffirmed its commitment to strengthening technical assistance capacities. It was preparing a second phase of the technical assistance project, entitled “Supporting the State of Guatemala in meeting the commitments in the road map on freedom of association and collective bargaining”, to be implemented by the ILO under the EU programme entitled “Support for decent employment in Guatemala”. The EU was working closely with the Government of Guatemala, the ILO and national tripartite constituents to further enhance the efficiency of its technical assistance. The EU remained committed to its close cooperation and partnership with Guatemala in the fulfilment of all its obligations. She supported the draft decision.
174. **A Government representative of the United States** said that she remained concerned by the long-standing failures to respect workers’ freedom of association, organizing and collective bargaining rights in Guatemala. Her delegation shared the Committee of Experts’ deep concern, noted in its most recent report, regarding long-standing allegations of serious acts of violence against trade union leaders and members, and impunity. She noted the murder of Doris Lisseth Aldana Calderón, leader of the Izabal Banana Workers’ Union (SITRABI) in October 2023, and shared the Committee of Experts’ deep regret that there had been no convictions in most cases of murders of trade union members.
175. She urged the Government to thoroughly investigate murders of trade unionists, take action to end anti-union violence and ensure that perpetrators were held accountable. She welcomed the information provided by the Government on the steps it was taking, including increasing the budget of the Special Investigation Unit for Crimes against Judicial Officials and Trade Unionists and making progress in the investigation and punishment of some murders.
176. She welcomed the Government’s commitment to strengthening tripartite social dialogue and its willingness to implement the recommendations of the Committee of Experts. She looked forward to receiving updates on actions taken to deliver on those commitments. She encouraged the Government to strengthen the Ministry of Labour’s capacities to protect workers’ rights and create decent work opportunities in Guatemala, and to continue to work closely with social partners and the ILO.
177. Her country remained committed to working with the Government of Guatemala to support the full respect, protection and realization of freedom of association and collective bargaining, in order to help the Guatemalan people to collectively represent themselves, have their voices heard and enjoy the fruits of decent work. She supported the draft decision.

Decision

178. **Recognizing the commitment of the new Government to overcome the legislative and practical difficulties in 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 to strengthen the practice of mature and ongoing social dialogue to that effect, the Governing Body:**
 - (a) requested the Government to intensify its efforts to implement Conventions Nos 87 and 98;
 - (b) requested the Office to expand its technical assistance programme to ensure further progress in the implementation of the referred Conventions;

- (c) **strongly encouraged the international community to contribute to the above-mentioned technical assistance programme by providing the necessary resources;**
- (d) **requested the Government of Guatemala to report on further progress made to address all outstanding issues mentioned in the article 26 complaint at its 352nd Session (October–November 2024);**
- (e) **deferred to its 352nd Session (October–November 2024) the decision to consider further action in respect of the article 26 complaint, in the light of the follow-up given to paragraphs (a) to (d) above.**

(GB.351/INS/8(Rev.1), paragraph 16)

9. 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.351/INS/9(Rev.1))

- 179. A representative of the Director-General** (Director of the International Labour Standards Department) said that there were currently three international staff members at the ILO Liaison Office in Yangon. While the visa for the Liaison Officer was valid until December 2024 and the visa request for the Chief Technical Adviser of the Myanmar Programme on the Elimination of Child Labour (My-PEC) project had recently been approved, the visa request for the Deputy Liaison Officer had been rejected on the grounds that the Memorandum of Understanding on the Decent Work Country Programme did not refer to a deputy. As to the restrictions on the ILO's bank account, on 12 June 2024, the Liaison Office had received a bank notice of a transfer for programming activities, marking the first transaction in the bank account since 2021.
- 180.** The Independent Investigative Mechanism for Myanmar (IIMM) had provided the ILO with information on the use of disproportionate lethal force by the military and police to crack down on protests organized by the civil disobedience movement, as well as evidence of systematic torture and physical abuse in military-run detention facilities, often resulting in forced confessions. The IIMM had also been able to corroborate the use of forced labour in prisons and the military's use of civilians as human shields and porters against their will in combat situations.
- 181. The Employer spokesperson** said that his group was concerned over the unacceptable loss of lives, violence and the impact of the humanitarian situation on freedom of association and business continuity. He recalled the resolution for a return to democracy and respect for fundamental rights in Myanmar, which called on the country to ensure that workers and employers were able to exercise their rights in a climate of freedom and security, free from violence, arbitrary arrest and detention. Freedom of association, which was inextricably linked to employment, must be upheld.
- 182.** The response of the military authorities to the recommendations of the Commission of Inquiry was deeply disturbing, due to the lack of progress on the matter. The Employers were counting on the Liaison Office to provide the Governing Body with an update on the implementation of the recommendations at its next session so that it could make a better-informed decision on its next steps to secure compliance. They were also counting on the Liaison Officer in Myanmar

to provide technical assistance to the relevant parties with a view to implementing the recommendations and addressing any barriers in that regard. The Employers supported the draft decision.

183. **The Worker spokesperson** said that although the military had undertaken awareness-raising campaigns on its flawed labour laws, it continued to suppress trade union activity violently throughout the country. Moreover, even though 3,000 workplace coordinating committees had been formed, they were not representative workers' organizations and had been used to undermine the role of trade unions even before the military coup. While the military authorities claimed to be undertaking awareness-raising campaigns on forced labour in both the private and public sectors and to be addressing forced labour complaints, there was ample evidence that the same authorities were systematically exacting forced labour throughout the country and allowing it to persist in the private sector.
184. There was no freedom of association in Myanmar. At their discretion, the military authorities invoked a "state of emergency" to bypass any and all laws, including labour laws. Trade unions were quickly disappearing, as their leaders were harassed, dismissed, jailed or forced into exile. Some employers enlisted military-affiliated security personnel to harass and intimidate workers, sometimes resulting in fatalities during industrial disputes, while others had been put under enormous pressure by the military regime to serve its agenda, often at the cost of their own businesses. As to forced labour, men aged 18 to 35 and women aged 18 to 27 could be drafted into the army; those who evaded military service, or helped others to do so, risked up to five years' imprisonment. Hundreds of workers and trade unionists had been forcibly conscripted at their home or workplace or on their way to work.
185. Numerous reports of labour rights abuses in the private sector, including the garment sector, had been received. Violations included physical and verbal abuses, the denial of leave, non-payment of wages and the imposition of compulsory and excessive overtime. Furthermore, neither Thet Hnin Aung, General Secretary of the Myanmar Industry, Crafts and Services Trade Union Federation, nor any members of the Confederation of Trade Unions Myanmar had been released from prison.
186. **A Government representative of Australia**, speaking on behalf of Canada, New Zealand and the United Kingdom, said that she remained deeply concerned by the failure of the military regime to satisfactorily address the recommendations of the Commission of Inquiry and by the scale of violence and the humanitarian crisis overwhelming the country. She called on the military to stop targeting civilians and trade unionists for expressing their freedom of association and right to organize, and to immediately release all those who had been arbitrarily detained. Her country and those on whose behalf she spoke would consider any measures to secure compliance by Myanmar with the recommendations of the Commission of Inquiry, including the possible implementation of article 33 of the ILO Constitution, and supported the draft decision.
187. **Speaking on behalf of the EU and its Member States**, a Government representative of Belgium said that North Macedonia, Montenegro, Ukraine, Albania, Republic of Moldova, Iceland, Norway and Switzerland aligned themselves with her statement. The EU and its Member States noted with disappointment the military's latest reply to the Commission of Inquiry's report and urged the military to provide concrete information on the steps it had taken to address the Commission of Inquiry's recommendations. They reiterated their condemnation, in the strongest possible terms, of the military's violence against trade unionists and remained deeply concerned by its exaction of forced labour and the exaction of prison labour as a consequence of a criminal conviction. They urgently called on the military to

accept and implement all the recommendations of the Commission of Inquiry without delay, and reminded the military that they would seriously consider supporting a resolution under article 33 of the ILO Constitution to ensure full implementation of the recommendations. The EU and its Member States supported the draft decision.

- 188. A Government representative of Japan** said that Japan was deeply concerned about the continuing deterioration of the situation in Myanmar and once again strongly urged the military to immediately end all acts of violence, release all those detained and restore Myanmar's democratic political system. Japan called on Myanmar to fully abide by the Forced Labour Convention, 1930 (No. 29), and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and supported the draft decision.
- 189. A Government representative of China** said that the Government of Myanmar attached importance to the opinions of the Commission of Inquiry and had taken steps to resolve labour disputes, combat forced labour, promote employment and develop labour skills. China regretted that the document and draft decision did not reflect the efforts made by the Government to actively cooperate with the ILO. Her country called on the ILO and the members of the Governing Body to take full account of such efforts and expressed the hope that the ILO would improve its communication with the Government and help it to fulfil its obligations under the Conventions. China did not support invoking article 33 of the ILO Constitution.
- 190. A Government representative of the United States** said that the United States remained deeply concerned with the worsening political, economic, and humanitarian crises in Myanmar and called for the immediate release of all trade unionists and others arbitrarily detained since the military takeover. It severely regretted that the military authorities continued to frustrate ILO operations in Myanmar and was deeply concerned that they had yet to respond to the conclusions and recommendations of the Commission of Inquiry relating to the exaction of forced labour by the army and to freedom of association. Her country supported the proposed actions to secure compliance with the recommendations of the Commission of Inquiry, including a draft resolution under article 33 of the ILO Constitution, as well as the draft decision.
- 191. A Government representative of the Russian Federation** said that his country found it unacceptable that a Government representative of Myanmar could not take part in the discussion. That was a breach of objectivity, impartiality and tripartism. Government representatives should be able to participate in the meetings, as it was usually governments that were accused of violations and thus responsible for addressing them. The Russian Federation did not support taking any further action against the Government of Myanmar, particularly any measures under article 33 of the ILO Constitution, and took the view that the discussion should be deferred until a Government representative of Myanmar was able to fully participate in the Governing Body and other bodies of the ILO.

Decision

- 192. 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) and noting with utmost concern the absence of any action towards the implementation of the recommendations of the Commission of Inquiry in its 2023 report which emphasized 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 and ensure the immediate release of those detained;
- (c) 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;
- (d) expressed once again its profound concern over the conclusions of the Commission's report concerning the exaction of forced labour by the military authorities and called for immediate action to be taken to put an end, in law and in practice, to any forced recruitment into the military contrary to Convention No. 29, including the forced recruitment of children;
- (e) called once again 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;
- (f) requested the Director-General to continue to inform it of the ILO's engagement within the framework of the UN system to ensure that the Commission's recommendations are acted upon within each body's respective mandates;
- (g) requested the Director-General to submit to the Governing Body at its 352nd Session (October–November 2024) a document providing an update on any developments and detailing options, taking account of the views expressed, for measures under article 33 of the ILO Constitution as well as other measures to secure compliance by Myanmar with the recommendations of the Commission of Inquiry, including setting out a draft resolution under article 33 of the ILO Constitution for decision.

(GB.351/INS/9(Rev.1), paragraph 29)

10. Report of the Committee on Freedom of Association (GB.351/INS/10)

- 193. The Chairperson of the Committee on Freedom of Association** said that at its meeting in May–June 2024, the Committee had examined 17 cases on their merits, reaching definitive conclusions in 6 cases. The Committee appreciated the efforts made by governments to submit their observations on time, as when that was not the case, the Committee's efficient functioning was hampered. He therefore urged all governments with cases pending before the Committee to submit communications as soon as possible, as anything received after 10 September 2024 might not be taken into account. In particular, he drew the attention of the Governments of the Democratic Republic of the Congo, Guinea, Guinea-Bissau and the Bolivarian Republic of Venezuela to the Committee's urgent appeal for their respective

observations, in time to examine their cases at its next meeting in the fullest possible knowledge.

- 194.** The Committee had examined five cases in which it had asked governments to keep it informed of the measures taken to give effect to its recommendations and concluded its examination with respect to Cases Nos 2540 (Guatemala), 3019 (Paraguay), 3033 (Peru) and 3016 (Bolivarian Republic of Venezuela).
- 195.** He drew attention to six serious and urgent cases. Case No. 3269 (Afghanistan) concerned the alleged confiscation of trade union premises and property without a court order, as well as the freezing of union bank accounts, failure to renew the union's licence and threats against trade unionists, forcing them into exile. Regrettably, the de facto authorities had not provided any response to the Committee's previous recommendations, hence the case was examined in the absence of such information. The Committee firmly urged the de facto authorities to ensure that the confiscation of the complainant's properties was addressed without delay, and that all workers' and employers' organizations might carry out their legitimate trade union activities in a climate that was free from violence, pressure and threats of any kind. Recalling the importance attached to social dialogue in the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), the Committee once again recalled that the technical assistance and support of the Office was available to Afghanistan.
- 196.** Cases Nos 2761 and 3074 (Colombia) concerned allegations of violence, murder and death threats against trade union leaders and members. While the Committee sincerely welcomed the significant actions taken to pursue the policy of recognition and collective reparation for the harm suffered by the trade union movement and its members, and the results achieved, the Committee nevertheless requested the Government to continue intensifying inter-institutional efforts to solve and punish all cases of homicide and anti-union violence, and effectively protect members of the trade union movement exposed to risk.
- 197.** Case No. 2923 (El Salvador) concerned the murder of a trade union leader. The Committee deplored the absence of tangible progress towards the resolution of the case more than 14 years since the murder was committed, and firmly urged the Government to hasten and conclude the ongoing investigations in order to identify and punish both the instigators and the perpetrators of the crime, while ensuring the protection of all witnesses who could be instrumental in the resolution of the case.
- 198.** Case No. 2609 (Guatemala) concerned allegations of murder and acts of violence against trade union members and flaws in the system that resulted in criminal and labour-related impunity. While the Committee welcomed the commitment shown by the State at the highest level to the protection of freedom of association and the actions taken in that respect, it once again expressed its deep concern over the seriousness of the case. The Committee urged the Government, in collaboration with the National Tripartite Committee and its subcommittee on implementation of the road map, to continue to take and intensify measures to ensure the effective investigation of all acts of violence against trade union leaders and members, to determine the motives and responsibilities and to punish the instigators and perpetrators. Expressing its deep concern about the murder of a trade union leader in 2023, the Committee urged the Government to take steps to increase the effectiveness of measures to prevent anti-union violence and to protect members of the trade union movement.
- 199.** Case No. 2508 (Islamic Republic of Iran) related to a complaint lodged in 2006 denouncing acts of repression against the Syndicate of Workers of Tehran and Suburbs Bus Company (SVATH), as well as the arrest and detention of a large number of trade union members and officials, and an inadequate legislative framework for the protection of freedom of association. Noting

that two years after their arrest, Ms Kohler and Mr Paris, two French trade unionists, remained in provisional detention, the Committee again urged the Government to guarantee their immediate release and safe return to their country. It further urged the Government to ensure the immediate release of Mr Shahabi and Mr Saeedi, members of the SVATH, should their conviction be related to their trade union activities. The Committee again urged the Government to hasten the process of legislative reform, to repeal the provisions that imposed trade union monopoly and to recognize the right of all workers to establish and join organizations of their own choosing. Pending that reform, the Committee once again urged the Government to ensure that the union could function without hindrance through its de facto recognition.

200. Case No. 3405 (Myanmar) concerned allegations of grave and continuing attacks by the military authorities against trade unionists, workers and civil servants who were calling for a return to civilian rule, following the coup d'état of 1 February 2021. The Committee had reactivated the case following the issuance of the report of the Commission of Inquiry established to examine the non-observance of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), among other Conventions. Several of the pending recommendations of the Commission of Inquiry also concerned matters raised in the case. The Committee noted with deep regret the failure of the military authorities to implement its recommendations and those of the Commission of Inquiry, and the continuing situation of extreme violence and repression in the country. The Committee further urged the military authorities to desist from any and all acts of retaliation against individuals or organizations which provided information to the Commission of Inquiry or continued to engage in the ILO procedures, and to cease immediately the ongoing use of violence against workers and trade unionists participating in peaceful protests and to have independent investigations carried out into the allegations of violence against them, with a view to determining responsibility and punishing the perpetrators. The Committee urged the military authorities to fully recognize the critical importance of ensuring civil liberties and freedoms to the workers and employers of the country as a necessary prerequisite for the restoration of democracy and the exercise of trade union activities, and to take all necessary steps to create a climate where freedom of association could be fully restored in the country.
201. The Committee's report once again attested to the strength of tripartite dialogue and consensus among its members, whom he thanked for their unwavering support and commitment to finding solutions to the challenges of the day. He also thanked the outgoing members of the Committee for their constructive contributions and welcomed its new members. He expressed appreciation for the work of the Office, which ensured the Committee's smooth functioning. Lastly, he thanked the Governing Body for extending his term as Chairperson for the next three years and gave assurances that he would continue to do his best to enable the tripartite Committee to pursue the issues and complaints brought before it and to strengthen social dialogue.
202. **The spokesperson for the Worker members of the Committee** said that at its latest session, the Committee had considered several serious and urgent cases involving murder and other forms of violence against trade unionists. It was a long-standing principle that freedom of association required guarantees that trade union rights could be exercised in a climate free from violence, pressure, fear and threats of any kind. It was the obligation of governments to ensure that all instances of violence against trade union members were properly investigated, and that those investigations led to the identification and prosecution of the perpetrators. It was alarming that the Committee continued to have to report on so many cases involving serious acts of violence and murder, a number of which had been raised on several occasions.

- 203.** Case No. 2609 (Guatemala) involved several instances of murder, attempted murder, assaults and death threats in a climate of impunity. The case was 17 years old and, although some progress had recently been made, the majority of the murders had not been resolved and many significant cases had been shelved. Moreover, the murder of trade union leaders had not yet ended. Case No. 2923 (El Salvador) also involved a murder, committed more than 14 years previously, with no tangible progress made. The Committee reminded the Government of the expectation for it to do all in its power to ensure that the perpetrators were identified and prosecuted.
- 204.** Case No. 3405 (Myanmar) contained numerous complaints of killing, torture, gender-based violence and other inhumane treatment by the security forces and the military against workers exercising their right to peaceful protest. In view of the enduring climate of violence and repression in the country, the Committee recommended that the Governing Body should consider further measures to secure compliance with the recommendations of the Commission of Inquiry.
- 205.** Drawing attention to Case No. 3269 (Afghanistan), he noted that the authorities had failed to respond to the Committee regarding death threats which had forced trade unionists into exile, as well as serious allegations that the union had been unable to operate at all, with property confiscated and bank accounts frozen. He further noted that in Case No. 2508 (Islamic Republic of Iran), the Committee had yet again had to consider the position of detained trade unionists, urging their immediate release.
- 206.** In Cases Nos 2761 and 3074 (Colombia), while the Committee had noted significant action to recognize and offer collective reparations to trade unions and their members and efforts to put an end to the violence, it was still the case that just over half of the murder investigations had been concluded and the murders had not stopped, with many union members needing to be provided with bullet-proof vests, emergency buttons, bodyguards and armoured vehicles. The Committee called on the Government to continue to intensify its efforts.
- 207.** Case No. 3442 (Pakistan), which concerned violations of labour rights and harassment of union members during the construction of a hydropower plant, had been brought to the Committee out of concern that the issues had been replicated on other projects funded by similar entities, including the International Finance Corporation. The Committee recommended that the Government ensure that trade union rights were fully respected in any similar undertaking in the future.
- 208.** In Case No. 3443 (Portugal), the Committee decided that it did not need to reach detailed recommendations as the matter had largely been resolved at the national level through the courts. The Government had sought to establish minimum service levels during an education sector strike, arguing the need to safeguard the right to education, but the Lisbon Court of Appeal had held that the constitutional right to strike could only be restricted when necessary, and to the strict extent of what was appropriate and proportionate.
- 209. The spokesperson for the Employer members of the Committee** also noted that the Committee had considered six serious and urgent cases at its latest session. He lamented that such designation was necessary, and that those cases had been exacerbated by long-standing failures to provide information or to address the underlying situations. He highlighted that the change in designation from “extremely serious and urgent” to just “serious and urgent” was not intended to suggest that the situations in question were any less serious or urgent but was simply an administrative decision to stop using the term “extremely”, on the understanding that the extreme seriousness was already implied.

- 210.** In Case No. 2508 (Islamic Republic of Iran), the Committee deplored the continuing failure to address the continuing detention of two French trade unionists. In addition, the Committee had held lengthy deliberations over a seemingly procedural issue that implicated an important substantive matter. During previous examinations of the case, the Government had indicated its progress towards ratification of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) as evidence of its commitment to protecting freedom of association, in response to which the Committee had requested further information to validate the claim. However, the Employers' group firmly believed that it was not the responsibility of the Committee to monitor progress towards the ratification of Conventions, irrespective of what had happened in the past. The Committee's purpose was to examine allegations of violations of freedom of association and to promote and ensure respect for that freedom in law and in fact, whether or not the country concerned had ratified the relevant ILO Conventions.
- 211.** Cases Nos 3228 (Peru) and 3443 (Portugal) both highlighted the critical importance of national frameworks to the understanding of whether and how any right to strike might be defined, particularly with regard to the definition of essential services. Although the *Compilation of decisions of the Committee on Freedom of Association* contained a list of circumstances drawn from cases in which the Committee had concluded that the services in question were not strictly essential, that list was not authoritative or precedential. What was meant by essential services depended on the prevailing circumstances in a country and could change. Indeed, Case No. 3443 (Portugal) had involved competing rights embodied in the Portuguese Constitution, namely, the right to strike and the right to an education. In such cases, it was for the independent national judiciary to determine the proper balance and not for the Committee to judge.
- 212.** Both Cases Nos 3445 (El Salvador) and 3442 (Pakistan) involved allegations relating to collective dismissals that included union members. In both cases, the Committee's approach had reflected the long-standing unambiguous view that it was not within the Committee's purview to pronounce itself on allegations relating to restructuring programmes, even those involving collective dismissals, simply because union members might be among those affected. Such issues only became a matter for the Committee when they gave rise to acts of anti-union discrimination or interference.
- 213. Speaking on behalf of the Government group of the Committee,** which consisted of members nominated by the Governments of Argentina, Colombia, France, Japan, Namibia and Sweden, a Government member from France said that as the members of the Government group completed their three-year term, they were proud of their group's cohesion, which demonstrated governments' attachment to the principles of freedom of association. The Committee's mandate was to examine complaints and, when violations were found, to engage governments with constructive tripartite recommendations to provide guidance on how to realize the rights concerned. The work of the Committee could have a positive impact on the lives, rights and freedoms of workers and employers throughout the world, but its success depended on complainants and respondents providing it with detailed information in a timely manner. In that regard, she appreciated that some governments had accepted the Chairperson's invitation to meet informally to discuss their cases. The Government group was committed to such tripartite dialogue and recommended that it continue.
- 214.** In order to enhance the Committee's efficiency and effectiveness, it would be useful if the International Labour Standards Department could provide the Committee with additional contextual information about the law and practices relevant to the issues under consideration, as well as references to ILO research into relevant labour market and labour relations

developments. It would also be helpful to receive information on the findings of the Committee of Experts on the Application of Conventions and Recommendations and the Committee on the Application of Standards (CAS), particularly in cases where complaints were interrelated.

- 215.** The Committee's recommendations drew their strength from its tripartite composition, and the past three years had shown that tripartite agreement could be reached in most cases. However, some members had recently begun to question the validity of previous recommendations published in the *Compilation*, in particular when they referred to ILO Conventions. The Government group urged all members not to allow momentary legal divergences to undermine the mandate of the Committee and the whole supervisory system. All constituents should remain committed to upholding and strengthening freedom of association and the right to collective bargaining, which formed the bedrock of social justice.
- 216. A Government representative of Colombia** said that his Government accepted the recommendations and decisions taken by the Committee. In addition, his country recognized that it had had problems with the trade union movement in the past, including complicated situations resulting from its long-running armed conflict. However, the current Government had full respect for freedom of association and the protection of trade unionists. While it was true that some trade union members still needed protection, that was provided precisely in order to protect them from threats or harm. The national protection unit also provided protection to human rights defenders and others who had received threats from the various armed groups in the country that had not yet reached agreements with the Government, which was still working through a peace process. In that regard, Colombia was making progress. Indeed, the Government even recognized the right to strike, including among employees in the Ministry of Labour, who had been on strike in recent days.

Decision

- 217. The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1–56, and adopted the recommendations made in paragraphs: 74 (Case No. 3269: Afghanistan); 90 (Case No. 3388: Albania); 105 (Case No. 3431: Angola); 128 (Cases Nos 2761 and 3074: Colombia); 162 (Case No. 3234: Colombia); 171 (Case No. 2923: El Salvador); 188 (Case No. 3445: El Salvador); 222 (Case No. 3148: Ecuador); 249 (Case No. 2609: Guatemala); 267 (Case No. 2508: Islamic Republic of Iran); 311 (Case No. 3405: Myanmar); 338 (Case No. 3442: Pakistan); 358 (Case No. 3300: Paraguay); 382 (Case No. 3228: Peru); 404 (Case No. 3392: Peru); 426 (Case No. 3443: Portugal) and adopted the 407th Report of its Committee on Freedom of Association as a whole.**

(GB.351/INS/10)

11. Regular report of the Director-General (No document)

11.1 First Supplementary Report: Closure of the representation alleging non-observance by Uruguay of the Hours of Work (Industry) Convention, 1919 (No. 1), the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), and the Occupational Safety and Health Convention, 1981 (No. 155) pursuant to a successful conciliation process (GB.351/INS/11/1)

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

Decision

- 218. The Governing Body, noting that an agreement had been reached between the parties concerned following a conciliation process, and on the recommendation of the ad hoc tripartite committee, decided to close the procedure of the representation alleging non-observance by Uruguay of the Hours of Work (Industry) Convention, 1919 (No. 1), the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), and the Occupational Safety and Health Convention, 1981 (No. 155).**

(GB.351/INS/11/1, paragraph 5)

11.2 Second Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Mexico of the Social Security (Minimum Standards) Convention, 1952 (No. 102) (GB.351/INS/11/2)

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

Decision

- 219. In the light of the conclusions and recommendations set out in the report of the Committee contained in document GB.351/INS/11/2, the Governing Body:**

- (a) approved the report of the Committee and, in particular, the conclusions formulated in paragraph 31;**
- (b) requested the Government 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; and**
- (c) decided to make the report publicly available and to close the procedure initiated by the representation.**

(GB.351/INS/11/2, paragraph 32)

11.3 Third Supplementary Report: Report of the Tripartite Committee set up to examine the representation alleging non-observance by Brazil of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) (GB.351/INS/11/3)

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

Decision

220. In light of the conclusions and recommendations set out in the report of the Committee contained in document GB.351/INS/11/3, the Governing Body:

- (a) approved the report of the Committee and, in particular, the Committee's conclusions in paragraphs 47, 50, 53, 58 and 60;
- (b) requested the Government to provide information on the follow-up given to the Committee's conclusions and recommendations for examination by the Committee of Experts on the Application of Conventions and Recommendations at its next session in 2024; and
- (c) decided to make the report publicly available and to close the representation procedure.

(GB.351/INS/11/3, paragraph 62)

11.4 Fourth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Colombia of Conventions Nos 3, 12, 17, 18, 24, 25 and 144 (GB.351/INS/11/4)

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

Decision

221. In light of the conclusions and recommendations set out in the report of the Committee contained in document GB.351/INS/11/4, the Governing Body:

- (a) approved the report of the Committee and in particular the conclusions in paragraphs 33, 34 and 37;
- (b) requested the Government to provide the Committee of Experts on the Application of Conventions and Recommendations with information on the subjects raised in the report and the Committee's conclusions; and
- (c) decided to publish the present report and to close the procedure initiated by the representation.

(GB.351/INS/11/4, paragraph 38)

11.5 Fifth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by France of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (GB.351/INS/11/5)

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

Decision

222. In the light of the conclusions and recommendations set out in the report of the Committee contained in document GB.351/INS/11/5, the Governing Body:

- (a) approved the report of the Committee;**
- (b) invited the Government to take into consideration the observations made in paragraph 28 of the Committee's conclusions in the context of the application of Convention No. 87 and to inform the different competent authorities accordingly;**
- (c) decided to make the report publicly available and to close the representation procedure.**

(GB.351/INS/11/5, paragraph 30)

12. Reports of the Officers of the Governing Body

12.1. First report: Representation alleging non-observance by Chile of the Maritime Labour Convention, 2006, as amended (MLC, 2006), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) (GB.351/INS/12/1)

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

Decision

223. In the light of the information contained in document GB.351/INS/12/1, and taking into consideration the recommendation of its Officers as well as the agreement expressed by the parties to voluntary conciliation, the Governing Body decided that the representation was receivable and to set up a tripartite committee to examine it while granting a suspension of the examination of the merits of the representation under the conditions set out in article 5, paragraph 1 of the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25.

(GB.351/INS/12/1, paragraph 5)

12.2. Second report: Representation alleging non-observance by the Dominican Republic of the Protection of Wages Convention, 1949 (No. 95), the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Equality of Treatment (Social Security) Convention, 1962 (No. 118) (GB.351/INS/12/2)

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

Decision

224. In the light of the information contained in document GB.351/INS/12/2, and taking into consideration the recommendation of its Officers, the Governing Body decided:

- (a) that the representation was not receivable in relation to the Equality of Treatment (Social Security) Convention, 1962 (No. 118);
- (b) that it was receivable in relation to the Protection of Wages Convention, 1949 (No. 95), the Social Security (Minimum Standards) Convention, 1952 (No. 102), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and to set up a tripartite committee to examine it.

(GB.351/INS/12/2, paragraph 10)

12.3. Third report: Representation alleging non-observance by Ecuador of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) (GB.351/INS/12/3)

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

Decision

225. In the light of the information contained in document GB.351/INS/12/3, and taking into consideration the recommendation of its Officers, the Governing Body decided that the presentation is receivable and to appoint a tripartite committee to examine it.

(GB.351/INS/12/3, paragraph 5)

13. Composition, agenda and programme of standing bodies and meetings (GB.351/INS/13(Rev.1))

226. The Clerk of the Governing Body clarified that the revised document reflected new information received from the Government of the Dominican Republic confirming its interest in hosting the 20th American Regional Meeting in December 2025. A comprehensive document indicating precise arrangements would be prepared for the 352nd Session of the Governing Body.

227. The Employer spokesperson said that her group took note of Part I of the document and the recommendation for the Governing Body. With respect to Part II, she welcomed the appointment of two new members of the Committee of Experts on the Application of Conventions and Recommendations in accordance with the requisite criteria, and expressed support for the recommendation of the Officers of the Governing Body concerning the

reappointment of members of the Committee of Experts. Her group also welcomed the interest of the Dominican Republic in hosting the 20th American Regional meeting and looked forward to discussing precise arrangements at the 352nd Session and, subsequently, working jointly on preparations. In addition, it supported the proposal to hold the third meeting of the Joint ILO–IMO Tripartite Working Group to identify and address seafarers’ issues and the human element on 26–28 November 2024, and the proposed list of observers. Additionally, her group supported the programme of ILO official meetings for 2024 and 2025, as well as the draft decision.

- 228. The Worker spokesperson** also welcomed the appointment of two new members and the reappointment of five of its current members to the Committee of Experts, which formed an important part of the ILO’s supervisory system. In addition, her group thanked the Dominican Republic for offering to host the 20th American Regional Meeting.

Decisions

- 229. The Governing Body adopted the proposed decisions relating to follow-up to the second meeting of the Joint ILO–IMO Tripartite Working Group to identify and address seafarers’ issues and the human element held in February 2024, as indicated in paragraph 3 of document GB.351/INS/13(Rev.1).**

(GB.351/INS/13(Rev.1), paragraph 22)

- 230. Upon the recommendation of its Officers, the Governing Body:**

- (a) **appointed for a period of three years, two new members of the Committee of Experts on the Application of Conventions and Recommendations:**
 - (i) **Professor J.M. Tchakoua (Cameroon);**
 - (ii) **Professor M.K. Youssoufi (Morocco);**
- (b) **reappointed for a period of three years the following five members:**
 - (i) **Mr Shinichi AGO (Japan);**
 - (ii) **Ms Lia ATHANASSIOU (Greece);**
 - (iii) **Ms Kamala SANKARAN (India);**
 - (iv) **Ms Deborah THOMAS-FELIX (Trinidad and Tobago);**
 - (v) **Mr Bernd WAAS (Germany);**
- (c) **approved the arrangements for the third meeting of the Joint ILO–IMO Tripartite Working Group to identify and address seafarers’ issues and the human element, including the date, purpose and composition;**
- (d) **approved the venue and date of the 20th American Regional Meeting, with further arrangements to be determined at its 352nd Session (October–November 2024);**
- (e) **endorsed the proposals made in relation to the invitation of intergovernmental and international non-governmental organizations to official meetings, as listed in Appendix II to document GB.351/INS/13(Rev.1);**
- (f) **took note of the programme of meetings contained in Part II of document GB.351/INS/13(Rev.1), subject to further decision-making of the Governing Body.**

(GB.351/INS/13(Rev.1), paragraph 23)